



Meeting Agenda

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, December 19, 2017

7:00 PM

Council Chambers

Last Meeting of the Year

1. ROLL CALL

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

2. SPECIAL RECOGNITION

2.A [17-1301](#) Special Recognition - National Association of Secretaries of State
Medallion Award Received by Olympia Federal Savings

2.B [17-1268](#) Special Recognition - 2017 Historic Preservation Awards and Olympia
Heritage Register Plaques

Attachments: [2017 Awards](#)
[Past Awards](#)

2.C [17-1217](#) Special Recognition - 2017 Design Review Board Award of Merit

Attachments: [Recommendation Letter](#)
[2017 Certificate](#)

3. PUBLIC COMMUNICATION

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

During this portion of the meeting, citizens 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 three (3) 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.

- Attachments:** [Ordinance](#)
- 4.J [17-1214](#) Approval of an Amendment to Ordinance 7097 Related to the Operating Budget
Attachments: [Ordinance](#)
- 4.K [17-1215](#) Approval of an Amendment to Ordinance 7098 Related to the Capital Budget
Attachments: [Ordinance](#)
- 4.L [17-1216](#) Approval of an Amendment to Ordinance 7099 Related to Special Funds
Attachments: [Ordinance](#)
- 4.M [17-1228](#) Approval of an Ordinance Amending Olympia School District Impact Fees
Attachments: [Ordinance](#)
- 4.N [17-1244](#) Approval of an Ordinance Adopting the 2018 Operating Budget
Attachments: [Ordinance](#)
[Budget Balancing Decision](#)
- 4.O [17-1245](#) Approval of an Ordinance Adopting the 2018-2023 Capital Facilities Plan and Appropriating Funds for 2018
Attachments: [Ordinance](#)
- 4.P [17-1247](#) Approval of an Ordinance Appropriating 2018 Special Funds
Attachments: [Ordinance](#)
- 4.Q [17-1259](#) Approval of an Ordinance Adopting 2018 Park Impact Fee Rate Adjustment
Attachments: [Ordinance](#)
- 4.R [17-1270](#) Approval of an Ordinance Related to Extreme Risk Protection Orders and Amending Olympia Municipal Code Section 9.48.170
Attachments: [Ordinance](#)
[Chapter 7.94 RCW: Extreme Risk Protection Order Act](#)
- 4.S [17-1272](#) Approval of an Ordinance Amending Olympia Municipal Code Section 9.16.080, Pedestrian Interference
Attachments: [Ordinance](#)

4. FIRST READINGS (Ordinances) - None

5. PUBLIC HEARING - None

6. OTHER BUSINESS

- 6.A [17-1306](#) 2017 Year-End Highlights
- 6.B [17-1309](#) Remarks from Outgoing Councilmembers

7. CONTINUED PUBLIC COMMUNICATION

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

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

8.B CITY MANAGER'S REPORT AND REFERRALS

9. 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 - National Association of Secretaries of State Medallion Award Received by Olympia Federal Savings

Agenda Date: 12/19/2017
Agenda Item Number: 2.A
File Number: 17-1301

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

Title

Special Recognition - National Association of Secretaries of State Medallion Award Received by Olympia Federal Savings

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Recognize Olympia Federal Savings and Loan Association for receiving the National Association of Secretaries of State Medallion Award.

Report

Issue:

Whether to recognize Olympia Federal Savings for receiving the National Association of Secretaries of State Medallion Award.

Staff Contact:

Susan Grisham, Executive Assistant, 360.753.8447

Presenter(s):

Lisa Lindsey, Vice President of Retail Banking
Sandy DiBernardo, Vice President of Marketing
Ryan Betz, Marketing & Public Relations Manager

Background and Analysis:

Secretary of State Kim Wyman presented Olympia Federal Savings and Loan Associations and four other businesses with the National Association of Secretaries of State Medallion Award during a special ceremony at her office on Monday, December 4. The award recognizes civic engagement, voter education efforts, government services and a commitment to giving back to the community. Honored as Corporations for Communities, the recipients were recognized as extraordinary Washington businesses that give their best efforts in helping their communities.

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

Olympia Federal Savings was recognized because the organization puts at least five percent of its revenues towards community efforts, and employees receive 16 hours per year of paid volunteer time. Overall they contributed more than \$350,000 to over 300 organizations.

The businesses that received the award make their communities better by contributing what they can, and by giving countless number of volunteer hours. These corporations leave a positive impact in the lives of all the individuals they help. The employees and leaders of these corporations show compassion, dedication and selflessness in the act of giving back that makes communities around Washington State better.

Secretary Wyman shared at the event that Washington is fortunate to have so many caring companies that give back to their communities in a variety of ways and this awards program is a great way to recognize companies like Oly Fed that go above and beyond to make a difference.

Attachments:

None



City Council

Special Recognition - 2017 Historic Preservation Awards and Olympia Heritage Register Plaques

Agenda Date: 12/19/2017
Agenda Item Number: 2.B
File Number: 17-1268

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

Title

Special Recognition - 2017 Historic Preservation Awards and Olympia Heritage Register Plaques

Recommended Action

Committee Recommendation:

The Olympia Heritage Commission seeks recognition of the recommended award recipients for the 2017 Historic Preservation Award.

City Manager Recommendation:

Recognize the Historic Preservation Award recipients recommended by the Heritage Commission.

Report

Issue:

Whether to recognize the work that Olympians do to preserve and celebrate the city's special historic and cultural places.

Staff Contact:

Michelle Sadlier, Historic Preservation Officer, Community Planning & Development. 360.753.8031

Presenter(s):

Katherine M. Kelly, Chair of the Olympia Heritage Commission

Michelle Sadlier, Historic Preservation Officer

Notified:

Award Recipients Gray & Joy Graham, Artisans Group, and Maurice Major

Plaque Recipients Maria & Keith Ciani, Connie Phegley, and Kanako Wynkoop

Background and Analysis:

One of the Olympia Heritage Commission's important roles is to promote excellence in historic preservation. To that end, the Heritage Commission reviews nominations and recommends one or more recipients for Olympia's Historic Preservation Award. Although each recipient contributes something uniquely special to our community, the overarching goal of the Historic Preservation Award is to recognize the people and projects which serve as a model for preserving and championing Olympia's cultural and built heritage along with the stories embodied in these historic places.

The people recommended to receive the 2017 Historic Preservation Award all share the common characteristic of going above and beyond all expectations to champion the rich heritage of Olympia's urban and natural cultural landscape. The Heritage Commission is proud to recommend the following award recipients:

1. **Gray & Joy Graham and Artisans Group**, *whose creative rehabilitation of the former Thorp Motors Building (222 Capitol Way North) has turned this underutilized historic building into a vibrant social and commercial hub.*

Working with Artisans Group, the Grahams took on a major rehabilitation project to convert an often overlooked building into 222 Market, a collection of popular shops and restaurants that has quickly become a center of activity in Downtown Olympia.

Although the property was not on the Olympia Heritage Register to begin with, this team of creative thinkers has preserved and enhanced the building's historical character while introducing compatible contemporary design elements. The Grahams have since successfully applied to place the building on the Register and will soon participate in the property tax incentive program available for significant rehabilitation of historic properties.

2. **Maurice Major**, *for leading citizen advocacy on the protection of Priest Point Parks' significant cultural and historic resources.*

As a professional archaeologist and resident of Olympia, Maurice ("Mo") Major is deeply connected to Priest Point Park. In recent years, he has not only conducted archaeological surveys in the park professionally, he has also continued to advocate as a private citizen for protecting culturally sensitive areas in the park, including working with tribal members and other community volunteers from around our region.

The importance of the awareness Mo has raised on the cultural and historical significance of the features within this gem of a city park cannot be overstated; City staff now turn to him as a primary technical spokesperson to help monitor the condition of this important cultural landscape.

These award recipients join a long list of people and organizations who have received this recognition over the years (See Attachment).

The Heritage Commission would also like to take this opportunity to showcase the work of three property owners who have successfully proposed their properties for listing on the Olympia Heritage Register. Listing on the Register highlights a building's historical significance to our community, provides for some protections from development that would detrimentally alter its special character, and offers the property owner the opportunity to apply for special tax incentives to encourage rehabilitation and modernization that will give the building a long and healthy future.

The City provides a bronze plaque to commemorate the designation of each individually-listed Register property. Since 2016, the following properties have been added to the Register:

1. **Frederick W. & Elsa H. Schmidt House** (1912) - 2613 Capitol Way South

The first home built by the youngest son and daughter-in-law of Olympia Brewing Company's founder, Leopold F. Schmidt, this house was substantially remodeled in 1946 by prolific local contractor Karl L. Strandberg, who lived here at the time with his wife Opal.

Owners: Maria and Keith Ciani

2. Christensen Radio Repair Shop (1949) - 108 Franklin Street Northeast

This mid-century building was one of the first constructed Downtown after the major earthquake in 1949. For decades, it was the repair shop for Christensen Radio, which served the community out of the Avalon Store Building. Its original storefront windows, inset doorway, and canopy hardware are hallmarks of its use and period.

Owners: Kenneth Pugh and Constance Phegley

3. Avalon Store Building (1928) - 302-304 4th Avenue East

This commercial building formed part of the Avalon Theater development, designed by Northwest architect Franklin Cox Stanton. It housed two long-time Olympia businesses: C.R. Harris Paint Headquarters and Christensen Radio Shop. It is the last remnant of the original theater complex, once a Downtown entertainment hub.

Owner: Kanako Wynkoop

Neighborhood/Community Interests (if known):

General community interest in preserving, enhancing, and championing the places that give our city its unique character and tell the stories of our people.

Financial Impact:

Included in base budget.

Attachments:

2017 Awards

List of Past Awards

Historic Preservation Award

Gray & Joy Graham and Artisans Group



Whose creative rehabilitation of the former Thorp Motors Building (222 Capitol Way N) has turned this underutilized historic building into a vibrant social & commercial hub.

Signed December 2018

Cheryl Selby

Cheryl Selby, Mayor | City of Olympia



Historic Preservation Award

Maurice Major



For leading citizen advocacy on the protection of Priest Point Park's significant cultural and historic resources.

Signed December 2017

A handwritten signature in cursive script that reads "Cheryl Selby".

Cheryl Selby, Mayor | City of Olympia



Past Olympia Historic Preservation Awards

...a running tally

May 7, 1991

- **Lorig Associates**, for the renovation of the Old Thurston County Courthouse
- **Denise and Chris Keegan/Steve and Elyse Harrington**, for the renovation of the Steele House

May 5, 1992

- **Marianne Bigelow**, for her outstanding work in bringing the history of Olympia and the History of the Bigelow House to life

May 4, 1993

- **Shanna Stevenson**, Certificate of Appreciation in recognition for her extraordinary dedication to preserving Olympia's past
- **Bill Walker and Pioneer Title Co., Leonard Trabka, Leonard Trabka Construction, and Richard Talcott**, Preservation Awards

May 3, 1994

- **Frank Smith, Sandra Romero, George & Silvia Grubb, Connie & David Fleming, and Dick & Crystal Kent Cornew**

May 7, 1996

- **Bigelow House Preservation Association with Mary Ann and Dan Bigelow**, for their ongoing efforts in the restoration of the house
- **Fred and Barbara Finn**, for the Kelley Block
- **Scott Oliver and Oliver Reconstruction**, Lynch Building and the Bigelow House

May 6, 1997

- **Heather Lockman**, the Woman's Club
- **Steve Carras**

May 19, 1998

- **The Sand Man Foundation**, preservation of the tugboat Sand Man
- **Alan and Penny McWain**, Spar Restaurant
- **Friends of the Artesians**, preserving and protecting publicly accessible artesian wells

May 4, 1999

- **Sandy Desner**, for renovation of the Baretich Building (Bulldog News)
- **Harlequin Productions**, for renovation of the State Theater

May 16, 2000

- **Justice Gerry Alexander**, Historian of the Year Award
- **Leanne Kirkwood and Dennis and Margo Jensen**, Preservation Awards

May 15, 2001

- **John and Sonja Purtteman**, Overhulse House (103 Olympic Avenue)
- **Washington State Department of General Administration and Ralph Munroe**, for the renovation of the James Dolliver Building
- **Danielle Heald and the Page Family**, for the restoration of the Emma Page Fountain in Sylvester Park
- **Annamary Fitzgerald** (member of the Olympia Heritage Commission from 1995 to 2000), for folklore studies

May 7, 2002

- Olympia Heritage Commission members presented preservation awards [not identified in City Council meeting minutes]

May 6, 2003

- **Lee Ingrim and Julie and Jim Haase**, restoration of "Cloverfields"
- **Craig and Sheila Swalling**, renovation and restoration of the 1920's era Wight House
- **Jim Hannum**, for his outstanding historical research and documentation of the railroads of Thurston County in his book, *Gone But Not Forgotten: Abandoned Railroads of Thurston County, Washington*, published in 2002
- **Scott Davidson**, owner of Davidson Masonry, for craftsmanship in repairing many chimneys and other masonry elements structures damaged in the Nisqually earthquake

May 4, 2004

- **Bill and Toy Kay, Brian Lock, Ron Locke, and Ed Echtle**, for the Olympia Chinese Marker
- **Kolb Family Investments, Brian and Kathy Kolb** (represented by **Anthony and Damien Kolb**), renovation of the American Legion Building
- **The Olympia-Tumwater Foundation**, for protection and preservation of the Schmidt Family and related business historical archives
- **Bev and Dan Smith**, the first annual Bob Arnold Historic Preservation Volunteer Award, for their longtime service to the annual Historic Home Tour

May 10, 2005

- **Lynn Erickson**, for Sylvester's Window series
- **Sandy Desner**, for Harris Drygoods Building renovation
- **Rich Hovde and Sherrie Sibbett**, for McCleary/Robinson house rehabilitation
- **The Olympia School District**, for Old Washington (Knox Center) and Old Washington Gym

May 16, 2006

- **Shanna Stevenson**, for 19 years of service in Olympia historic preservation
- **Washington State GA**, for rehabilitation of the State Legislative Building following the 2001 Nisqually Earthquake
- **Derek Valley**, for his support of the City of Olympia's heritage programs
- **Bob Stroock**, for 25 years of service as a master stone mason on the Capitol Campus

May 22, 2007

- **Steve Cooper**, for restoring the Olympia National Bank building on Capitol Way
- **Frank Smith**, for his architectural influence in the community and service on the Heritage Commission

May 5, 2009

- **Olympia Film Society and Capitol Theater owner Gary Holgate**, for the historic replica of the Capitol Theater marquee and sign

May 3, 2011

- **Women's History Consortium /Senator Karen Fraser and Shanna Stevenson**
- **Jim Connolly** (posthumously), for service on the Heritage Commission

May 8, 2012

- **David Goularte**
- **Olympia Downtown Association**

May 21, 2013

- **Deb Ross and Brian Hovis**, for their "Where Are We" database of historic sites
- **Walker John**, for rehabilitation of the historic Cunningham Building

May 27, 2014

- **Ira Coyne**, for his contributions to the historical crafts of sign and mural making

May 19, 2015

- **Lauren and David Danner**, for her initiative & scholarship in nominating the Trueman “Bink” & Virginia Schmidt House for the NRHP
- **Teresa Shattuck and tenants**, for preserving and reinvigorating the Wildwood Center

November 15, 2016

- **Sean Kirby**, for rehabilitation of the Trena & Leo Belsito House
- **Thurston-Lewis-Mason Central Labor Council**, for celebrating Olympia’s places of labor history



City Council

Special Recognition - 2017 Design Review Board Award of Merit

Agenda Date: 12/19/2017
Agenda Item Number: 2.C
File Number: 17-1217

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

Title

Special Recognition - 2017 Design Review Board Award of Merit

Recommended Action

Committee Recommendation:

The Design Review Board recommends the award recipients for the 2017 Design Review Board Award of Merit.

City Manager Recommendation:

Recognize and award the recipients recommended by the Design Review Board for the 2017 Design Review Award(s) of Merit.

Report

Issue:

Whether to recognize and award the Design Review Board's Award of Merit to two projects that rose to the level of distinction and merit for exemplary architecture, sustainability, and lasting community value.

Staff Contact:

Catherine McCoy, Associate Planner, Community Planning and Development, 360.570.3776

Presenter(s):

Catherine McCoy, Associate Planner

Joseph LaValle, Chair of the Olympia Design Review Board

Notified:

Award Recipient:

- Walker John, Urban Olympia III, LLC, for the Thurston First (Mixed Use) Bank Building, 600 Franklin Street SE
- Walker John, 3rd Gen Investment Group, LLC, for the Campus Lofts Buildings, 512 12th Avenue SE

Background and Analysis:

Proposed in 2007 by Design Review Board members, the Design Review Award of Merit Recognition Program recognizes projects that exemplify the intent of the Design Review requirements and

guidelines, and embody the City's Comprehensive Plan Goals that "... *direct land use patterns, densities, and design standards which*

- *Reflect the community's urban design vision*
- *Maintain or improve the character of established neighborhoods*
- *Preserve the historic features of Olympia*
- *Provide for a variety of transportation alternatives*
- *Provide people with opportunities to live close to work*
- *Create desirable neighborhoods with a variety of housing opportunities, different lifestyles and income levels, and a sense of community*
- *Provide for a compact growth pattern*
- *Promote energy efficiency*
- *Reflect the land's physical and environmental capability*
- *Provide space for parks, open spaces, and other community facilities*
- *Protect views and features of the community's landscape valued by the public (General Land Use and Design, Land Use and Urban Design, Olympia Comprehensive Plan, October 24, 2017)*

Since 2007, the Design Review Board has recognized numerous projects ranging from a small private remodel to a large public downtown project, such the LOTT Administrative Building. To be eligible for the award, Merit candidates typically demonstrate the following:

The Process...

- The project team did not just comply with the Detailed Design Review or Combined Design Review process, but went well beyond expectations of submittal and Code requirements;
- The project adheres to the most substantive, if not all, of the Board's recommendations;
- The project has received a Certificate of Occupancy (CoO) since the last round of DRB Awards of Merit, between 2014 and 2016.

The Site...

- Creates a harmonious, pleasing, and easily accessible pedestrian atmosphere.
- Provides pathways that are logical, safe, and visually contrasting (e.g., a crosswalk with colored pavers instead of standard paint lines).
- Allows for adequate vehicular traffic and parking without becoming the dominant element.
- Incorporates smaller elements such as bike racks in an integrated fashion, rather than as an afterthought.
- Includes landscaping that is regionally and site-appropriate.

The Building...

- Accentuates the site rather than dominates it, to lessen visual and physical impact.
- Consists of a variety of materials and modulation that is appropriate for the building mass and the level of human activity.
- Uses truly enduring materials.
- Employs colors and features that complement the immediate environment. For projects that have marginal context, such as the downtown Intercity Transit transfer station, the project would be judged on its qualities based on its function and role as a public facility.

- For projects in the downtown area, provides openness and transparency that draws pedestrians for shopping, browsing, walking, and gathering.
- Shows a level of distinction that is appropriate for its surroundings, its neighborhood, and its use. It should also reflect its place in time and culture with contemporary elements, though not required.

This year, twelve projects met the criteria and were considered for the Award of Merit; the Board recommends two projects receive the award. The two projects share certain characteristics - both projects are adaptive reuse projects (with new construction also), and a single individual/developer was the applicant of *both* projects. The Design Review Board is proud to recommend the following projects for the 2017 Award of Merit:

Thurston First Bank Building, 600 Franklin Street SE
Walker John, Urban Olympia III, LLC

For exemplary urban and architectural design; and

For a mixed-use project that transformed the former vacant department store and state agency building into a community destination for the City's downtown core - honoring the historic architectural character while bringing the building to life in the twenty-first century; and

For a project that responds to the Comprehensive Plan's Land Use and Urban Design Policies, and reflects the purpose of Design Review (OMC 18.100).

Campus Lofts, 512 12 Avenue SE
Walker John, 3rd Gen Investment Group, LLC

For exemplary urban and architectural design; and

For adaptive reuse and new construction of buildings that provide multiple types of market-rate housing, that are in close proximity to offices, businesses, and services, and that are well integrated with the character of the established residential neighborhood; and

For a project that responds to the Comprehensive Plan's Land Use and Urban Design Policies, and reflects the purpose of Design Review (OMC 18.100).

Financial Impact:

N/A

Attachments:

DRB Letter of Recommendation
Certificates of Award of Merit (2)

December 4, 2017

The Honorable Mayor Cheryl Selby and City Councilmembers
PO Box 1967
Olympia, WA 98507-1967

The Design Review Board (DRB) members are proud to recommend approval of two new recipients in our Award of Merit Program: **Campus Lofts** and the **Thurston First Bank Building**.

Candidate projects meet the following criteria:

- The project was reviewed by the Design Review Board, with recommendation to approve the detailed design submittal;
- The project adheres to the most substantive, if not all, of the Board's recommendations;
- The project received a Certificate of Occupancy (CoO) since the most recent DRB Awards of Merit, between 2014 to 2016.

Projects included as candidates for the Award:

- 123 4th Apartments (Downtown)
- Capital Collision Center (Olympia Auto Mall)
- Copper Trail Apartments (Westside)
- Dick's Sporting Goods (Capital Mall)
- Fern Street Apartments (Westside)
- Hampton Inn (Martin Way)
- Hilton Garden Inn (Henderson Roundabout)
- Les Schwab (Remodel of Hulbert Building, Downtown)
- McDonald's (Westside)
- Volkswagen of Olympia (Olympia Auto Mall)

The primary goal of the Award of Merit Program is to highlight exemplary urban and architectural design. Projects exceed the intent of the Municipal Design Code by providing outstanding additions to the urban fabric: adding visual interest, respecting historical styles, reflecting local values, and promoting a good pedestrian experience. Winning projects are considered the desired result of Olympia's Comprehensive Plan, and what local citizens can be proud to have in their City.

We thank you for this opportunity to continue the Award of Merit program. We hope you will agree and approve the Campus Lofts and the Thurston First Bank Buildings as recipients of the Design Review Board Award of Merit, 2017.

Sincerely,

Members of the Design Review Board, 2017



Campus Lofts (Downtown Olympia)

510-512 Jefferson St. SE Developer: Walker John, LLC

Architect: Thomas Architecture Studios, TAS

This residential project embodies many positive design traits. Adaptive use of a former mid-rise office building into condominiums is a primary one. The new townhomes are designed in a way to engage the street, but still maintain a progression to private space upon approaching the door of each unit. Both buildings are clad in materials that reflect their relationship to each other. The shape of the buildings, the proximity to the right-of-way, and the contemporary style of design are factors in creating a successful development that enriches the streetscape.

While the Design Review Code encourages modulation and articulation to reduce the scale of blank façades, in designing these buildings, the architect has avoided random modulation and superficial detailing. This project uses an existing edifice and added new structures to clearly define individual units.

In total, both buildings provide multiple types of market-rate residential units available in a location that is close to several government offices, yet is tucked into a relatively quiet neighborhood. Residents are likely to experience a thoroughly modern living environment whether they are in the ground-floor townhomes or in the mid-rise.



Thurston First Bank Building (Downtown Olympia)

Jointly reviewed with members of the Heritage Commission

600 Franklin St. SE Developer: Walker John, LLC

Architect: Thomas Architecture Studios, TAS

This mixed-use project transforms a former Sears Department store, more recently leased for a state agency, into a community destination in the City's downtown core. Although the interior was gutted, the shell was kept intact in a way that did not change the original exterior look, yet introduced elements that brought the building into the twenty-first century.

The first floor was divided into two primary commercial spaces, currently occupied by a restaurant/microbrewery and by a business-oriented bank. Both spaces used existing entries with some minor modifications to accommodate necessary visibility.

The second floor was converted to market-rate apartments. Large windows were punched through the existing concrete exterior walls allowing ample natural light into the relatively small units. Entry to these units is in the "back" of the building, but has a visually enhanced approach that feels welcoming and completely separated from the two surrounding business entries.

New signage was added to the building's primary corner in a way that honored the original Sears sign. The existing exterior awnings were kept, with additional hanging "blade" signage for pedestrians to locate front entries.

City of Olympia

Design Review Board Award of Merit 2017

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This project not only took full advantage of the central city revitalization trend, but also included activities that are both useful and community-oriented. The project took an existing historical mid-century modern building and created an entirely practical structure with contemporary uses and a contemporary look.



Design Review Board Award of Merit

Thurston First Bank Building

For exemplary urban and architectural design; and

For a mixed-use project that transformed the former vacant department store and state agency building into a community destination for the City's downtown core – honoring the historic architectural character while bringing the building to life in the twenty-first century; and

For a project that responds to the Comprehensive Plan's Land Use and Urban Design Policies, and reflects the purpose of Design Review (OMC 18.100).

Signed November 2017

Cheryl Selby, Mayor | City of Olympia





Design Review Board Award of Merit

Campus Lofts, 512 12th Avenue SE

For exemplary urban and architectural design; and

For adaptive reuse and new construction of buildings that provide multiple types of market-rate housing, that are in close proximity to offices, businesses, and services, and that are well integrated with the character of the established residential neighborhood; and

For a project that responds to the Comprehensive Plan's Land Use and Urban Design Policies, and reflects the purpose of Design Review (OMC 18.100).

Signed November 2017

Cheryl Selby, Mayor | City of Olympia





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

City Council

Approval of December 12, 2017 City Council Meeting Minutes

Agenda Date: 12/19/2017
Agenda Item Number: 4.A
File Number: 17-1308

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

Title

Approval of December 12, 2017 City Council Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, December 12, 2017

7:00 PM

Council Chambers

1. ROLL CALL

Present: 6 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Julie Hankins and Councilmember Jeannine Roe

Excused: 1 - Councilmember Jessica Bateman

1.A ANNOUNCEMENTS

Mayor Selby announced the Council met earlier in an Executive Session.

1.B APPROVAL OF AGENDA

The agenda was approved.

2. SPECIAL RECOGNITION

2.A [17-1290](#) Special Recognition - Citizens Making a Difference: The Bowerman Family's Oly Lightstravaganza

Mayor Selby and the Council recognized the Bowerman family for their Lightstravaganza holiday display and the money and food they have raised for the Thurston County Food Bank.

Councilmembers thanked the family for the work they do for the community.

The recognition was received.

2.B [17-1246](#) Special Recognition - American Planning Association/Planning Association of Washington Award for the Downtown Strategy

Community Planning and Development Director Keith Stahley discussed the City receiving the Planning Excellence Award for the Downtown Strategy from the American Planning Association/Planning Association of Washington.

Planning Association of America representative Lloyd Skinner discussed the process in choosing awardees and the reasons why the City of Olympia is being recognized with the award.

Councilmembers thanked citizens, staff and others who helped create the Downtown Strategy.

The recognition was received.

3. PUBLIC COMMUNICATION

The following people spoke: Virgil Clarkson, Jerry Dierker, Gurander Sodhi, Jim Reeves and Ronda Morrison.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

4. CONSENT CALENDAR

- 4.A [17-1278](#) Approval of December 5, 2017 City Council Meeting Minutes

The minutes were approved.

- 4.B [17-1282](#) Approval of the Draft 2018 City Council Annual Retreat Agenda and Logistics

The decision was approved.

- 4.C [17-0074](#) Approval of a Resolution Adopting the 2019-2024 Transportation Improvement Program (TIP)

The resolution was approved.

- 4.D [17-1255](#) Approval of a Resolution Submitting Shoreline Master Program Amendment to Ecology

The resolution was approved.

- 4.E [17-1260](#) Approval of a Resolution Authorizing the Extension of the Interlocal Cooperation Agreement for Thurston County Emergency Management Council

The resolution was approved.

4. SECOND READINGS (Ordinances)

- 4.F [17-1232](#) Approval of an Ordinance Amending the Critical Areas Ordinance to Add Habitat and Species Protections for Great Blue Heron

The ordinance was approved on second reading.

- 4.G [17-1218](#) Approval of an Ordinance Establishing a Downtown Urban Infill Area in Accordance with the Washington State Environmental Policy Act

The ordinance was approved on second reading.

4. FIRST READINGS (Ordinances)

- 4.H** [17-1214](#) Approval of an Amendment to Ordinance 7097 Related to the Operating Budget

The ordinance was approved on first reading and moved to second reading.

- 4.I** [17-1215](#) Approval of an Amendment to Ordinance 7098 Related to the Capital Budget

The ordinance was approved on first reading and moved to second reading.

- 4.J** [17-1216](#) Approval of an Amendment to Ordinance 7099 Related to Special Funds

The ordinance was approved on first reading and moved to second reading.

- 4.K** [17-1244](#) Approval of an Ordinance Adopting the 2018 Operating Budget

The ordinance was approved on first reading and moved to second reading.

- 4.L** [17-1245](#) Approval of an Ordinance Adopting the 2018-2023 Capital Facilities Plan and Appropriating Funds for 2018

The ordinance was approved on first reading and moved to second reading.

- 4.M** [17-1247](#) Approval of an Ordinance Appropriating 2018 Special Funds

The ordinance was approved on first reading and moved to second reading.

- 4.N** [17-0075](#) Approval of an Ordinance Amending Transportation Impact Fees

The ordinance was approved on first reading and moved to second reading.

- 4.O** [17-1228](#) Approval of an Ordinance Amending Olympia School District Impact Fees

The ordinance was approved on first reading and moved to second reading.

- 4.P** [17-1199](#) Approval of an Ordinance Adopting the 2018 Utility Rates and General Facilities Charges

The ordinance was approved on first reading and moved to second reading.

- 4.Q** [17-1259](#) Approval of an Ordinance Adopting 2018 Park Impact Fee Rate Adjustment

The ordinance was approved on first reading and moved to second reading.

- 4.R** [17-1193](#) Approval of an Ordinance related to Chapter 3.04 Funds of the Olympia Municipal Code

The ordinance was approved on first reading and moved to second reading.

- 4.S** [17-1270](#) Approval of an Ordinance Related to Extreme Risk Protection Orders and Amending Olympia Municipal Code Section 9.48.170

The ordinance was approved on first reading and moved to second reading.

- 4.T** [17-1272](#) Approval of an Ordinance Amending Olympia Municipal Code Section 9.16.080, Pedestrian Interference

The ordinance was approved on first reading and moved to second reading.

Approval of the Consent Agenda

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

Aye: 6 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Gilman, Councilmember Hankins and Councilmember Roe

Excused: 1 - Councilmember Bateman

5. PUBLIC HEARING

- 5.A** [17-0681](#) Public Hearing on the 2017 Engineering Design and Development Standards (EDDS) Update

Assistant City Engineer Steve Speer gave an overview of the 2017 Engineering Design and Development Standards (EDDS).

Councilmembers asked clarifying questions.

Mayor Selby opened the hearing at 8:06 a.m. The following person spoke: Jim Zahn. The Mayor closed the public hearing at 8:10 p.m.

The public hearing was held and closed. Councilmember Hankins moved, seconded by Councilmember Gilman, to approve on first reading and move to second reading the ordinance adopting the updated Engineering Design and Development Standards (EDDS).

6. OTHER BUSINESS

- 6.A** [17-1271](#) Approval of the City of Olympia 2018 Legislative Agenda

Assistant City Manager Jay Burney presented the City's Proposed 2018 Legislative Priorities.

The proposed priorities are as follows:

- State resources and support to address homelessness, affordable housing, mental health and chemical dependency services.
- Funding for new US 101 interchange ramps in West Olympia.
- Funding and policy guidance for research and future projects to address Sea Level Rise.
- Funding to accomplish the work of the Capital Lake/Deschutes EIS process.

Councilmembers asked clarifying questions.

Councilmember Cooper proposed to add replacing the 1% property tax cap with a flexible formula that is tied to inflation and population growth.

Councilmember Hankins moved, seconded by Councilmember Cooper, to approve the City of Olympia 2018 Legislative Agenda as amended.

7. CONTINUED PUBLIC COMMUNICATION

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers reported on meetings and events attended.

8.B CITY MANAGER'S REPORT AND REFERRALS

City Manager Steve Hall shared a video regarding the 12 days of Holiday Parking program.

9. ADJOURNMENT

The meeting adjourned at 8:32 p.m.



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

City Council
Bills and Payroll Certification

Agenda Date: 12/19/2017
Agenda Item Number: 4.B
File Number: 17-1230

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

Title
Bills and Payroll Certification

CITY OF OLYMPIA
EXPENDITURE SUMMARY

"I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED OR THE LABOR PERFORMED AS DESCRIBED HEREIN, THAT ANY ADVANCE PAYMENT IS DUE AND PAID BY CONTRACT OR IS AVAILABLE AS AN OPTION FOR FULL OR PARTIAL FULFILLMENT OF A CONTRACTUAL OBLIGATION, THAT ALL JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO AUTHORIZE SAID CLAIMS", AND,

"I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT CLAIMS FOR EMPLOYEE AND CONTRACTOR ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO CERTIFY

FOR PERIOD 11/12/2017 THROUGH 11/18/2017
 FOR A/P ACH PAYMENTS and A/P CHECKS NUMBERED 3694330 THROUGH 3694528
 FOR OTHER ELECTRONIC PAYMENTS DATED _____ THROUGH _____

INCLUSIVE IN THE AMOUNT TOTALING

DATED

ADMINISTRATIVE SERVICES DIRECTOR

11.21.17

Abbie L. Sullivan

TOTAL APPROVED FOR PAYMENT

FUND		
\$637,116.82	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$12,217.37	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$0.00	006	
\$19,766.25	007	
\$402.00	014	
\$163.20	025	WASHINGTON CENTER
\$0.00	026	MUNICIPAL ARTS FUND
\$3,000.00	029	EQUIP & FACIL REPLACE RES
\$50,943.46	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$4,394.62	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$0.00	134	PARKS AND REC SIDEWALK UT TAX
\$0.00	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MRKT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$0.00	138	TRANS BENEFIT DISTRICT
\$0.00	208	LID OBLIGATION CONTROL
\$0.00	216	4th/5th AVE PW TRST
\$0.00	223	LTGO BOND FUND '06-PARKS
\$0.00	224	UTGO BOND FUND 2009 FIRE
\$0.00	225	CITY HALL DEBT FUND
\$0.00	226	2010 LTGO BOND-STREETPROJ
\$0.00	227	LOCAL DEBT FUND
\$0.00	228	2010B LTGO BONDS-HOCM
\$0.00	230	LTGO Band Fund 2016
\$686,879.72	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$0.00	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$0.00	331	FIRE EQUIPMENT REPLACEMENT FUND
\$15,797.23	401	WATER
\$663.48	402	SEWER
\$2,039.47	403	SOLID WASTE
\$343.38	404	STORM AND SURFACE WATER
\$0.00	418	
\$163,726.02	434	STORM AND SURFACE WATER CIP
\$995,115.11	461	WATER CIP FUND
\$0.00	462	SEWER CIP FUND
\$4,400.78	501	EQUIPMENT RENTAL
\$0.00	502	C. R. EQUIPMENT RENTAL
\$0.00	503	UNEMPLOYMENT COMPENSATION
\$0.00	504	INS TRUST FUND
\$0.00	505	WORKERS COMPENSATION
\$0.00	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$0.00	614	
\$0.00	621	WASHINGTON CENTER ENDOW
\$0.00	631	PUBLIC FACILITIES
\$0.00	682	LAW ENFORCEMENT RECORD MGNTSYS
\$0.00	701	PARKS-NEIGHBORHOOD
\$0.00	702	PARKS-COMMUNITY
\$0.00	703	PARKS-OPEN SPACE
\$0.00	707	PARKS-SPECIAL USE
\$0.00	711	TRANSPORTATION
\$0.00	720	SCHOOLS
<hr/>		
\$2,596,968.91	GRAND TOTAL FOR WEEK	



	AP 11/14/2017	PAYROLL 11/16/2017	AP 11/16/2017	EFTs	TOTAL
001	36,062.41	558,572.22	42,482.19		637,116.82
002					0.00
003			12,217.37		12,217.37
004					0.00
006					0.00
007			19,766.25		19,766.25
014			402.00		402.00
025			163.20		163.20
026					0.00
029			3,000.00		3,000.00
107			50,943.46		50,943.46
108					0.00
127					0.00
130					0.00
132					0.00
133	4,394.62				4,394.62
134					0.00
135					0.00
136					0.00
137					0.00
138					0.00
208					0.00
216					0.00
223					0.00
224					0.00
225					0.00
226					0.00
227					0.00
228					0.00
230					0.00
317			686,879.72		686,879.72
322					0.00
323					0.00
324					0.00
325					0.00
326					0.00
329					0.00
331					0.00
401	2,354.86		13,432.37		15,797.23
402	259.80		393.88		663.48
403	1,741.37		298.10		2,039.47
404			343.38		343.38
418					0.00
434	163,726.02				163,726.02
461	755.30		994,359.81		995,115.11
462					0.00
501	460.50		3,920.28		4,400.78
502					0.00
503					0.00
504					0.00
505					0.00
604					0.00
605					0.00
614					0.00
621					0.00
631					0.00
682					0.00
701					0.00
702					0.00
703					0.00
707					0.00
711					0.00
720					0.00
TOTALS	\$209,794.88	\$558,572.22	\$1,828,601.81	\$0.00	\$2,596,968.91

CITY OF OLYMPIA
EXPENDITURE SUMMARY

"I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED OR THE LABOR PERFORMED AS DESCRIBED HEREIN, THAT ANY ADVANCE PAYMENT IS DUE AND PAID OR IS AVAILABLE AS AN OPTION FOR FULL OR PARTIAL FULFILLMENT OF A CONTRACTUAL OBLIGATION, AND THAT I AM AUTHORIZED TO AUTHORIZE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO AUTHORIZE SAID CLAIMS", AND,

"I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT CLAIMS FOR EMPLOYEE AND CONTRACTOR JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO CERTIFY SAID CLAIMS", AND,

FOR PERIOD 11/19/2017 THROUGH 11/25/2017
 FOR A/P ACH PAYMENTS and A/P CHECKS NUMBERED 3694529 THROUGH 3694742
 FOR OTHER ELECTRONIC PAYMENTS DATED 10/1/2017 THROUGH 10/31/2017

INCLUSIVE IN THE AMOUNT TOTALING

DATED

11-30-17

ADMINISTRATIVE SERVICES DIRECTOR

Robert L. Sullivan

TOTAL APPROVED FOR PAYMENT

FUND		
\$771,933.90	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$110,765.56	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$2,605.00	006	
\$4,546.73	007	
\$0.00	014	
\$0.00	025	WASHINGTON CENTER
\$0.00	026	MUNICIPAL ARTS FUND
\$0.00	029	EQUIP & FACIL REPLACE RES
\$2,136.78	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$0.00	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$0.00	134	PARKS AND REC SIDEWALK UT TAX
\$90.00	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MRKT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$0.00	138	TRANS BENEFIT DISTRICT
\$0.00	208	LID OBLIGATION CONTROL
\$0.00	216	4th/5th AVE PW TRST
\$0.00	223	LTGO BOND FUND '06-PARKS
\$0.00	224	UTGO BOND FUND 2009 FIRE
\$0.00	225	CITY HALL DEBT FUND
\$0.00	226	2010 LTGO BOND-STREETPROJ
\$0.00	227	LOCAL DEBT FUND
\$0.00	228	2010B LTGO BONDS-HOCM
\$0.00	230	LTGO Bond Fund 2016
\$16,653.92	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$37,156.92	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$0.00	331	FIRE EQUIPMENT REPLACEMENT FUND
\$58,373.51	401	WATER
\$36,414.99	402	SEWER
\$408,146.41	403	SOLID WASTE
\$10,561.07	404	STORM AND SURFACE WATER
\$41,631.14	418	
\$743.80	434	STORM AND SURFACE WATER CIP
\$197,370.04	461	WATER CIP FUND
\$0.00	462	SEWER CIP FUND
\$2,914.44	501	EQUIPMENT RENTAL
\$19,283.22	502	C. R. EQUIPMENT RENTAL
\$0.00	503	UNEMPLOYMENT COMPENSATION
\$5,393.00	504	INS TRUST FUND
\$87,545.10	505	WORKERS COMPENSATION
\$0.00	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$0.00	614	
\$0.00	621	WASHINGTON CENTER ENDOW
\$0.00	631	PUBLIC FACILITIES
\$0.00	682	LAW ENFORCEMENT RECORD MGNTSYS
\$0.00	701	PARKS-NEIGHBORHOOD
\$0.00	702	PARKS-COMMUNITY
\$0.00	703	PARKS-OPEN SPACE
\$0.00	707	PARKS-SPECIAL USE
\$0.00	711	TRANSPORTATION
\$0.00	720	SCHOOLS



\$1,814,265.53 GRAND TOTAL FOR WEEK

	AP	AP	EFTs	TOTAL
	11/20/2017	11/22/2017		
001	81,950.99	43,342.15	646,640.76	771,933.90
002				0.00
003	110,765.56			110,765.56
004				0.00
006	2,605.00			2,605.00
007	210.49			210.49
014		3,819.02	517.22	4,546.73
025				0.00
026				0.00
029				0.00
107		2,136.78		2,136.78
108				0.00
127				0.00
130				0.00
132				0.00
133				0.00
134				0.00
135	90.00			90.00
136				0.00
137				0.00
138				0.00
208				0.00
216				0.00
223				0.00
224				0.00
225				0.00
226				0.00
227				0.00
228				0.00
230				0.00
317	15,687.37	966.55		16,653.92
322				0.00
323				0.00
324				0.00
325				0.00
326		37,156.92		37,156.92
329				0.00
331				0.00
401	22,390.04	3,427.42		25,817.46
402	16,760.62	2,728.53	32,566.05	58,373.51
403	361,653.54	3,286.55	16,926.64	364,144.99
404	4,854.95	124.67	43,206.32	48,081.94
418	41,631.14		5,681.45	47,312.59
434	743.80		41,631.14	42,374.94
461	197,370.04			197,370.04
462				0.00
501	2,659.67	36.26	218.51	2,914.44
502	19,283.22			19,283.22
503				0.00
504		5,393.00		5,393.00
505	41,369.50		46,185.60	87,555.10
604				0.00
805				0.00
614				0.00
621				0.00
631				0.00
682				0.00
701				0.00
702				0.00
703				0.00
707				0.00
711				0.00
720				0.00
TOTALS	\$820,016.13	\$102,417.85	\$0.00	\$0.00
			\$0.00	\$0.00
			\$0.00	\$0.00
			\$0.00	\$0.00
			\$0.00	\$0.00
			\$0.00	\$0.00
			\$791,831.55	\$1,814,265.53
				\$0.00

CITY OF OLYMPIA
EXPENDITURE SUMMARY

I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED OR THE LABOR PERFORMED AS DESCRIBED HEREIN, THAT ANY ADVANCE PAYMENT IS DUE AND PAID, THAT NO CONTRACT OR IS AVAILABLE AS AN OPTION FOR FULL OR PARTIAL FULFILLMENT OF A CONTRACTUAL OBLIGATION ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO ASSERT SAID CLAIMS", AND,

"I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT CLAIMS FOR EMPLOYEE AND CONTRACTOR ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO CERTIFY

FOR PERIOD 11/26/2017 12/2/2017
 FOR A/P ACH PAYMENTS and A/P CHECKS NUMBERED 3694743 THROUGH 3694915
 FOR OTHER ELECTRONIC PAYMENTS DATED _____ THROUGH _____

INCLUSIVE IN THE AMOUNT TOTALING

DATED

12-6-17

ADMINISTRATIVE SERVICES DIRECTOR



TOTAL APPROVED FOR PAYMENT

FUND		
\$759,907.50	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$11,715.42	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$9,674.48	006	
\$43.51	007	
\$12,252.20	014	
\$0.00	025	WASHINGTON CENTER
\$0.00	026	MUNICIPAL ARTS FUND
\$0.00	029	EQUIP & FACIL REPLACE RES
\$3,984.95	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$0.00	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$0.00	134	PARKS AND REC SIDEWALK UT TAX
\$47.44	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MRKT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$40.00	138	TRANS BENEFIT DISTRICT
\$0.00	208	LID OBLIGATION CONTROL
\$0.00	216	4th/5th AVE PW TRST
\$0.00	223	LTGO BOND FUND '06-PARKS
\$0.00	224	UTGO BOND FUND 2009 FIRE
\$0.00	225	CITY HALL DEBT FUND
\$0.00	226	2010 LTGO BOND-STREETPROJ
\$0.00	227	LOCAL DEBT FUND
\$0.00	228	2010B LTGO BONDS-HOCM
\$59,073.98	230	LTGO Bond Fund 2016
\$3,041.02	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$0.00	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$0.00	331	FIRE EQUIPMENT REPLACEMENT FUND
\$65,826.06	401	WATER
\$12,529.72	402	SEWER
\$97,373.72	403	SOLID WASTE
\$803.51	404	STORM AND SURFACE WATER
\$0.00	418	
\$21,652.50	434	STORM AND SURFACE WATER CIP
\$64,552.03	461	WATER CIP FUND
\$65,448.64	462	SEWER CIP FUND
-\$88.62	501	EQUIPMENT RENTAL
\$0.00	502	C. R. EQUIPMENT RENTAL
\$0.00	503	UNEMPLOYMENT COMPENSATION
\$0.00	504	INS TRUST FUND
\$458.09	505	WORKERS COMPENSATION
\$0.00	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$0.00	614	
\$0.00	621	WASHINGTON CENTER ENDOW
\$0.00	631	PUBLIC FACILITIES
\$0.00	682	LAW ENFORCEMENT RECORD MGNTSYS
\$0.00	701	PARKS-NEIGHBORHOOD
\$0.00	702	PARKS-COMMUNITY
\$0.00	703	PARKS-OPEN SPACE
\$0.00	707	PARKS-SPECIAL USE
\$0.00	711	TRANSPORTATION
\$13,111.94	720	SCHOOLS
<hr/>		
\$1,201,448.09	GRAND TOTAL FOR WEEK	



**CITY OF OLYMPIA
PAYROLL CERTIFICATION**

The Administrative Services Director of the City of Olympia, Washington, hereby certifies that the payroll gross earnings, benefits, and LEOFF I post-retirement insurance benefits for the pay cycle ending **11/30/2017** have been examined and are approved as recommended for payment.

Employees Net Pay:	<u>\$ 1,445,902.37</u>
Fire Pension Net Pay:	<u>\$ 29,331.06</u>
Employer Share of Benefits:	<u>\$ 701,202.87</u>
Employer Share of LEOFF I Police Post-Retirement Benefits:	<u>\$ 25,027.35</u>
Employer Share of LEOFF I Fire Post-Retirement Benefits:	<u>\$ 17,291.37</u>
TOTAL	<u><u>\$ 2,218,755.02</u></u>

Payroll Check Numbers	<u>90804</u>	<u>90804</u>	Manual Checks
And	<u>90805</u>	<u>90809</u>	Fire Pension Checks
And	<u>90810</u>	<u>90811</u>	Manual Checks
And	<u>90812</u>	<u>90934</u>	Semi Payroll Checks

and Direct Deposit transmission.

12-5-17
DATE



ADMINISTRATIVE SERVICES DIRECTOR



City Council

Approval of Resolution Authorizing an Interlocal Agreement with Lewis County for Use of Jail Facilities and Services

Agenda Date: 12/19/2017
Agenda Item Number: 4.C
File Number:17-1303

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

Title

Approval of Resolution Authorizing an Interlocal Agreement with Lewis County for Use of Jail Facilities and Services

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the resolution and authorize the City Manager to sign the Interlocal Agreement for Use of Jail Facilities between the City of Olympia and Lewis County.

Report

Issue:

Whether to approve an interlocal agreement with Lewis County to provide use of its jail facilities and services to the City of Olympia and authorize the City Manager to sign the agreement.

Staff Contact:

Chandra Brady, Support Administrator, Olympia City Jail, 360.753.8042

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The City is required by law to provide for the incarceration of misdemeanants sentenced in its jurisdiction. The City has its own jail facility to house short-term (30 days or less) prisoners. The City has traditionally purchased long-term jail services from other jurisdictions. Since 2011, the City has purchased inmate beds and services from Lewis County.

Attached is the 2018 update of the agreement with Lewis County for Olympia's continued use of Lewis County inmate beds and jail services. The new agreement guarantees Olympia's use of 16 beds per day.

Neighborhood/Community Interests (if known):

N/A

Options:

1. Move to approve the resolution and authorize the City Manager to sign the Interlocal Agreement for Use of Jail Facilities with Lewis County.
2. Direct staff to work with Lewis County to modify the terms of the Interlocal Agreement.
3. Do not approve the resolution authorizing the Interlocal Agreement with Lewis County and direct staff to either contract with another agency or to house fewer suspects/criminals.

Financial Impact:

Lewis County rates have increased for 2018. These costs are included in the Olympia City Jail's 2018 budget.

Attachments:

Resolution

Interlocal Agreement

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING
AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF OLYMPIA AND LEWIS COUNTY FOR THE
USE OF JAIL FACILITIES**

WHEREAS, Lewis County (the County) is authorized by law to operate a jail for misdemeanants and felons, and the City of Olympia (the City) is authorized by law to operate a jail for misdemeanants; and

WHEREAS, the City wishes to designate the County jail as a place of confinement for the incarceration of one or more inmates lawfully committed to the City's custody; and

WHEREAS, the County is amenable to accepting and keeping inmates received from the City in the County's custody at its jail for a rate of compensation mutually agreed upon; and

WHEREAS, Chapter 39.34 RCW, Chapter 70.48 RCW, and other Washington laws authorize any public agency to contract with another public agency to perform services and activities that each such public agency is authorized by law to perform; and

WHEREAS, the County and the City have considered the anticipated costs of incarceration services and potential revenues to fund such services and determined it is in each of their best interests to enter into this Agreement as authorized and provided for by RCW 39.34.080, RCW 39.34.180, Chapter 70.48 RCW, and other Washington law;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

1. The Olympia City Council hereby approves the form of Interlocal Agreement between the City of Olympia and Lewis County for the use of jail facilities attached hereto as Exhibit A and the terms and conditions contained therein.
2. The City Manager is authorized and directed to execute on behalf of the City of Olympia the attached Interlocal Agreement, and any other documents necessary to execute said Agreement, and to make any minor modifications as may be required and are consistent with the intent of the attached Interlocal Agreement for Use of Jail Facilities, or to correct any scrivener's errors.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2017.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

EXHIBIT A

INTERLOCAL AGREEMENT FOR USE OF JAIL FACILITIES

This Agreement is made and entered into by and between LEWIS COUNTY, a political subdivision of the State of Washington (hereinafter "County"), and the CITY OF OLYMPIA a Washington municipal corporation, (hereinafter called "Contract Agency").

RECITALS

WHEREAS, the County is authorized by law to operate a jail for misdemeanants and felons and the Contract Agency is authorized by law to operate a jail for misdemeanants; and,

WHEREAS, the Contracting Agency wishes to designate the County jail as a place of confinement for the incarceration of one or more inmates lawfully committed to the Contract Agency's custody; and,

WHEREAS, the County is amenable to accepting and keeping inmates received from the Contract Agency in the County's custody at its jail for a rate of compensation mutually agreed to herein; and,

WHEREAS, Chapter 39.34 RCW, Chapter 70.48 RCW, and other Washington laws authorize any public agency to contract with another public agency to perform services and activities that each such public agency is authorized by law to perform; and

WHEREAS, the County and Contract Agency have considered the anticipated costs of incarceration services and potential revenues to fund such services and determined it is in each of their best interests to enter into this Agreement as authorized and provided for by RCW 39.34.080, RCW 39.34.180, Chapter 70.48 RCW, and other Washington law.

AGREEMENT

For and in consideration of the conditions, covenants and agreements contained herein the parties agree as follows:

1. PURPOSE:

It is the purpose of this Agreement to provide for the use by the Contract Agency of the County's jail facilities and services at the County's jail located at the Lewis County Jail, 28 SW Chehalis Avenue, Chehalis, Washington, 98532-1900.

2. MAILING AND CONTACT ADDRESS:

All written notices, reports and correspondence required or allowed by this Agreement shall be sent to the following:

County: Lewis County Jail
Attention: Chief of Corrections
28 SW Chehalis Avenue
Chehalis, WA 98532-190
Facsimile: (360) 740-1463
Telephone Number: (360) 740-2714

Contract Agency: City of Olympia Jail
Attn: Support Administrator
900 Plum St. SE Olympia, WA 98501
Facsimile: (360) 709-2773
Telephone Number: (360) 753-8042

Mailing Address
Olympia City Jail
P. O. Box 1967
Olympia, WA 98507-1967

Contract Agency
Healthcare Provider: Healthcare Delivery, Incorporated
Julie Rice, ARNP
Cell: (360) 481-6110
Pager: (360) 330-3175
Office: (360) 273-8818

3. AVAILABILITY OF JAIL FACILITIES:

Subject to the County's rights with respect to certain inmates set forth in Sections 8 and 9 herein, the County will accept and keep inmates at the request of the Contract Agency, unless the facility is declared at or near capacity by court order, or in the sole discretion of the County, its inmate population is at capacity or so near capacity that there is a risk that the reasonable operational capacity limits of the County's jail might be reached or exceeded if the County does not begin to refuse or request removal of inmates.

If available, the County shall consider the Contract Agencies inmates for alternative incarceration programs as allowed by the Contract Agencies court order. The County retains sole discretion of the inmate's eligibility for alternative programs. Costs for participation in alternative incarceration programs shall be borne by the Contract agencies inmates. The Contract agency will not be charged for a bed day for inmates on alternative programs.

4. COMPENSATION FROM CONTRACT AGENCY:

(a) **Guaranteed Flat Rate.** In return for the County's housing of a guaranteed 16 inmate beds per day (5840 inmate days) at a rate of sixty-three dollars and thirty-nine cents (\$63.39) per bed/per day, the Contract Agency shall pay the County a flat rate fee of \$370,197.60 year, billed

quarterly. If the Contract Agency uses less than the 5840 days, there shall be no refund unless the contract is terminated early as provided in this Agreement. If more than 5840 bed days are used by the Contract Agency, the County will bill each bed day at the rate of sixty-three dollars and thirty-nine cents (\$63.39) per bed/per day, except where otherwise provided for "high needs" inmates. In addition to the above referenced rate, by mutual agreement outlined in section (e) below, the Contract Agency agrees to pay the County a daily rate of Eighty dollars and fifty cents (\$84.52) for inmates defined by both parties as "high needs". Inmates classified as "high needs" shall not be counted in the Contract Agency's 5840 allotment and payment for "high needs" inmates shall be billed separately on a quarterly basis. The County may house additional Olympia inmates on any given day so long as there are adequate beds available in the County jail. Any portion of the day over four hours will be billed as one calendar day. Such time period shall be measured from the time said inmate is transferred to the custody of the County and ends when the Contract Agency resumes custody.

(b) Other Costs. The Contract Agency shall also pay such other costs to the County or third parties as set forth herein, as well as any medical costs required by Section 5.

(c) Billing. The County will invoice the Contract Agency for inmate days quarterly. The County agrees to provide the Contract Agency with monthly reports documenting the names of the inmates held in the County jail, the number of inmate days for each inmate, and a tally of the total inmate days used for the month. Upon reaching 5840 inmate days each calendar year, the County agrees to invoice the Contract Agency for beds used at a flat rate of \$63.39 per bed day on a quarterly basis. Account balances overdue 30 days or more will be subject to a service charge of 1% per month (12% per annum). Should collection become necessary, the Contract Agency will pay all collection costs associated with late payments.

(d) Booking Fee. The Contract Agency will reimburse the County \$30 for each booking conducted by the County where the inmate's stay does not exceed four hours. The County shall invoice the Contract Agency quarterly.

(e) Classification. Subject to mutual agreement between the County's Jail Administrator and the Contract Agency's Support Administrator, the County will agree to house inmates classified as high needs. High Needs inmates are defined as inmates requiring special housing or additional resources to ensure care and custody of the offender. If approved, the Contract Agency shall pay the County in accordance with Section 4 of the Agreement for Use of Jail Facilities at a rate of eighty-four dollars and fifty-two cents (\$84.52) per day said inmate is in the custody of the County after the point of agreement. If not approved, the inmate will be returned on the next transport day. Nothing in this section is intended to modify the County's right to refuse/return an inmate.

(f) Annual Review. The County and Contract Agency agree to meet by June 1st each year to review operations specific to the agreement. The parties agree to meet more frequently to discuss operational issues if necessary.

By June 1, 2018, the parties agree to notify each other of their desire to negotiate a contract extension beyond December 31, 2018.

5. MEDICAL COSTS AND TREATMENT:

(a) Services Provided. Upon transfer of custody to the County, the County will provide or arrange for the Contract Agency's inmates to receive necessary medical, psychiatric and dental services to safeguard their health while confined, in accordance with RCW 70.48.130 and other applicable law, as now in effect or hereinafter amended, and the policies and rules of the County jail. The County agrees to notify the Contract agency within three hours of any emergency medical, dental or psychiatric services necessary for a Contract Agency inmate.

The County agrees to accept, utilize, dispense and account for prescription medication from the Contract Agency for Contract Agency inmates; unless new information such as a change in condition, development of side effects, etc... are brought to the attention of the County's contracted medical provider. Changes in medication are allowed, in the event the County's contracted medical provider deems it is in the inmate's best interest to change medications. The County agrees to return unused prescription medications belonging to Contract Agency inmates when inmates are returned to the Contract Agency. The County agrees to use the DOC Formulary, whenever possible, when it prescribes medications to Contract Agency inmates.

The County and Contract Agency agree to collaboratively provide continuity of care for medical cases involving the following issues: pregnancy, abortions, acquired immune deficiency syndrome (AIDS), psychiatric medications, and tuberculosis patients. The County agrees to not prescribe sleep aid medication to Contract Agency inmates except for in extreme situations wherein lack of sleep is causing health problems for the inmate or others.

(b) Cost Responsibility. The Contract Agency shall be responsible for the cost of all medication prescribed for its inmates. The Contract Agency shall also be responsible for all costs associated with the delivery of necessary medical, psychiatric and dental services provided to an inmate that are not available from the health care program within the County jail and for all emergency medical services, wherever provided at the County's cost. These costs shall be paid directly to the provider or as a reimbursement to the County, as directed by the County.

(c) Notice. Except in situations deemed an emergency by the County, the County shall notify the Contract Agency at (360) 753-8247 prior to transfer of a Contract Agency's inmate to a medical, dental, or psychiatric provider outside of the County jail or to a hospital for medical, psychiatric, or dental services.

(d) Pre-Confinement Consents or Refusals. If a Contract Agency inmate has received or refused medical, psychiatric or dental treatment from the Contract Agency before confinement in the County jail, the Contract Agency shall provide to the County written verification of any authorization of or refusal to authorize care or treatment for such inmate(s).

(e) Return for Medical Services. Nothing herein shall preclude the Contract Agency from resuming custody of an ill or injured inmate by picking such inmate up for transfer at the County jail; provided, in situations in which the County deems an inmate requires emergency medical care, the County shall have the right to arrange for emergency medical services (at the Contract

Agency's expense) notwithstanding a request from the Contract Agency to transfer custody of the inmate back to the Contracting Agency.

(f) Records. The County shall keep records of all medical, psychiatric or dental services it provides to an inmate. Upon resumption of custody by the Contract Agency, and in accordance with applicable law, the Contract Agency shall receive a copy of the medical, psychiatric or dental records held by the County for an inmate of the Contract Agency. Lewis County and the contract medical provider for Lewis County shall comply with all requirements under the Health Insurance Portability and Accountability Act (HIPAA) and other applicable law.

6. TRANSPORTATION OF CONTRACT INMATES:

(a) Regular Transport. The County agrees to provide transportation to and from the Contracting Agency's jail on a mutually agreed scheduled basis at least two times per week.

(b) Additional Transport with Costs. For additional transports by the County, required by court order or made at the Contract Agency's request, the Contract Agency shall reimburse the County for staffing and fuel costs associated with such transport; such transports shall be approved by the Contract Agency prior to the transport.

7. TRANSFER OF CUSTODY:

(a) Commencement of Custody by County. The Contract Agency's inmates shall be deemed transferred to the custody of the County when Corrections Officers from the Lewis County Sheriff's Office take physical control of an inmate. The County will not take such control of an inmate until the Contract Agency has delivered copies of all inmate records pertaining to the inmate's incarceration by the Contract Agency or its agent, including a copy or summary of each inmate's medical records held by the Contract Agency or its agent. If the County requests additional information, the parties shall mutually cooperate to obtain such information. In the absence of documentation and information satisfactory to the County, the receiving officer may refuse to accept the Contract Agency's inmate for confinement. Property shall be limited to the amount which can be stored in a grocery size bag. The Contract Agency's officers delivering an inmate to the transportation location shall be responsible for ensuring that all paperwork is in order and all property allowed to be transported with the inmate is properly packaged. Only when all paperwork and property are in order will the County take physical control and assume custody and responsibility for the Contract Agency's inmate for confinement.

(b) Further Transfer of Custody. Except as otherwise allowed by Section 10 of this Agreement, the County will not transfer custody of any inmate confined pursuant to this Agreement to any agency other than back to the Contract Agency without written authorization from a court of competent jurisdiction.

(c) Responsibilities upon Assumption of Custody. Upon transfer of custody to the County, it shall be the County's responsibility to confine the inmate; to supervise, discipline and control said inmate; and to administer the inmate's sentence pursuant to the order of the committing court in the State of Washington. During such confinement, the County shall provide and

furnish or arrange for all necessary medical and hospital services and supplies in accordance with Section 5 of this Agreement.

(d) Resumption of Custody by Contracting Agency. The Contract Agency shall be deemed to have resumed custody of an inmate transferred to the County upon either presentation of such inmate to the Contracting Agency, or upon the Contract Agency's officers taking physical control of an inmate at any other location.

8. RIGHT TO REFUSE/RETURN AN INMATE:

The County shall have the right to refuse or return any of the Contract Agency's inmates under any one of the following circumstances.

(a) Pending Medical Needs. The County shall have the right to refuse to accept any Contract Agency inmate who, at the time of presentation for transportation to the County jail for confinement, appears in need of medical, psychiatric or dental attention, until the Contract Agency has provided medical, psychiatric or dental treatment to the inmate to the satisfaction of the County. At the time of custody transfer it is the Contract Agency's responsibility to provide all available information relevant to the care and custody of the Contract Agency's inmate.

(b) Problematic Physical History or Behavior and New Medical Conditions. The County shall have the right to refuse or return any Contract Agency's inmate that, in the sole judgment of the County, has a history of serious medical problems, presents a risk of escape, presents a risk of injury to other persons or property, or develops an illness or injury that may adversely affect or interfere with operations of the County Jail. Any special transport costs, medical or otherwise, incurred in the return of Contract Agency's inmate under this subsection will be the responsibility of the Contract Agency.

(c) Claims/Litigation. The County shall have the right to refuse or return any Contract Agency inmate that files a claim or lawsuit against the County in the interest of safety and security and preserving the rights of all affected parties.

(d) Return for Release. The County shall have the right to return any Contract Agency inmate anytime within five (5) days of the scheduled completion of the offender's sentence.

(e) Return Due to Upcoming Expiration. The County shall have the right to begin returning Contract Agency's inmates during the thirty days preceding expiration of this Agreement so that all inmates may be transported pursuant to the regular transports under Section 6 (a) and (b) above.

(f) Court order space requirement. The County shall return inmates when a court of competent jurisdiction orders that space be made available.

(g) Notice of Return and Transport. The County shall provide written notice, via facsimile or e-mail, of the anticipated return of an inmate under this Section 8 to the contact person identified herein for the Contract Agency.

9. REMOVAL FROM JAIL:

The Contract Agency's inmates may be removed from the County jail for reasons outlined below.

- (a) Request by Contract Agency. Upon the County's receipt of written request for inmate return made by the Contract Agency, the inmate will be transported by the Contract Agency or the County pursuant to Section 6 above.
- (b) Court Order. Upon the County's receipt of an order issued by a court having jurisdiction over a Contract Agency's inmate, transport will be according to the terms expressed in the court order, or by the Contract Agency or the County pursuant to Section 6 above.
- (c) Completion of Sentence. The Contract Agency shall provide return dates for each contract inmate. The Contract Agency shall provide e-mail release notification to the county at least 24 hours prior. The County shall not be expected to process Contract Agency Releases. The Contract Agencies inmate's shall only be released from the Contract Agency's facility.
- (d) Treatment Outside of Jail. The Contract Agency's inmate may be removed from the County jail for medical, psychiatric or dental treatment or care not available within the County jail.
- (e) Catastrophe. In the event of any catastrophic condition presenting, in the sole discretion of the County, an eminent danger to the safety of the inmate(s), the County will inform the Contract Agency, at the earliest practical time, of the whereabouts of the inmate(s) and shall exercise all reasonable care for the safekeeping and custody of such inmate(s).

10. TRANSFER OF INMATES UPON TERMINATION/EXPIRATION OF AGREEMENT:

- (a) Termination by County. In the event of a notice of termination from the County in accordance with Section 19 below, it shall be the County's obligation to transport the Contract Agency's inmates to the Contract Agency, at no expense to the Contract Agency. Such transports shall be made as if the Agreement were expiring and in accordance with the terms of Section 8 above, subsection (e).
- (b) Termination by Contract Agency. In the event of a notice of termination from the Contract Agency in accordance with Section 19 below, it shall be the Contract Agency's obligation to transport the Contract Agency's inmates at its own expense, on or before the effective date of such termination. Until such removal, the Contract Agency shall pay the compensation and costs set forth herein related to the housing of such inmate(s). With respect to any inmate(s) not removed in accordance with this Section 10, the Contract Agency shall pay the flat rate set forth in Section 4(a) above plus an additional five dollars (\$5) per inmate for every 24 hour period or part thereof that said inmate(s) remains in the County jail past the expiration date; and the County shall retain all rights hereunder, notwithstanding such termination, until all of the Contract Agency's inmates are removed from the County jail.

11. INMATE RIGHTS, ACCOUNTS AND PROGRAMS:

(a) Early Release Credit and Discipline. The Contract Agency's inmates confined under this Agreement shall earn early release credits under the policies and rules prescribed by the Contract Agency and state law for all inmates at the County jail. With respect to the Contract Agency's inmates, the County shall maintain and manage disciplinary issues and will administer sanctions as per facility rules. If the County finds removal of earned early release credits is appropriate, the County will provide the Contract Agency with hearing results and request earned early release credits be removed. No discipline prohibited by federal or state law will be permitted. The disciplinary policies and rules of the County jail will apply equally to inmates confined pursuant to this Agreement and to those otherwise confined.

(b) Inmate Accounts. The County shall establish and maintain an account for each inmate received from the Contract Agency and shall credit to such account all money received from an inmate or from the Contract Agency on behalf of an inmate. The County shall make disbursements from such accounts by debiting such accounts in accurate amounts for items purchased by the inmate for personal needs. Disbursements shall be made in limited amounts as are reasonably necessary for personal maintenance. At termination or expiration of this Agreement, an inmate's return to the Contract Agency, or death or escape of an inmate, the County shall submit a check to the Contract Agency in the name of each inmate eligible for reimbursement in order to transfer an inmate's money to an inmate account administered by the Contract Agency.

(c) Programs. The County shall provide the Contract Agency's inmates with access to all educational, recreational and social service programs offered at the County jail under the terms and conditions applicable to all other inmates at the jail.

12. ACCESS TO FACILITY AND INMATES:

(a) Access to Facility. Contract Agency shall have the right to inspect, at mutually agreeable times, the County jail in order to confirm such jail maintains standards acceptable to the Contract Agency and that its inmates are treated appropriately. The County agrees to manage, maintain and operate its facilities consistent with all applicable federal, state and local laws.

(b) Access to Inmates. Contract Agency personnel shall have the right to interview inmates from the Contract Agency at any reasonable time within the jail. Contract Agency officers shall be afforded equal priority for use of jail interview rooms with other departments, including the Lewis County Sheriff's Office.

13. ESCAPES AND DEATHS:

(a) Escapes. In the event of an escape by a Contract Agency's inmate from the County jail, the Contract Agency will be notified by telephone or fax with a follow-up in writing as soon as practical. The County will have the primary authority to direct the investigation and to pursue the inmate within its jurisdiction. Any costs related to the investigation and pursuit within its

jurisdiction will be the responsibility of the County. The County will not be required to pursue and return the Contract Agency's escaped inmates from outside of the County.

(b) Deaths.

1) In the event of a death of a Contract Agency inmate in the County jail, the Contract Agency's Support Administrator shall be promptly notified by telephone or fax with a follow-up notification in writing via US mail. Lewis County Sheriff's Office and the Lewis County Coroner will investigate the circumstances. The Contract Agency may, if it wishes, join in the investigation and receive copies of all records and documents in connection with the investigation.

2) The County shall, subject to the authority of the Lewis County Coroner, follow the written instructions of the Contract Agency regarding the disposition of the body. Such written instructions shall be provided within three working days of receipt by the Contract Agency of notice of such death. All expenses related to necessary preparation of the body and transport charges shall be the responsibility of the Contract Agency. With written consent from the Contract Agency, the County may arrange burial and all matters related or incidental thereto, and the Contract Agency shall pay all such expenses. This paragraph deals with relations between the parties to this Agreement and is not intended to relieve any relative or other person from responsibility for the disposition of the deceased or any associated expenses.

14. RECORD KEEPING:

The County agrees to maintain a system of record keeping relative to the booking and confinement of each of the Contract Agency's inmates consistent with the record keeping by the County for all other inmates and in accordance with all statutory requirements. The County shall make copies of said records available to the Contract Agency upon its request.

15. INDEMNIFICATION AND INSURANCE:

(a) Indemnification of Contract Agency. The County shall indemnify the Contract Agency, its officers, agents and employees, from and against any claim, damages, losses and expenses, including but not limited to costs and reasonable attorney's fees, arising from the County's performance under this Agreement; provided, to the extent the claim, damages, losses and expenses are caused by intentional acts of or by the concurrent negligence of the Contract Agency, its officers, agents, or employees, the County's indemnification obligation hereunder shall be limited to the County's proportionate share of liability as agreed to by the parties to this Agreement or determined by a court of competent jurisdiction.

(b) Indemnification of County. The Contract Agency shall indemnify the County, its officers, agents and employees, from and against any claim, damages, losses and expenses, including but not limited to costs and reasonable attorney's fees, arising from the Contract Agency's performance under this Agreement; provided, to the extent the claim, damages, losses and expenses are caused by intentional acts of or by the concurrent negligence of the County, its officers, agents, or employees, the Contract Agency's indemnification obligation

hereunder shall be limited to the Contract Agency's proportionate share of liability as agreed to by the parties to this Agreement or determined by a court of competent jurisdiction.

(c) Insurance Requirement. Each party shall obtain and maintain liability coverage in minimum liability limits of Two Million Dollars (\$2,000,000) per occurrence and Three Million Dollars (\$3,000,000) in the aggregate for its conduct creating liability exposures related to confinement of inmates, including general liability, errors and omissions, auto liability and police professional liability. The insurance policy or policies shall provide coverage for those events that occur during the term of the policy, despite when the claim is made.

(d) Certificate of Insurance. Each party to this Agreement agrees to provide the other with evidence of insurance coverage in the form of a certificate from a solvent insurance provider confirming coverage from a solvent insurance pool which is sufficient to address the insurance obligations set forth above.

16. NON-DISCRIMINATION POLICY:

The County and the Contract Agency agree not to discriminate in the performance of this Agreement because of race, color, national origin, sex, sexual orientation, age, religion, creed, marital status, disabled or Vietnam era veteran status, or the presence of any physical, mental, sensory handicap, or any other status protected by law.

17. CONTRACT ADMINISTRATION/REQUIREMENTS OF CHAPTER 39.34 RCW:

This Agreement is executed in accordance with the authority of Chapter 39.34 RCW, the Interlocal Cooperation Act and other applicable law. Pursuant to the provisions of RCW 39.34.030, the Lewis County Sheriff shall be responsible for administering the confinement of inmates. No real or personal property will be jointly acquired by the parties under this Agreement. All property owned by each of the parties shall remain its sole property to hold and dispose of in its sole discretion. Prior to its entry into force, an agreement made pursuant to this chapter shall be filed with the county auditor or, alternatively, listed by subject on a public agency's web site or other electronically retrievable public source.

18. WAIVER OF RIGHTS:

No waiver of any right under this Agreement shall be effective unless made in writing by an authorized representative of the party to be bound thereby. Failure to insist upon full performance on any occasion shall not constitute consent to or waiver of any continuation of nonperformance or any later nonperformance; nor does payment of a billing or continued performance after notice of a deficiency in performance constitute acquiescence thereto.

19. TERMINATION:

This Agreement may be terminated upon 90 days written notice from either party to the other party. Notice shall be sent to the attention of the administrative contact person specified in Section 2 above both by first class mail and by email to his or her usual email address used for

communication between the parties. The notice shall indicate when and how the City of Olympia will assume physical custody and control over any inmates housed by Lewis County, and how it will transport them from the Lewis County Jail. In default of such indication Lewis County shall deliver any Olympia inmates in its custody or control at a time or times of its choosing on the effective date of the termination to the front door of the Olympia City Jail, and the City of Olympia shall reimburse Lewis County for its expense in so transporting such inmates. If the Agreement is properly terminated by the Contract Agency with the required notice, Contract Agency shall not be responsible for paying for the quarters remaining in the year, effective upon termination. For example, notice provided on July 1 to terminate as of October 1 would mean that the Contract Agency has zero beds reserved for the fourth quarter of the year and is, therefore, relieved from making payment for any bed days in that quarter.

20. WAIVER OF ARBITRATION RIGHTS:

Both parties acknowledge and agree that they are familiar with the provisions of RCW 39.34.180(3), as now in effect, and that of their own free will they hereby expressly waive any and all rights under RCW 39.34.180(3), as now in effect or as hereinafter amended, to arbitrate the level of compensation for incarceration services charged under this Agreement, or any renewal thereof, that either party may possess. The parties further agree that such level of compensation and all other issues related to the purpose of this Agreement will only be as agreed to herein or as otherwise agreed to in a writing executed by the parties.

21. DURATION:

This Agreement shall be effective on January 1, 2018, and shall continue through December 31, 2018, unless terminated earlier under the terms set forth in Section 19 above. This agreement may be renewed for successive periods of one year by written addendum executed by all parties hereto under such terms as the parties agree in writing. Nothing in this Agreement shall be construed to make it necessary for the Contracting Agency to continuously house inmates with the County.

22. GOVERNING LAW AND VENUE:

The parties hereto agree that, except where expressly otherwise provided, the laws and administrative rules and regulations of the State of Washington shall govern in any matter relating to this Agreement and an inmate's confinement under this Agreement. The venue shall be in the Thurston County Superior Court.

23. MISCELLANEOUS:

In providing these services to the Contract Agency, the County is an independent contractor and neither its officers, agents, nor employees are employees of the Contract Agency for any purpose including responsibility for any federal or state tax, industrial insurance or Social Security liability. No provision of services under this Agreement shall give rise to any claim of career service or civil service right, which may accrue to an employee of the Contract Agency under any applicable law, rule, or regulation.

24. PREA- CUSTODIAL AND SEXUAL MISCONDUCT

In the performance of services under this Agreement, County shall comply with all federal and state laws regarding sexual misconduct, including, but not limited to, the Prison Rape Elimination Act of 2003 (PREA); RCW 9A.44.010, Definitions; RCW 9A.44.160 Custodial sexual misconduct in the first degree; RCW 9A.44.170, Custodial sexual misconduct in the second degree.

DATE: _____

DATE: _____

LEWIS COUNTY, WASHINGTON

CITY OF OLYMPIA, WASHINGTON

_____, Chairman

_____, Vice Chair

_____, Member

By: _____
Steven R. Hall, City Manager

Constituting the Board of County Commissioners
of Lewis County, Washington

Approved as to Form:

Attest:



Deputy City Attorney

Rieva Lester, Clerk of the Board

Approved as to Form and Content:

Robert R Snaza, Sheriff
Lewis County Sheriff's Office

Jonathan Meyer, Prosecuting Attorney

By: Deputy Prosecuting Attorney

INTERLOCAL AGREEMENT FOR USE OF JAIL FACILITIES

This Agreement is made and entered into by and between LEWIS COUNTY, a political subdivision of the State of Washington (hereinafter "County"), and the CITY OF OLYMPIA a Washington municipal corporation, (hereinafter called "Contract Agency").

RECITALS

WHEREAS, the County is authorized by law to operate a jail for misdemeanants and felons and the Contract Agency is authorized by law to operate a jail for misdemeanants; and,

WHEREAS, the Contracting Agency wishes to designate the County jail as a place of confinement for the incarceration of one or more inmates lawfully committed to the Contract Agency's custody; and,

WHEREAS, the County is amenable to accepting and keeping inmates received from the Contract Agency in the County's custody at its jail for a rate of compensation mutually agreed to herein; and,

WHEREAS, Chapter 39.34 RCW, Chapter 70.48 RCW, and other Washington laws authorize any public agency to contract with another public agency to perform services and activities that each such public agency is authorized by law to perform; and

WHEREAS, the County and Contract Agency have considered the anticipated costs of incarceration services and potential revenues to fund such services and determined it is in each of their best interests to enter into this Agreement as authorized and provided for by RCW 39.34.080, RCW 39.34.180, Chapter 70.48 RCW, and other Washington law.

AGREEMENT

For and in consideration of the conditions, covenants and agreements contained herein the parties agree as follows:

1. PURPOSE:

It is the purpose of this Agreement to provide for the use by the Contract Agency of the County's jail facilities and services at the County's jail located at the Lewis County Jail, 28 SW Chehalis Avenue, Chehalis, Washington, 98532-1900.

2. MAILING AND CONTACT ADDRESS:

All written notices, reports and correspondence required or allowed by this Agreement shall be sent to the following:

County: Lewis County Jail
Attention: Chief of Corrections
28 SW Chehalis Avenue
Chehalis, WA 98532-190
Facsimile: (360) 740-1463
Telephone Number: (360) 740-2714

Contract Agency: City of Olympia Jail
Attn: Support Administrator
900 Plum St. SE Olympia, WA 98501
Facsimile: (360) 709-2773
Telephone Number: (360) 753-8042

Mailing Address
Olympia City Jail
P. O. Box 1967
Olympia, WA 98507-1967

Contract Agency
Healthcare Provider: Healthcare Delivery, Incorporated
Julie Rice, ARNP
Cell: (360) 481-6110
Pager: (360) 330-3175
Office: (360) 273-8818

3. AVAILABILITY OF JAIL FACILITIES:

Subject to the County's rights with respect to certain inmates set forth in Sections 8 and 9 herein, the County will accept and keep inmates at the request of the Contract Agency, unless the facility is declared at or near capacity by court order, or in the sole discretion of the County, its inmate population is at capacity or so near capacity that there is a risk that the reasonable operational capacity limits of the County's jail might be reached or exceeded if the County does not begin to refuse or request removal of inmates.

If available, the County shall consider the Contract Agencies inmates for alternative incarceration programs as allowed by the Contract Agencies court order. The County retains sole discretion of the inmate's eligibility for alternative programs. Costs for participation in alternative incarceration programs shall be borne by the Contract agencies inmates. The Contract agency will not be charged for a bed day for inmates on alternative programs.

4. COMPENSATION FROM CONTRACT AGENCY:

(a) **Guaranteed Flat Rate.** In return for the County's housing of a guaranteed 16 inmate beds per day (5840 inmate days) at a rate of sixty-three dollars and thirty-nine cents (\$63.39) per bed/per day, the Contract Agency shall pay the County a flat rate fee of \$370,197.60 year, billed

quarterly. If the Contract Agency uses less than the 5840 days, there shall be no refund unless the contract is terminated early as provided in this Agreement. If more than 5840 bed days are used by the Contract Agency, the County will bill each bed day at the rate of sixty-three dollars and thirty-nine cents (\$63.39) per bed/per day, except where otherwise provided for "high needs" inmates. In addition to the above referenced rate, by mutual agreement outlined in section (e) below, the Contract Agency agrees to pay the County a daily rate of Eighty dollars and fifty cents (\$84.52) for inmates defined by both parties as "high needs". Inmates classified as "high needs" shall not be counted in the Contract Agency's 5840 allotment and payment for "high needs" inmates shall be billed separately on a quarterly basis. The County may house additional Olympia inmates on any given day so long as there are adequate beds available in the County jail. Any portion of the day over four hours will be billed as one calendar day. Such time period shall be measured from the time said inmate is transferred to the custody of the County and ends when the Contract Agency resumes custody.

(b) Other Costs. The Contract Agency shall also pay such other costs to the County or third parties as set forth herein, as well as any medical costs required by Section 5.

(c) Billing. The County will invoice the Contract Agency for inmate days quarterly. The County agrees to provide the Contract Agency with monthly reports documenting the names of the inmates held in the County jail, the number of inmate days for each inmate, and a tally of the total inmate days used for the month. Upon reaching 5840 inmate days each calendar year, the County agrees to invoice the Contract Agency for beds used at a flat rate of \$63.39 per bed day on a quarterly basis. Account balances overdue 30 days or more will be subject to a service charge of 1% per month (12% per annum). Should collection become necessary, the Contract Agency will pay all collection costs associated with late payments.

(d) Booking Fee. The Contract Agency will reimburse the County \$30 for each booking conducted by the County where the inmate's stay does not exceed four hours. The County shall invoice the Contract Agency quarterly.

(e) Classification. Subject to mutual agreement between the County's Jail Administrator and the Contract Agency's Support Administrator, the County will agree to house inmates classified as high needs. High Needs inmates are defined as inmates requiring special housing or additional resources to ensure care and custody of the offender. If approved, the Contract Agency shall pay the County in accordance with Section 4 of the Agreement for Use of Jail Facilities at a rate of eighty-four dollars and fifty-two cents (\$84.52) per day said inmate is in the custody of the County after the point of agreement. If not approved, the inmate will be returned on the next transport day. Nothing in this section is intended to modify the County's right to refuse/return an inmate.

(f) Annual Review. The County and Contract Agency agree to meet by June 1st each year to review operations specific to the agreement. The parties agree to meet more frequently to discuss operational issues if necessary.

By June 1, 2018, the parties agree to notify each other of their desire to negotiate a contract extension beyond December 31, 2018.

5. MEDICAL COSTS AND TREATMENT:

(a) Services Provided. Upon transfer of custody to the County, the County will provide or arrange for the Contract Agency's inmates to receive necessary medical, psychiatric and dental services to safeguard their health while confined, in accordance with RCW 70.48.130 and other applicable law, as now in effect or hereinafter amended, and the policies and rules of the County jail. The County agrees to notify the Contract agency within three hours of any emergency medical, dental or psychiatric services necessary for a Contract Agency inmate.

The County agrees to accept, utilize, dispense and account for prescription medication from the Contract Agency for Contract Agency inmates; unless new information such as a change in condition, development of side effects, etc... are brought to the attention of the County's contracted medical provider. Changes in medication are allowed, in the event the County's contracted medical provider deems it is in the inmate's best interest to change medications. The County agrees to return unused prescription medications belonging to Contract Agency inmates when inmates are returned to the Contract Agency. The County agrees to use the DOC Formulary, whenever possible, when it prescribes medications to Contract Agency inmates.

The County and Contract Agency agree to collaboratively provide continuity of care for medical cases involving the following issues: pregnancy, abortions, acquired immune deficiency syndrome (AIDS), psychiatric medications, and tuberculosis patients. The County agrees to not prescribe sleep aid medication to Contract Agency inmates except for in extreme situations wherein lack of sleep is causing health problems for the inmate or others.

(b) Cost Responsibility. The Contract Agency shall be responsible for the cost of all medication prescribed for its inmates. The Contract Agency shall also be responsible for all costs associated with the delivery of necessary medical, psychiatric and dental services provided to an inmate that are not available from the health care program within the County jail and for all emergency medical services, wherever provided at the County's cost. These costs shall be paid directly to the provider or as a reimbursement to the County, as directed by the County.

(c) Notice. Except in situations deemed an emergency by the County, the County shall notify the Contract Agency at (360) 753-8247 prior to transfer of a Contract Agency's inmate to a medical, dental, or psychiatric provider outside of the County jail or to a hospital for medical, psychiatric, or dental services.

(d) Pre-Confinement Consents or Refusals. If a Contract Agency inmate has received or refused medical, psychiatric or dental treatment from the Contract Agency before confinement in the County jail, the Contract Agency shall provide to the County written verification of any authorization of or refusal to authorize care or treatment for such inmate(s).

(e) Return for Medical Services. Nothing herein shall preclude the Contract Agency from resuming custody of an ill or injured inmate by picking such inmate up for transfer at the County jail; provided, in situations in which the County deems an inmate requires emergency medical care, the County shall have the right to arrange for emergency medical services (at the Contract

Agency's expense) notwithstanding a request from the Contract Agency to transfer custody of the inmate back to the Contracting Agency.

(f) Records. The County shall keep records of all medical, psychiatric or dental services it provides to an inmate. Upon resumption of custody by the Contract Agency, and in accordance with applicable law, the Contract Agency shall receive a copy of the medical, psychiatric or dental records held by the County for an inmate of the Contract Agency. Lewis County and the contract medical provider for Lewis County shall comply with all requirements under the Health Insurance Portability and Accountability Act (HIPAA) and other applicable law.

6. TRANSPORTATION OF CONTRACT INMATES:

(a) Regular Transport. The County agrees to provide transportation to and from the Contracting Agency's jail on a mutually agreed scheduled basis at least two times per week.

(b) Additional Transport with Costs. For additional transports by the County, required by court order or made at the Contract Agency's request, the Contract Agency shall reimburse the County for staffing and fuel costs associated with such transport; such transports shall be approved by the Contract Agency prior to the transport.

7. TRANSFER OF CUSTODY:

(a) Commencement of Custody by County. The Contract Agency's inmates shall be deemed transferred to the custody of the County when Corrections Officers from the Lewis County Sheriff's Office take physical control of an inmate. The County will not take such control of an inmate until the Contract Agency has delivered copies of all inmate records pertaining to the inmate's incarceration by the Contract Agency or its agent, including a copy or summary of each inmate's medical records held by the Contract Agency or its agent. If the County requests additional information, the parties shall mutually cooperate to obtain such information. In the absence of documentation and information satisfactory to the County, the receiving officer may refuse to accept the Contract Agency's inmate for confinement. Property shall be limited to the amount which can be stored in a grocery size bag. The Contract Agency's officers delivering an inmate to the transportation location shall be responsible for ensuring that all paperwork is in order and all property allowed to be transported with the inmate is properly packaged. Only when all paperwork and property are in order will the County take physical control and assume custody and responsibility for the Contract Agency's inmate for confinement.

(b) Further Transfer of Custody. Except as otherwise allowed by Section 10 of this Agreement, the County will not transfer custody of any inmate confined pursuant to this Agreement to any agency other than back to the Contract Agency without written authorization from a court of competent jurisdiction.

(c) Responsibilities upon Assumption of Custody. Upon transfer of custody to the County, it shall be the County's responsibility to confine the inmate; to supervise, discipline and control said inmate; and to administer the inmate's sentence pursuant to the order of the committing court in the State of Washington. During such confinement, the County shall provide and

furnish or arrange for all necessary medical and hospital services and supplies in accordance with Section 5 of this Agreement.

(d) Resumption of Custody by Contracting Agency. The Contract Agency shall be deemed to have resumed custody of an inmate transferred to the County upon either presentation of such inmate to the Contracting Agency, or upon the Contract Agency's officers taking physical control of an inmate at any other location.

8. RIGHT TO REFUSE/RETURN AN INMATE:

The County shall have the right to refuse or return any of the Contract Agency's inmates under any one of the following circumstances.

(a) Pending Medical Needs. The County shall have the right to refuse to accept any Contract Agency inmate who, at the time of presentation for transportation to the County jail for confinement, appears in need of medical, psychiatric or dental attention, until the Contract Agency has provided medical, psychiatric or dental treatment to the inmate to the satisfaction of the County. At the time of custody transfer it is the Contract Agency's responsibility to provide all available information relevant to the care and custody of the Contract Agency's inmate.

(b) Problematic Physical History or Behavior and New Medical Conditions. The County shall have the right to refuse or return any Contract Agency's inmate that, in the sole judgment of the County, has a history of serious medical problems, presents a risk of escape, presents a risk of injury to other persons or property, or develops an illness or injury that may adversely affect or interfere with operations of the County Jail. Any special transport costs, medical or otherwise, incurred in the return of Contract Agency's inmate under this subsection will be the responsibility of the Contract Agency.

(c) Claims/Litigation. The County shall have the right to refuse or return any Contract Agency inmate that files a claim or lawsuit against the County in the interest of safety and security and preserving the rights of all affected parties.

(d) Return for Release. The County shall have the right to return any Contract Agency inmate anytime within five (5) days of the scheduled completion of the offender's sentence.

(e) Return Due to Upcoming Expiration. The County shall have the right to begin returning Contract Agency's inmates during the thirty days preceding expiration of this Agreement so that all inmates may be transported pursuant to the regular transports under Section 6 (a) and (b) above.

(f) Court order space requirement. The County shall return inmates when a court of competent jurisdiction orders that space be made available.

(g) Notice of Return and Transport. The County shall provide written notice, via facsimile or e-mail, of the anticipated return of an inmate under this Section 8 to the contact person identified herein for the Contract Agency.

9. REMOVAL FROM JAIL:

The Contract Agency's inmates may be removed from the County jail for reasons outlined below.

- (a) Request by Contract Agency. Upon the County's receipt of written request for inmate return made by the Contract Agency, the inmate will be transported by the Contract Agency or the County pursuant to Section 6 above.
- (b) Court Order. Upon the County's receipt of an order issued by a court having jurisdiction over a Contract Agency's inmate, transport will be according to the terms expressed in the court order, or by the Contract Agency or the County pursuant to Section 6 above.
- (c) Completion of Sentence. The Contract Agency shall provide return dates for each contract inmate. The Contract Agency shall provide e-mail release notification to the county at least 24 hours prior. The County shall not be expected to process Contract Agency Releases. The Contract Agencies inmate's shall only be released from the Contract Agency's facility.
- (d) Treatment Outside of Jail. The Contract Agency's inmate may be removed from the County jail for medical, psychiatric or dental treatment or care not available within the County jail.
- (e) Catastrophe. In the event of any catastrophic condition presenting, in the sole discretion of the County, an eminent danger to the safety of the inmate(s), the County will inform the Contract Agency, at the earliest practical time, of the whereabouts of the inmate(s) and shall exercise all reasonable care for the safekeeping and custody of such inmate(s).

10. TRANSFER OF INMATES UPON TERMINATION/EXPIRATION OF AGREEMENT:

- (a) Termination by County. In the event of a notice of termination from the County in accordance with Section 19 below, it shall be the County's obligation to transport the Contract Agency's inmates to the Contract Agency, at no expense to the Contract Agency. Such transports shall be made as if the Agreement were expiring and in accordance with the terms of Section 8 above, subsection (e).
- (b) Termination by Contract Agency. In the event of a notice of termination from the Contract Agency in accordance with Section 19 below, it shall be the Contract Agency's obligation to transport the Contract Agency's inmates at its own expense, on or before the effective date of such termination. Until such removal, the Contract Agency shall pay the compensation and costs set forth herein related to the housing of such inmate(s). With respect to any inmate(s) not removed in accordance with this Section 10, the Contract Agency shall pay the flat rate set forth in Section 4(a) above plus an additional five dollars (\$5) per inmate for every 24 hour period or part thereof that said inmate(s) remains in the County jail past the expiration date; and the County shall retain all rights hereunder, notwithstanding such termination, until all of the Contract Agency's inmates are removed from the County jail.

11. INMATE RIGHTS, ACCOUNTS AND PROGRAMS:

(a) Early Release Credit and Discipline. The Contract Agency's inmates confined under this Agreement shall earn early release credits under the policies and rules prescribed by the Contract Agency and state law for all inmates at the County jail. With respect to the Contract Agency's inmates, the County shall maintain and manage disciplinary issues and will administer sanctions as per facility rules. If the County finds removal of earned early release credits is appropriate, the County will provide the Contract Agency with hearing results and request earned early release credits be removed. No discipline prohibited by federal or state law will be permitted. The disciplinary policies and rules of the County jail will apply equally to inmates confined pursuant to this Agreement and to those otherwise confined.

(b) Inmate Accounts. The County shall establish and maintain an account for each inmate received from the Contract Agency and shall credit to such account all money received from an inmate or from the Contract Agency on behalf of an inmate. The County shall make disbursements from such accounts by debiting such accounts in accurate amounts for items purchased by the inmate for personal needs. Disbursements shall be made in limited amounts as are reasonably necessary for personal maintenance. At termination or expiration of this Agreement, an inmate's return to the Contract Agency, or death or escape of an inmate, the County shall submit a check to the Contract Agency in the name of each inmate eligible for reimbursement in order to transfer an inmate's money to an inmate account administered by the Contract Agency.

(c) Programs. The County shall provide the Contract Agency's inmates with access to all educational, recreational and social service programs offered at the County jail under the terms and conditions applicable to all other inmates at the jail.

12. ACCESS TO FACILITY AND INMATES:

(a) Access to Facility. Contract Agency shall have the right to inspect, at mutually agreeable times, the County jail in order to confirm such jail maintains standards acceptable to the Contract Agency and that its inmates are treated appropriately. The County agrees to manage, maintain and operate its facilities consistent with all applicable federal, state and local laws.

(b) Access to Inmates. Contract Agency personnel shall have the right to interview inmates from the Contract Agency at any reasonable time within the jail. Contract Agency officers shall be afforded equal priority for use of jail interview rooms with other departments, including the Lewis County Sheriff's Office.

13. ESCAPES AND DEATHS:

(a) Escapes. In the event of an escape by a Contract Agency's inmate from the County jail, the Contract Agency will be notified by telephone or fax with a follow-up in writing as soon as practical. The County will have the primary authority to direct the investigation and to pursue the inmate within its jurisdiction. Any costs related to the investigation and pursuit within its

jurisdiction will be the responsibility of the County. The County will not be required to pursue and return the Contract Agency's escaped inmates from outside of the County.

(b) Deaths.

1) In the event of a death of a Contract Agency inmate in the County jail, the Contract Agency's Support Administrator shall be promptly notified by telephone or fax with a follow-up notification in writing via US mail. Lewis County Sheriff's Office and the Lewis County Coroner will investigate the circumstances. The Contract Agency may, if it wishes, join in the investigation and receive copies of all records and documents in connection with the investigation.

2) The County shall, subject to the authority of the Lewis County Coroner, follow the written instructions of the Contract Agency regarding the disposition of the body. Such written instructions shall be provided within three working days of receipt by the Contract Agency of notice of such death. All expenses related to necessary preparation of the body and transport charges shall be the responsibility of the Contract Agency. With written consent from the Contract Agency, the County may arrange burial and all matters related or incidental thereto, and the Contract Agency shall pay all such expenses. This paragraph deals with relations between the parties to this Agreement and is not intended to relieve any relative or other person from responsibility for the disposition of the deceased or any associated expenses.

14. RECORD KEEPING:

The County agrees to maintain a system of record keeping relative to the booking and confinement of each of the Contract Agency's inmates consistent with the record keeping by the County for all other inmates and in accordance with all statutory requirements. The County shall make copies of said records available to the Contract Agency upon its request.

15. INDEMNIFICATION AND INSURANCE:

(a) Indemnification of Contract Agency. The County shall indemnify the Contract Agency, its officers, agents and employees, from and against any claim, damages, losses and expenses, including but not limited to costs and reasonable attorney's fees, arising from the County's performance under this Agreement; provided, to the extent the claim, damages, losses and expenses are caused by intentional acts of or by the concurrent negligence of the Contract Agency, its officers, agents, or employees, the County's indemnification obligation hereunder shall be limited to the County's proportionate share of liability as agreed to by the parties to this Agreement or determined by a court of competent jurisdiction.

(b) Indemnification of County. The Contract Agency shall indemnify the County, its officers, agents and employees, from and against any claim, damages, losses and expenses, including but not limited to costs and reasonable attorney's fees, arising from the Contract Agency's performance under this Agreement; provided, to the extent the claim, damages, losses and expenses are caused by intentional acts of or by the concurrent negligence of the County, its officers, agents, or employees, the Contract Agency's indemnification obligation

hereunder shall be limited to the Contract Agency's proportionate share of liability as agreed to by the parties to this Agreement or determined by a court of competent jurisdiction.

(c) Insurance Requirement. Each party shall obtain and maintain liability coverage in minimum liability limits of Two Million Dollars (\$2,000,000) per occurrence and Three Million Dollars (\$3,000,000) in the aggregate for its conduct creating liability exposures related to confinement of inmates, including general liability, errors and omissions, auto liability and police professional liability. The insurance policy or policies shall provide coverage for those events that occur during the term of the policy, despite when the claim is made.

(d) Certificate of Insurance. Each party to this Agreement agrees to provide the other with evidence of insurance coverage in the form of a certificate from a solvent insurance provider confirming coverage from a solvent insurance pool which is sufficient to address the insurance obligations set forth above.

16. NON-DISCRIMINATION POLICY:

The County and the Contract Agency agree not to discriminate in the performance of this Agreement because of race, color, national origin, sex, sexual orientation, age, religion, creed, marital status, disabled or Vietnam era veteran status, or the presence of any physical, mental, sensory handicap, or any other status protected by law.

17. CONTRACT ADMINISTRATION/REQUIREMENTS OF CHAPTER 39.34 RCW:

This Agreement is executed in accordance with the authority of Chapter 39.34 RCW, the Interlocal Cooperation Act and other applicable law. Pursuant to the provisions of RCW 39.34.030, the Lewis County Sheriff shall be responsible for administering the confinement of inmates. No real or personal property will be jointly acquired by the parties under this Agreement. All property owned by each of the parties shall remain its sole property to hold and dispose of in its sole discretion. Prior to its entry into force, an agreement made pursuant to this chapter shall be filed with the county auditor or, alternatively, listed by subject on a public agency's web site or other electronically retrievable public source.

18. WAIVER OF RIGHTS:

No waiver of any right under this Agreement shall be effective unless made in writing by an authorized representative of the party to be bound thereby. Failure to insist upon full performance on any occasion shall not constitute consent to or waiver of any continuation of nonperformance or any later nonperformance; nor does payment of a billing or continued performance after notice of a deficiency in performance constitute acquiescence thereto.

19. TERMINATION:

This Agreement may be terminated upon 90 days written notice from either party to the other party. Notice shall be sent to the attention of the administrative contact person specified in Section 2 above both by first class mail and by email to his or her usual email address used for

communication between the parties. The notice shall indicate when and how the City of Olympia will assume physical custody and control over any inmates housed by Lewis County, and how it will transport them from the Lewis County Jail. In default of such indication Lewis County shall deliver any Olympia inmates in its custody or control at a time or times of its choosing on the effective date of the termination to the front door of the Olympia City Jail, and the City of Olympia shall reimburse Lewis County for its expense in so transporting such inmates. If the Agreement is properly terminated by the Contract Agency with the required notice, Contract Agency shall not be responsible for paying for the quarters remaining in the year, effective upon termination. For example, notice provided on July 1 to terminate as of October 1 would mean that the Contract Agency has zero beds reserved for the fourth quarter of the year and is, therefore, relieved from making payment for any bed days in that quarter.

20. WAIVER OF ARBITRATION RIGHTS:

Both parties acknowledge and agree that they are familiar with the provisions of RCW 39.34.180(3), as now in effect, and that of their own free will they hereby expressly waive any and all rights under RCW 39.34.180(3), as now in effect or as hereinafter amended, to arbitrate the level of compensation for incarceration services charged under this Agreement, or any renewal thereof, that either party may possess. The parties further agree that such level of compensation and all other issues related to the purpose of this Agreement will only be as agreed to herein or as otherwise agreed to in a writing executed by the parties.

21. DURATION:

This Agreement shall be effective on January 1, 2018, and shall continue through December 31, 2018, unless terminated earlier under the terms set forth in Section 19 above. This agreement may be renewed for successive periods of one year by written addendum executed by all parties hereto under such terms as the parties agree in writing. Nothing in this Agreement shall be construed to make it necessary for the Contracting Agency to continuously house inmates with the County.

22. GOVERNING LAW AND VENUE:

The parties hereto agree that, except where expressly otherwise provided, the laws and administrative rules and regulations of the State of Washington shall govern in any matter relating to this Agreement and an inmate's confinement under this Agreement. The venue shall be in the Thurston County Superior Court.

23. MISCELLANEOUS:

In providing these services to the Contract Agency, the County is an independent contractor and neither its officers, agents, nor employees are employees of the Contract Agency for any purpose including responsibility for any federal or state tax, industrial insurance or Social Security liability. No provision of services under this Agreement shall give rise to any claim of career service or civil service right, which may accrue to an employee of the Contract Agency under any applicable law, rule, or regulation.

24. PREA- CUSTODIAL AND SEXUAL MISCONDUCT

In the performance of services under this Agreement, County shall comply with all federal and state laws regarding sexual misconduct, including, but not limited to, the Prison Rape Elimination Act of 2003 (PREA); RCW 9A.44.010, Definitions; RCW 9A.44.160 Custodial sexual misconduct in the first degree; RCW 9A.44.170, Custodial sexual misconduct in the second degree.

DATE: _____

DATE: _____

LEWIS COUNTY, WASHINGTON

CITY OF OLYMPIA, WASHINGTON

_____, Chairman

_____, Vice Chair

_____, Member

By: _____
Steven R. Hall, City Manager

Constituting the Board of County Commissioners
of Lewis County, Washington

Approved as to Form:

Attest:



Deputy City Attorney

Rieva Lester, Clerk of the Board

Approved as to Form and Content:

Robert R Snaza, Sheriff
Lewis County Sheriff's Office

Jonathan Meyer, Prosecuting Attorney

By: Deputy Prosecuting Attorney



City Council

Approval of Resolution Supporting Community Gardens in Olympia

Agenda Date: 12/19/2017
Agenda Item Number: 4.D
File Number: 17-1304

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

Title

Approval of Resolution Supporting Community Gardens in Olympia

Recommended Action

Committee Recommendation:

The General Government Committee recommends the resolution.

City Manager Recommendation:

Move to approve the resolution supporting community gardens in Olympia.

Report

Issue:

Whether to approve a resolution supporting Community Gardens.

Staff Contact:

Paul Simmons, Director, Parks, Arts and Recreation, 360.753.8462

Presenter(s):

Paul Simmons, Director, Parks, Arts and Recreation

Background and Analysis:

At the August 22 City Council meeting, representatives from Sustainable South Sound requested that the City Council pass a resolution establishing a goal to have a community garden within a half-mile of every resident. In September, Councilmember Roe referred this to the General Government Committee.

Following that referral, Olympia Parks, Arts and Recreation Staff met with representatives from Sustainable South Sound to discuss their proposed resolution while also sharing information about existing programs and policies that support achieving the goal of having a garden within a half-mile of every resident.

Olympia Parks, Arts and Recreation currently manages two successful community gardens in parks: one at Yauger Park, and one at Sunrise Park. The Public Works Department has also developed a pilot-program that would allow Neighborhood Associations to sponsor community gardens in un-opened right-of-way properties managed by the City.

On December 4, representatives from Sustainable South Sound and City Staff met with the General Government Committee, who is recommending a slightly modified resolution for full City Council approval.

Neighborhood/Community Interests (if known):

The pilot program hosted by Public Works allows Neighborhood Associations to sponsor community gardens in un-opened right-of-way properties managed by the City. This was developed in response to a resident request.

Options:

1. Move to approve the Community Garden Resolution.
2. Do not move to approve the Community Garden Resolution.
3. Recommend a modified Community Garden Resolution for approval.

Financial Impact:

This resolution does not have any financial impacts, but rather highlights existing programs and policies that provide ongoing support to community gardens in Olympia.

Attachments:

Resolution
Program Application
2018 Community Garden Application
Sustainable South Sound Request

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, CONCERNING THE IMPLEMENTATION AND PRESERVATION OF COMMUNITY GARDENS WITHIN CITY LIMITS, SUPPORTING THE GOAL THAT EVERY RESIDENT LIVES WITHIN WALKING DISTANCE (ONE-HALF MILE) OF A COMMUNITY GARDEN

WHEREAS, community gardens empower residents to become more active in their communities, cultivating volunteers and leaders who come together to create gardens for the benefit of present and future generations; and

WHEREAS, community gardens beautify areas, reduce criminal activity, and prevent trash accumulation in the forms of dumping and littering; and

WHEREAS, community gardens provide access to healthy, seasonal food for people of all economic backgrounds, improving nutrition and food security among residents; and

WHEREAS, community gardens contribute to the preservation of, access to, and use of open space, vacant lots, and public parks; and

WHEREAS, the current City of Olympia Parks, Arts and Recreation Plan put forward a goal of having all residences within walking distance (one-half mile) of a neighborhood park; and

WHEREAS, Sunrise Park and Yauger Community Garden are the two existing community gardens in City of Olympia parks; and

WHEREAS, on December 4, 2008, the Parks and Recreation Advisory Committee members included community gardens on their "top 10" list of new programs/facilities for the Parks, Arts and Recreation Plan.

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City of Olympia supports the creation of sustainable community gardens on both public and private property and will establish policies, procedures, and programs to support the goal of having community gardens on both public and private property within one-half mile of every resident of the City.

SECTION 2. The City of Olympia will work with non-profit organizations, gardeners and neighborhood groups to identify public and private land suitable for community gardens.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2017.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY



NEIGHBORHOOD GARDENING PROGRAM 2018 ANNUAL APPLICATION

Application Due by Month, Date, Year

2018 Garden Fees

- New Site \$ _____
- Upgrade Existing Site \$ _____
- Renew Site "As-Is" \$ _____
- Your 2018 Garden Fee Total:** \$ _____

Print and Return Application and Payment to: **Neighborhood Gardening Program**

Attn: Tiffani King
City of Olympia
601 4th Avenue E
Olympia WA 98501

Please make checks payable to City of Olympia

By Submitting This Application You Acknowledge the Following:

I have read the "**Rules for Neighborhood Gardening Participants.**" I agree to comply with the rules. I understand that failure to comply with the rules may result in the cancellation of my application and/or loss of my plot without refund of my fee. I understand that any person assisting me with my plot is also required to comply with the rules of the Program.

Contact Information (Official correspondence will be sent to the lead gardener only)

- **Lead Gardener's Name:** _____
Address: _____ City/State Zip: _____
Day Phone: _____ Evening Phone: _____
Email: _____
- **Co-Gardener's Name:** _____
Co-Gardener's Phone: _____ Email: _____
- **If you have limited ability to read, write or speak English, please indicate your preferred language:**
_____ and provide the name and contact information for a friend or family member you trust to be the primary contact for the Neighborhood Gardening program.
Name: _____ Relationship: _____
Phone: _____ E-mail: _____

Sponsoring Recognized Neighborhood Association (RNA)

- **RNA Name:** _____
RNA Contact (Board Member): _____ Phone or Email: _____
RNA Contact Signature: _____

Garden Information (Complete checklist on page 2)

- Street Name: _____ Nearest Intersecting Street(s): _____
Proposed Square Footage: _____

Welcome to the Olympia Neighborhood Gardening Program.
We look forward to working with you in 2018!

FOR OFFICE USE ONLY

Fee Processed | Date: _____

Track #: _____

Payment \$: _____

ADDITIONAL GARDEN INFORMATION

Please answer the following additional questions about your Neighborhood Garden and provide the information requested below:

1. Vicinity map with street names clearly labeled (e.g., Google Maps, etc.).
2. Sketch of the proposed garden layout.
3. Sketch showing approximate property lines with adjacent owner names shown.
4. Utilities (Public): _____
Source of water? Adjacent property (with permission) New source
Garbage collection? Yes No Details: _____
Composting? Yes No Plan: _____
5. Existing structures: _____

6. Proposed structures (temporary): _____

7. Location or height of fencing (note that fences cannot be locked): _____

8. Indemnification Insurance (see legal guidelines): Yes No
9. Parking: Existing? Yes No
 Develop lot to provide? Yes No Details: _____
10. ADA Accommodations: Parking, pathway to meet width standards? Yes No
11. Neighborhood Consent: Provide signatures of all current property owners adjacent to proposed garden acknowledging gardening within adjacent right-of-way.



OLYMPIA COMMUNITY PLANNING & DEVELOPMENT NEIGHBORHOOD GARDENING PROGRAM

Member Responsibilities:

Lead Gardener

Lead Gardener will have to address issues of:

- Vandalism
- Dogs, pets and service animals
- Children in the garden
- Alcohol and drug use
- Garden hours and sign posting garden rules

Gardeners

- Plant, weed, water and harvest your plot (garden organically)
- Maintain common paths
- Maintain shared equipment
- Be a good neighbor
- Use shared resources, such as water and tools, wisely

Site Leadership

Social Activities

- Orient new gardeners
- Mediate disputes within the garden
- Help members in need

Communication Activities

- Serve as a main point of contact for all members
- Create a conduit of information between garden leadership and members
- Act as a liaison between the garden community and City staff

Garden Activities

- Coordinate leaders for work parties (follow up with them)
- Coordinate care and maintenance of common areas (e.g., compost, perennial beds, orchard, tool shed, water system)
- Monitor plots (in coordination with City staff; make first contact with gardeners)
- Oversee that everything is in working order



2018 Community Garden Application Packet

Dear Prospective Gardener,

The City of Olympia Parks, Arts & Recreation department is excited to offer you the opportunity to grow your own healthy food by becoming a member of one of our Community Gardens. In addition to increasing your access to delicious produce, Community Gardens are also a fantastic way to build community with your neighbors. By participating in gardening, you have the opportunity to:

- G**row green
- A**ccess sustainable food
- R**espect the earth and all it has to give
- D**eepen your roots in your neighborhood
- E**njoy being active and outside
- N**ourish your mind and body

Olympia Parks, Arts & Recreation has fee-based community garden plots available at Sunrise and Yauger Parks. Plots are assigned on a first come, first serve basis. If demand exceeds capacity, current City of Olympia residents will have priority over non-residents in plot assignments. Gardeners from the prior year who wish to retain their plot have the opportunity to submit their renewal application during the month of December, prior to open enrollment for all new gardeners. *Please return your renewal application by 12/31 if you wish to retain your plot.*

If you are interested in applying for or renewing a plot, please follow these steps:

- STEP 1** → Read the Community Garden Guidelines (page 2). Failure to abide by any of the 2018 Community Garden Program Guidelines may result in forfeiture of your plot with no refund. If your plot is forfeited for any reason, you will not be eligible to reapply for a plot for one full calendar year.
- STEP 2** → Complete the application (page 3).
- STEP 3** → Return completed application along with payment to:
OPARD Community Gardens
222 Columbia St NW, Olympia, WA 98501

Once your application is accepted you will receive a confirmation email or letter. If you do not receive your confirmation letter within 2 weeks of application, please contact Luke Burns (360) 570-5857 or lburns@ci.olympia.wa.us.



2018 Community Garden Guidelines

Please keep for your records.

1. Community gardens are to be used for recreational gardening and for growing vegetables and flowers for personal or family use. Growing vegetables and flowers for commercial purposes is prohibited.
2. **Plots not worked by April 08, 2018 will be forfeited and reassigned. If, for any reason, your plot is abandoned and/or forfeited, you will not be eligible for a new plot until one full calendar year has passed.**
3. Plan your garden work during park hours, which are dawn to dusk.
4. **It is your responsibility to maintain your plot. This includes weeding, watering, thinning and harvesting. If you are unable to tend to your plot on a weekly basis, it is your responsibility to find an appropriate caretaker during the time of your absence.**
5. You must be present at your plot while watering. Please conserve water as much as possible.
6. **Please help with the maintenance of the shared pathways/walkways by keeping pathways/walkways free of rocks, tools, or other obstacles and removing weeds when possible.**
7. At the end of each growing season, gardeners are required to remove all non-plant material from your plots. This includes hoop houses, plastic pots, wire tomato cages, stakes, tools, etc. If you do not adequately tidy your plot, it will be forfeited.
8. **Prepare your plot for the winter by removing all non-cold weather crops. Protect your soil for winter by putting down burlap, straw, leaves or a cover crop. Plots need to be prepped for winter by November 1st. Failure to prepare your plot for winter will result in forfeiture of your plot.**
9. Children are welcome as guests and encouraged in the garden, and must be properly supervised. Children under the age of 12 must be accompanied at all times by an adult. Do not allow children to run or play on plots.
10. Clean up after yourself and keep your plot neat and tidy. Hoses and tools should be cleaned and neatly stacked.
11. Respect your fellow gardeners. Plantings must be kept within the borders of your own plot. Allow space for vining or spreading crops within your plot. Keep the pathways and fence lines adjacent to your plot clear. Consider how trellised or tall crops may affect neighboring plots; don't shade your neighbor.
12. If conflicts arise, gardeners are required to attempt to work differences out between themselves. Resolve differences in a neighborly way. Remain calm, polite and listen carefully. Verbal or physical abuse will not be tolerated, nor will vandalism of neighbors' plots. If gardeners can help keep each other accountable for watering, weeding and harvesting their crops, not only will we have a more attractive garden, but a stronger community within the garden. If a resolution cannot be reached, contact Luke Burns at (360) 570-5857.
13. **All gardeners will assist with the maintenance of common areas. This may happen on your own or through group work parties. If you would like to lead a work party, please call Luke Burns at (360) 570-5857 and he will help you to coordinate one. You are required to volunteer a minimum of 4 hours per year outside of the work you do on your own plot. If you fail to complete your volunteer hours, you will forfeit your plot for the following year. You can track their hours by fillings out work party forms, which are found in the tool shed.**
14. Use of pesticides, herbicides, and insecticides made from synthetic materials as well as use of chemical fertilizers is strictly prohibited. Fully composted manures such as steer and chicken manure as well as fertilizers labeled as "organic" are permitted.
15. Plants on the State's "Noxious Weed List," as well as illegal or invasive plants are not allowed. You can find the list online at <http://www.co.thurston.wa.us/tcweeds/>. Trees and tall structures that obstruct sunlight are also prohibited. Marijuana, even when grown for medical purposes, is prohibited in the community garden.
16. As a gardeners, you are responsible for educating yourself about and complying with Olympia park regulations, the City municipal code, and other applicable laws and regulations.
Park Rules and Regulations: <http://olympiawa.gov/community/parks/parks-and-trails/park-rules-and-regulations>
City municipal code: <http://www.codepublishing.com/wa/olympia/?OlympiaNT.html>
17. Smoking and alcohol is prohibited in the garden. If you have been smoking, please also wash your hands prior to working in the garden, as tobacco residue is harmful to plants.
18. Dogs, cats, and other animals are not allowed in the garden at any time. Service animals are permitted.
19. Motorized vehicles and/or motorized equipment are not allowed in the garden.
20. If you witness or experience garden theft or vandalism, please notify the Olympia Police Department by calling the non-emergency line at 360-704-2740 to file a report. Please also contact Olympia Parks, Arts & Recreation Customer Service at 360-753-8380. Due to the open nature of parks and garden sites, the City of Olympia is not responsible for loss of garden products or personal items left on site.



2018 Community Garden Application

Please complete this application to apply for a 2018 Community Garden. There is a limit of two (2) garden plots per household. The application form must be signed and dated before it is processed.
PLEASE NOTE: Any information you provide to the City may be subject to public disclosure.

Send application with check payment to:
OPARD Community Gardens
222 Columbia St NW, Olympia, WA 98501

Please make checks payable to the *City of Olympia*. Cash, check, Visa and MasterCard are accepted in person, at the above address or via phone by calling (360) 753-8380.

NAME: _____ PHONE(S): (____) _____ (____) _____

ADDRESS: _____ CITY: _____ ZIP: _____ EMAIL: _____

Select Preferred Site:

- Yauger Park Community Garden (3100 Capital Mall Drive SW)
- Sunrise Community Garden (505 Bing St NW)

Select Preferred Plot Type:

- One 50 square foot (5'x10') plot: **\$29 fee**
- Two 50 square foot (5'x10') plots: **\$58 fee**
- One ADA (Aluminum Bin) 24 square foot (3'x8') plot: **\$15 fee** (*Reserved for individuals with disabilities and/or senior citizens.*)
- Two ADA (Aluminum Bin) 24 square foot (3'x8') plots: **\$30 fee** (*Reserved for individuals with disabilities and/or senior citizens.*)

Garden Scholarship Fund:

- YES! I would like to donate an additional \$_____ to the Garden Scholarship Fund to help a low-income gardener.
- I would like to apply for reduced plot fees from the Garden Scholarship Fund as a low-income gardener. *I will submit the Fund Application found at olympiawa.gov/funfund.*

TOTAL FEE ENCLOSED: \$ _____

Your signature on this application form indicates that you have read, understood, and agree to abide by the terms of participation in the Community Garden Program contained in this application and in the Garden Guidelines. Guidelines for the 2018 program are attached. Please keep them for your records.

USER has applied for a community garden plot at either Yauger or Sunrise Park. USER certifies that they understand and agree:

- ✓ To accept the terms and conditions outlined in the 2018 Community Garden Application Packet including, but not limited to the Garden Guidelines.
- ✓ USER shall be responsible for any guests that USER brings to the garden.
- ✓ To pay the required fees and deposits as described in the 2018 Community Gardens Application Packet.
- ✓ To defend, indemnify, and hold harmless the City of Olympia, it's officers, officials, employees, and volunteers from and against any and all claims, suits, actions, or liabilities for injury or death of any person, or for loss or damage to property, which arises out of USER or USER's guests use of premises or from any activity, work or thing done, permitted, or suffered by USER or USER's guests in or about the premises, except only such injury or damage as shall have been occasioned by the sole negligence of the City.
- ✓ I authorize the release of photographic images to be used for promotional purposes of City events and programs.
- ✓ That permission to use the facilities granted may be revoked or canceled at any time and without cause by the City of Olympia and I will have no claim or right to damages or reimbursement for any loss, damage, or expense resulting from revocation or cancellation, except in certain circumstances that the City may agree to return the fee paid.

I have read and understand all conditions, rules, and regulations specified in the 2018 Community Garden Application Packet and in this Agreement.

Signed _____ Date _____

For Official Use Only

Sunrise Yauger
Plot # _____ Date _____

Sustainable South Sound encourages the Olympia City Council to adopt a resolution for the City of Olympia, Washington, concerning the establishment, management and preservation of community gardens so that every resident of the City lives within a walkable distance (1/2 mile) of such a garden.

What is the Need:

- Total community gardens in City of Olympia: 5 (195 plots)
- Total community gardens managed by City of Olympia: 2 (135 plots, both on Westside)
 - No community gardens located within 1 mile of the downtown core and new households there.
 - Other notable areas of high population density not having walkable access: NE Olympia (Lilly Rd.), SW Olympia, east (18th Ave.) and SE.
- Total staff time allocated to management of Sunrise Park and Yauger Park community gardens by City of Olympia Parks, Arts and Recreation Department: 0.1 FTE
- Typical annual operating costs for one of the gardens Sustainable South Sound has had experience supporting: \$650 (costs covered by 17 members' annual \$40/plot fee)
 - Primary costs:
 - water for irrigation (~1/2 of total)
 - supplies (1/4 of total)

Main points of the City of Olympia community gardening resolution:

The City of Olympia...

supports the creation of sustainable community gardens on both public and private property and will establish policies and procedures to ensure establishment and success of community gardens within one-half mile of every resident of the city; and

will work with [non-profit organizations, gardeners and neighborhood groups] to identify public and private land suitable for community gardens.



PO Box 7336
Olympia, WA 98507
(360) 464-5019

Jannine - referral to Gen. Gov.

DRAFT

A RESOLUTION OF SUSTAINABLE SOUTH SOUND OF OLYMPIA, WASHINGTON, CONCERNING THE IMPLEMENTATION AND PRESERVATION OF COMMUNITY GARDENS WITHIN CITY LIMITS, SO THAT EVERY RESIDENT LIVES WITHIN WALKING DISTANCE (ONE-HALF MILE) OF A COMMUNITY GARDEN

WHEREAS, community gardens empower residents to become more active in their communities, cultivating volunteers and leaders who come together to create gardens for the benefit of present and future generations.

WHEREAS, community gardens beautify areas, reduce criminal activity, and prevent trash accumulation in the forms of dumping and littering; and

WHEREAS, community gardens provide access to healthy, seasonal food for people of all economic backgrounds, improving nutrition and food security among residents; and

WHEREAS, community gardens contribute to the preservation of, access to, and use of open space, vacant lots, and public parks; and

WHEREAS, the 2010 Parks, Arts and Recreation Plan put forward a goal of having all residences within walking distance (one-half mile) of a neighborhood park; and

WHEREAS, Sunrise Park and Yauger Community Garden are the two existing community gardens in City of Olympia parks; and

WHEREAS, on December 4, 2008 The Parks and Recreation Advisory Committee members included community gardens on their "top 10" list of new programs/facilities for the Parks, Arts and Recreation Plan.

NOW, THEREFORE, BE IT RESOLVED, that Sustainable South Sound calls upon the City of Olympia to

SECTION 1. support the creation of sustainable community gardens on both public and private property and will establish policies and procedures to ensure the success of community gardens on both public and private property within one-half mile of every resident of the city; and

SECTION 2. work with [non-profit organizations, gardeners and neighborhood groups] to identify public and private land suitable for community gardens.

~~refer to land use~~



City Council

Approval of an Amendment to the City Manager's Employment Contract

Agenda Date: 12/19/2017
Agenda Item Number: 4.E
File Number: 17-1307

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

Title

Approval of an Amendment to the City Manager's Employment Contract

Recommended Action

City Manager Recommendation:

Move to approve and authorize the Mayor to sign an amendment to the City Manager's Employment Contract granting a salary adjustment increase in the amount of 3%, effective January 1, 2018 and one lump sum bonus of \$5,000.

Report

Issue:

Consider granting a 3% annual adjustment and a bonus to the City Manager.

Staff Contact:

Steven R. Hall, City Manager, 753-8447

Presenter(s):

None. Consent calendar item

Background and Analysis:

The City employs the City Manager pursuant to an employment agreement executed originally in 2003. The agreement provides that the City Manager may request adjustments to his annual compensation and a performance bonus.

For 2018, the City Manager is requesting a salary adjustment of 3%. This is the same percentage budgeted for other non-represented employees of the City. On December 19, 2017, the City Council approved, on second reading, a budget ordinance which included funding for a 3% Cost of Living Adjustment for all independent employees. The City Manager is not request a performance bonus for 2017. However, the City Council felt that given his performance regarding a number of very challenging issues in 2017, that a one-time \$5,000 bonus should be awarded.

Options:

1. Approve the Cost of Living Adjustment request of 3% and a \$5,000 bonus.
2. Modify the amount.

3. Deny the request.

Financial Impact:

Annual adjustment -\$5,072.92

One-time bonus - \$5,000

Attachment:

Amended Employment Contract

**2017 AMENDMENT TO
OLYMPIA CITY MANAGER EMPLOYMENT AGREEMENT**

THIS AMENDMENT is made and entered into this _____ day of December 2017, by and between the City of Olympia, a Washington municipal corporation ("City"), and Steven R. Hall ("City Manager").

Recitals

1. On September 23, 2003, the City and the City Manager entered into an employment agreement ("the Agreement").
2. Section V, Performance Evaluation and Compensation Review, of the Agreement states that the City Council shall conduct a mid-year and year-end evaluation of the City Manager's performance.
3. Subsection V(B), Compensation Review, of the Agreement states that at the conclusion of the year-end evaluation, the Council may, at its discretion, review and adjust the City Manager's compensation.
4. The City Manager has requested a cost of living adjustment beginning January 1, 2018.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

Section 1. Exhibit B, City Manager Compensation, of the Agreement is hereby amended to read as follows:

EXHIBIT B

CITY MANAGER COMPENSATION

1. **Base Salary:** ~~\$169,097.66~~ \$174,170.58 per year.
2. **Performance Payment.** In addition to the City Manager's base salary, the City Manager may receive, at the discretion of the City Council, an additional annual lump sum performance payment if he achieves the performance goals and separately adopted performance criteria set according to Section V.A above. The City Council may determine, in its sole discretion, what percentage (if any) of the performance payment will be made to the City Manager and such payment will be made in February of the following year. If the City Manager leaves employment with the City for any reason other than termination for "just cause" as defined in Section VI.B.1 herein, the City Manager will be eligible to receive a prorated performance award calculated on the percentage of goals achieved and the number of months of participation. Any performance payment made under this paragraph is a one-time addition to the City Manager's base salary, and shall not become part of the base salary.

3. Sick Leave: 12 days per year, consistent with the City's administrative guidelines governing use of sick leave.
4. Vacation: Vacation shall accrue at the same rate as for other unrepresented employees with the same tenure, with the option for the City Manager to cash out up to 5 days per year on the condition that the City Manager has used at least 10 days of vacation in the year in which cash out is requested. The City Manager may accrue no more than 480 hours of unused vacation at any time.
5. Holidays: 11 days per year, according to the holiday schedule adopted by the City for other unrepresented City employees.
6. Medical, dental and vision insurance: The City shall pay the costs of medical, dental and vision insurance for the City Manager and his dependents, at the same rates available to other unrepresented City employees.
7. Long-term disability insurance. The City shall pay the costs of long-term disability insurance for the City Manager, consistent with the rates and terms of long-term disability insurance available to other unrepresented City employees.
8. Life insurance. The City shall pay the cost of premiums for term life insurance for the City Manager, with a value of the City Manager's then-applicable annual base salary, contingent upon a successful medical exam if required by the insurance company.
9. Retirement benefits. The City shall contribute on the City Manager's behalf to the Public Employees Retirement System and Social Security at the same rate the City contributes on behalf of other unrepresented City employees.
10. Deferred Compensation. On behalf of the City Manager, the City shall contribute three percent (3%) of the City Manager's monthly base salary into the City Manager's ICMA Deferred Compensation Account. In addition, the City shall also match on a monthly basis the City Manager's own contributions into his ICMA Deferred Compensation Account, in an amount up to 3% of the City Manager's base salary.
11. Bicycle allowance. Up to \$250 per calendar year for the actual cost of equipment, maintenance, clothing, and/or accessories for bicycle commuting.

Section 2. All remaining provisions of the *Olympia City Manager Employment Agreement* dated September 23, 2003, not previously or here amended or supplemented shall remain as written in said Agreement, and shall continue in full force and effect.

DATED the day and year set forth above.

CITY OF OLYMPIA

Cheryl Selby, Mayor

ATTEST:

Dean Walz, City Clerk

CITY MANAGER

Steven R. Hall

APPROVED AS TO FORM:



Mark Barber, City Attorney



City Council

Approval of an Ordinance Adopting the 2017 Engineering Design and Development Standards (EDDS) Update

Agenda Date: 12/19/2017
Agenda Item Number: 4.F
File Number: 17-0681

Type: ordinance **Version:** 2 **Status:** 2d Reading-Consent

Title

Approval of an Ordinance Adopting the 2017 Engineering Design and Development Standards (EDDS) Update

Recommended Action

Committee Recommendation:

The Land Use & Environment Committee recommends holding a public hearing on the 2017 EDDS Update.

City Manager Recommendation:

Move to approve the proposed ordinance on second reading.

Report

Issue:

Whether to approve the proposed ordinance on second reading.

Staff Contact:

Stephen Sperr, P.E., Assistant City Engineer, Public Works Engineering, 360.753.8739

Presenter(s):

Steve Sperr, P.E., Assistant City Engineer, Public Works Engineering

Background and Analysis:

Background and analysis has not changed from first to second reading.

Annually, the City reviews and updates the Engineering Design and Development Standards (EDDS) to address changes in regulations or standards, improve consistency with the Comprehensive Plan, and add clarity. The Land Use and Environment Committee reviewed the proposed changes on May 18 and September 21. This year, 71 issues are being addressed. As in past years, most of the changes pertain to consistency and clarity issues. Some of the highlights of this year's changes include:

- Curb Ramps,

- Pedestrian Pathways,
- Traffic Impact Analyses, and
- Olympia Municipal Code changes

In September, staff briefed the Land Use and Environment Committee on the status of 2017 EDDS update. That briefing included an overview of what the EDDS are, highlights of proposed changes, and how staff has been engaging the public.

Staff has reached out to interested parties by contacting them directly and by providing the entire list of issues being addressed on the City's website. Staff incorporated their comments into the proposed text and drawings.

Before the Public Hearing, staff will brief the full Council with a short presentation on the 2017 EDDS changes being considered.

Neighborhood/Community Interests (if known):

Updated EDDS will ensure utility and transportation systems are constructed to meet the most current standards. Updates will also continue to move us toward the City's Comprehensive Plan goal of providing sustainable infrastructure.

Options:

1. Approve the ordinance on second reading.
2. Do not approve the ordinance on second reading
3. Delay approving the ordinance updating the EDDS until 2018.

Financial Impact:

Most of the proposed changes should not result in notable increases to the costs of private development or public work projects. However, a few, such as pedestrian pathways and requiring curb ramp improvements on a more consistent basis, may cost more to developers and private utilities. Staff will provide more information regarding costs associated with these items as part of the presentation.

Attachments:

Ordinance
Link to the EDDS
EDDS 2017 Summary of Proposed Changes

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO INFRASTRUCTURE AND AMENDING CHAPTERS 12.20, 17.48, 18.38 AND SECTIONS 12.02.020, 13.20.040, 13.20.120, 15.20.060, 17.52.020, 18.75.020, AND 18.82.120 OF THE OLYMPIA MUNICIPAL CODE AND ADOPTING THE 2017 ENGINEERING DESIGN AND DEVELOPMENT STANDARDS.

WHEREAS, the *Olympia Engineering Design and Development Standards* (EDDS) are periodically updated; and

WHEREAS, on December 12, 2017, a public hearing was held to consider and approve amendments to the EDDS; and

WHEREAS, this Ordinance is supported by the staff report and attachments associated with the Ordinance along with documents on file with the City of Olympia; and

WHEREAS, this Ordinance is also supported by the professional judgment and experience of the City staff who have worked on this proposal; and

WHEREAS, City Staff are known to the City Council, and staff's curriculum vitae shall be part of the record in support of this Ordinance; and

WHEREAS, this Ordinance is consistent with the comprehensive plan; and

WHEREAS, the Department of Commerce received a copy pursuant to RCW 36.70A.106 on October 3, 2017; and

WHEREAS, a State Environmental Policy Act DNS was issued on November 21, 2017; and

WHEREAS, the amendments contained in this Ordinance are adopted pursuant to Article 11, Section 11, of the Washington State Constitution and any other legal applicable authority;

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

Section 1. Amendment of OMC Chapter 12.20. Olympia Municipal Code Chapter 12.20 is hereby amended to read as follows:

Chapter 12.20
STREET EXCAVATIONS

12.20.000 Chapter Contents

Sections:

12.20.010 Definitions.

12.20.020 Disturbance of public property--Permit required--Emergency excavation.

- 12.20.030 Permit--Application filing requirements.
- 12.20.040 Permit--Conditions of issuance--Contents.
- 12.20.050 Fees for permits.
- 12.20.060 Bond may be required--Insurance requirements --Compliance with state law.
- 12.20.070 Notice for commencement--Notice for inspection.
- 12.20.080 Devices for warning public.
- 12.20.090 Safety provisions to be observed.
- 12.20.100 State safety standards and regulations adopted--Interpretation in case of conflict.
- 12.20.120 Pedestrian and vehicular crossings.
- 12.20.130 Interference with utilities--Protection of apparatus.
- 12.20.140 ~~Protection of other property--Excavations, trees and foliage, sod, topsoil.~~Vacant.
- 12.20.150 Maintenance of postal service.
- 12.20.160 Monuments not to be disturbed without authorization.
- 12.20.170 Damage to existing improvements.
- 12.20.180 Property lines and easement limits.
- 12.20.190 Excavated soil.
- 12.20.200 Fire apparatus to be unimpeded.
- 12.20.210 ~~Provision for water flow~~Vacant.
- 12.20.220 Cleaning area after construction.
- 12.20.230 Snow and ice removal.
- 12.20.240 Sanitary facilities.
- 12.20.250 Pipe trenches.
- 12.20.260 Removal of water from trenches.
- 12.20.270 Excavations through pavement – New pavement cut prohibition – Pavement restoration fee.
- 12.20.280 Tunnels under pavement--Pipe casings.
- 12.20.290 Compacting of backfill.
- 12.20.300 Restoration of roadway surfaces – Temporary and Permanent.
- 12.20.310 Restoration by city engineer upon default.
- 12.20.320 Plans of use of subsurface street space.
- 12.20.330 Location of utilities.
- 12.20.340 Nuisances designated--Abatement.
- 12.20.350 Applicability of chapter to ~~public-private~~ utilities.
- 12.20.365 Violations -- Misdemeanor -- Gross Misdemeanor -- Civil Infraction.

12.20.010 Definitions

The following definitions are provided for the sole purpose of proper interpretation and administration of this chapter:

- A. "City engineer" means the city engineer or his duly authorized representative of the city engineer.

- B. "Construction" or "construct" means constructing, laying, maintaining, testing, operating, extending, renewing, removing, replacing, repairing and using any utility system or portion thereof.
- C. "Distribution system and/or lines" used either in the singular or plural means and includes pipes, conduits, poles and wires, sewer, stormwater and water pipe lines, mains, laterals, feeders, regulators, meters, fixtures, connections and all attachments, appurtenances and appliances necessary and incidental thereto, or in any way appertaining to utilities.
- D. "Maintenance," "maintaining" and/or "maintained" means and includes the relaying, repairing, replacing, examining, testing, inspecting, removing, digging, excavating and restoring operations incidental thereto.
- E. "Permittee" means any person, company, partnership or corporation or its successors and assigns who has applied for or holds a permit from the city to construct, lay, maintain and operate over, across, upon, along and under the present and future streets, alleys, sidewalks, curbs, roads, highways, thoroughfares, parkways, bridges, viaducts, public property, public improvements and other places in the city, a system of pipes, pipelines, water mains, power conduits, underground or overhead wiring, gas mains, laterals, conduits, feeders, regulators, meters, fixtures, connections and attachments, appurtenances and appliances incidental thereto or in any way appertaining thereto.
- F. "Person" means any person, firm, association or corporation.
- G. "Public property" means and includes public right-of-way, streets, alleys, sidewalks, curbs, roads, highways, avenues, thoroughfares, parkways, bridges, viaducts, public grounds, public improvements and other public places within the present and/or future corporate limits of the city.
- H. "Roadway" means a paved, improved street or proper driving portion of a public rights-of-way designed or ordinarily used for vehicular travel.
- I. "Standard Specifications" means the current edition of the Washington State Department of Transportation's Standard Specifications for Road, Bridge and Municipal Construction, including all supplements, appendices, and all subsequent additions.
- I.J. "Utility" or "utility system" means any gas, oil, water, sewer, stormwater, light, power, telephone, telecommunications, television, steam, burglar alarm, distribution system, pipes or pipelines, conduits, poles and wires or other facilities necessary or appertaining thereto, and railroads, both public and private, and whether operating under a franchise or not.

12.20.020 Disturbance of public property –Permit required –Emergency excavation

It is unlawful for any person to place any poles or wires upon or above, or any ducts, conduits or wires below the surface of any public properties, to dig up, break, excavate, tunnel, undermine, cut or in any way obstruct or disturb any public properties in the city, or to fill in, place or leave or deposit in or upon any public

properties any earth, refuse, gravel, rock or other material or thing tending to obstruct, disturb or interfere with the free use of the same for the installation and/or maintenance of a utility system, or portion thereof, or for the purpose of making a utility connection with any premises without having first obtained a permit, or without complying with the provisions of this chapter, or at variance to the terms of any such permit; provided, however, that in case of an emergency arising out of office hours, when an immediate excavation may be necessary for the protection of public or private property, the same shall be reported to the police department, and the necessary excavation may be made upon the express condition that an application be made in the manner provided in this chapter on or before noon of the next following business day.

12.20.030 Permit –Application filing requirements

An application for permit shall be filed in duplicate in the office of the city engineer on such forms as are specified by the city engineer and shall be accompanied by a detailed plan, specifications and profiles of such size and such scale as may be prescribed by the city engineer of pipes or mains and fixtures to be laid or installed underneath public properties, which shall show the centerline of the street or alley, and in relation thereto the position, location and depth of the distribution system, the height of the proposed work, the pipes or mains intended to be laid, the size of the pipes or mains, the location of the manholes leading to the pipes or mains, if any, and the depth of the pipes or mains from the surface, and such other information as he may require. The permittee, its successors and assigns, shall amend the plans, specifications and profiles in accordance with the orders of the city engineer, before the city issues the permit and before the permittee commences construction or the laying of any pipes or mains, or the construction of any overhead utility service. The permittee shall advise the city engineer in writing of the plan of the excavation, obstruction or other thing desired to be done or constructed, the size thereof, the purpose therefor, the public property to be so excavated and/or obstructed, together with a full description of the nature of such work, the name of the person, firm or corporation for whom or which the work is being done. Whenever additional improvements or extensions are made, additional plans, specifications and profiles shall be filed with the city in the same manner as required above. The application shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done and that no openings shall be made or obstruction erected until necessary fittings and materials are available and on hand to complete the work.

Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or until the refill is made ready for the surface to be put on by the city if the city restores such surface. It is unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city engineer. If an extension of time is needed to complete the work beyond the time originally prescribed, a new application for a permit must be filed, and when the application therefor is signed by the city engineer, it shall constitute the permit, provided the bond and insurance is extended for the period of the extension granted.

12.20.040 Permit –Conditions of issuance –Contents

If, after examining such application and map, plans and specifications, the city engineer approves the same and the bond and a workmen's compensation insurance certificate, if required, are filed, he may issue a permit

may be issued therefor. Such permit shall specify the name and location of the public properties in front of, through, over, under or near which such acts are to be performed or done, together with a description of the proposed work or acts to be done under such permit, and the length of time allowed for the completion thereof. The permit shall require the repairing and restoring to as good or better condition and in compliance with the conditions and specifications of this chapter, of whatever portion of the public properties and/or private properties ~~which that~~ may be obstructed, disturbed or affected in any way within a specified time. The acts and work authorized and/or required under such permit shall at all times be under the supervision and control of the city engineer, or persons acting under ~~his the city engineer's~~ direction, but at the expense of the person procuring such permit.

The city engineer may ~~in his discretion~~ defer the granting of the permit provided for above until such time as ~~he deems deemed~~ proper in all cases in which the public properties where the work desired to be done are occupied or about to be occupied in any work by the city or by some other person having a right to use the same in such manner as to render it seriously inconvenient to the public to permit any further obstruction thereof at such time. ~~He The city engineer~~ may in granting such permit so regulate the manner of doing such work as shall cause the least inconvenience to the public in the use of such public properties, and in all cases any work of the city or its contractors or employees shall have precedence over all work of every kind.

12.20.050 Fees for permits

A. Fees for such permits shall be as set forth in Title 4 of this code. The fees as set forth in Title 4 of this code shall apply to excavations made by all private utility companies for utility projects, including natural gas, telephone, power, light and ~~telecable~~telecommunications.

12.20.060 Bond may be required –Insurance requirements –Compliance with the state law

A. Before the issuance of any permit, ~~the city may require the~~ permittee to shall furnish to the city a bond to insure performance of the permittee's obligations under this chapter. The amount of such bond may be varied from time to time in accordance with the size of the project, or may be entirely excused in case of excavations of a minor nature. Such bond shall be in a form to be approved by the city attorney, and with a surety approved, conditioned that the permittee will comply with all the provisions of this chapter, and that ~~he the~~ permittee will keep and save harmless the city from any and all claims, liabilities, judgments, costs, casualties, accidents or damages and expenses arising from any negligence of such permittee on account of any act which ~~he the~~ permittee may do or suffer to be done, or omission of the permittee in the performance of the work under the permit, or which may be done by any of ~~his the city engineer's~~ agents, servants or employees, or which may arise from any ~~his of the city engineer's~~ agents, servants or employees, or which may arise from any negligence of ~~himself, his agent, servants or employees~~ the aforementioned, or in any event in obstructing or in any way disturbing any private or public properties, or by reason of the violation of any of the provisions of this chapter; provided, that the bond shall be required of electric and telephone utilities only when they place wire underground. The permittee shall also indemnify and save harmless the city from all suits and actions of every description brought against the city for or on account of any injuries or damages received or sustained by any person by reason of failure to erect and maintain the required guards, barricades or signals;

provided further, that in case the act or acts permitted under such permit necessitate for any purpose the cutting into or under any public properties in the city, the bond shall be conditioned that the person, firm or corporation applying for and acting under the permit shall replace the portion thereof affected thereby, and shall restore the same at its expense to as good or better condition within the time specified by the city engineer; and further conditioned that the permittee will maintain such public properties so restored for a period of two years from and after such restoration. Settlement within the two-year period mentioned in this section shall be considered conclusive evidence of defective backfilling by the permittee. Acceptance of the work and the release of the same shall not prevent the city from making claim against the permittee for any uncompleted or defective work, if the same is discovered within two years from the date of such release. The fact that an inspector was present during the progress of any construction shall not relieve the permittee from responsibility for defects discovered after completion of the work.

B. The permittee shall also maintain in full force and effect, with an insurance company satisfactory to the city, the following: public liability and property damage insurance meeting the requirements and minimum dollar limits listed in Section 1-07.18 of the Standard Specifications and RCW 48.05.

~~1. Bodily injury liability insurance with limits of one hundred thousand dollars for each person injured by reason of the work for which the permit was issued, and two hundred thousand dollars for each occurrence;~~

~~2. Property damage liability insurance with limits of fifty thousand dollars for each accident.~~

~~C. The permittee shall also comply with all of the workmen's compensation and safety laws of the state as the same now exist or may be hereafter amended, and shall file a workmen's compensation insurance certificate with the city engineer when the permit is issued; provided, however, if the permittee hires no personnel, such requirement may be waived.~~

12.20.070 Notice of commencement –Notice for inspection

~~A. The permit shall be issued in duplicate, and the city engineer shall notify the fire department, police department, the city clerk-treasurer, the traffic engineer, the water superintendent, the building superintendent and the street superintendent that such permit is on file in the city engineer's office.~~

~~B. The permittee shall give a minimum twenty-four hour ~~written~~ notice to the city engineer, requesting an inspection of the permitted work using the City's permit management software, before it makes any opening in public properties for installations in excess of one hundred feet and two hours' notice of any other openings in public property. Before it commences to backfill any opening of public properties, it shall give two-hour notice to the city engineer and obtain his approval.~~

~~C. The permittee shall give written notice of the opening and backfilling of public properties to any corporation whose pipes, poles, mains or conduits are laid in the street, if it knows of their existence, and that they will be disturbed by such excavation at least twenty-four hours before commencing the same, and shall at~~

his expense replace and pack the earth wherever the same shall have been removed, loosened or disturbed under or around them, so that they will be well and substantially supported.

D.—When any work done under a permit issued by the public works director is completed and ready for inspection, the person to whom the permit has been issued shall, within twenty-four hours after completion of the work, notify the public works director in writing that the same has been completed and is ready for inspection, and the public works director shall cause the work to be inspected within a reasonable time thereafter. Any delay in giving written notice to the officials as required herein shall render the permittee liable to a penalty as set forth in Title 4 of this code, and he ~~the~~ permittee shall also be liable for all damages done or suffered by the city or any person, firm or corporation caused by such delay, and the bond provided for in this chapter shall stand as security for such penalty and damages.

12.20.080 Devices for warning public

In case any public property shall be dug up, excavated, undermined, cut, disturbed, or obstructed, or any obstruction placed thereon, the persons, firm, or corporation causing the same shall erect, and so long as the condition exists, and any danger may continue, maintain around such portion of the public properties a good and sufficient barrier, watchman, guards, barricades, signals, signing, such as Construction, No Parking, Street Closed, and Detour, lighting, and such other safeguards as may be required, at all unsafe places on the work at his own expense to protect persons and property from injury, all of which shall be approved by the city engineer. He shall also cause to be maintained securely and conspicuously posted, during every night from sunset to daylight, around and at each end of such obstruction, a lighted lantern or lamp wherever necessary showing a red light or approved red flasher light, flares, or flare pots at his own expense. If the excavation is ten feet or less long, one such light or flare shall be so maintained; if it is over ten feet long but less than fifty feet long, three such light or flares shall be so maintained, with one at each end of it; and for excavations longer than fifty feet, such lights or flares shall be maintained on every twenty-five feet or part thereof for longitudinal cuts, but such lights or flares shall be maintained at six-foot intervals for transverse cuts; provided, that during the nighttime or during the daytime when, due to climatic or other causes, the visibility is less than one hundred fifty feet on twenty-five mile per hour streets and three hundred feet on thirty-five mile per hour streets, the permittee shall maintain sufficient red lights to warn of the barricaded excavation. The permittee shall provide adequate warning signs and devices in a position of maximum effectiveness. The minimum requirement for warning signs when necessary shall be a set of advance warning signs placed on all primary approaches to the work, at a minimum distance of four hundred feet, but as required by best visibility; sufficient signs and markers in the immediate vicinity of the job shall also be maintained.

Red flags shall be placed around at each end of obstructions at intervals of not more than sixty feet along the entire course of the excavation. Special care shall be exercised to prevent vehicles, pedestrians, and livestock from falling into open trenches or being otherwise harmed as a result of the work. Wherever in the course of the work temporary fences are required either for the protection of livestock or any other reason, it shall be the permittee's responsibility to provide the material and construct such fences in a manner satisfactory to the city engineer. Upon completion of the work, fences so constructed shall be removed by the permittee.

~~Whenever public properties are to be closed to traffic for a definite length of time or for a period of time as directed by the city engineer, the permittee shall completely barricade each of the public properties leading to the improvement with barriers. It is unlawful for any person to tamper with lawfully erected barricades, signs, signals, lights, flares, or flare pots where they are erected as required by this chapter. adhere to all the requirements set forth in Section 1-10, Temporary Traffic Control, of the Standard Specifications.~~

12.20.090 Safety provisions to be observed

Precaution shall be exercised at all times for the protection of persons (including employees) and property. All safety provisions of applicable state laws, standards, and rules and regulations and city ordinances, including building and construction codes as hereafter revised and/or amended shall be observed.

12.20.100 State safety standards and regulations adopted –Interpretation in case of conflict

The following are adopted by reference: The Safety Standards and Rules and Regulations of the State Department of Labor and Industries, as existing as of the date of the ordinance codified in this chapter; provided, however, that in the event any of the provisions of this chapter conflict with any other provisions of this chapter, with any other ordinances of the city, with the standards embodied in state and federal laws and rules and regulations, the provisions containing the highest standards shall be observed.

12.20.120 Pedestrian and vehicular crossings

~~A.—The permittee shall construct and maintain adequate and safe crossings over excavations and across public properties under improvement to accommodate vehicular and pedestrian traffic at all street intersections and wherever a trench crosses a roadway.~~

~~B.—Vehicular crossings shall be constructed and maintained of plank, timbers, and blocking of adequate size to accommodate vehicular traffic safely. Decking shall be not less than four inches thick and shall be securely fastened together with heavy wire and staples. The top surface of such decking shall not be above the level of the adjacent roadway.~~

~~C.—Pedestrian crossings shall consist of planking three inches thick, twelve inches wide and of length required, together with necessary blocking. The walk shall be not less than four feet in width and shall be provided with a railing, if required by the city engineer. To address pedestrian, vehicle and bicycle safety to, through and adjacent to the work zone, the permittee shall adhere to all the requirements set forth in Section 1-10 of the Standard Specifications.~~

12.20.130 Interference with utilities –Protection of apparatus

A. The permittee shall not interfere with any existing utility without the consent of the city engineer and the utility involved. If it becomes necessary to move an existing utility, this shall be done by the utility charged with the operation of the same, at the expense of the permittee. Whenever the permittee's existing utility, occupying space in the street, interferes with the actual construction of any public improvement, such utility

shall be moved by the permittee; provided, that no utility, either publicly or privately owned, shall be moved to accommodate the permittee unless the cost of such work is borne by the permittee.

B. The permittee shall, at its expense, sustain, secure, support, and protect ~~by timbers or otherwise,~~ all pipes, mains, conduits, poles, wires, or other apparatus from injury which may be in any way affected by the work, and do everything necessary to support, sustain, and protect the same, under, over, along, or across the work. In case any of the pipes, conduits, poles, wires, or apparatus should be damaged, they shall be repaired by the authorities having control of the same, and the expense of such repairs shall be charged to the permittee and its bond shall be liable therefor.

C. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipe, sewer, gas pipe, electric conduit, or other utility and its bond shall be liable therefor.

D. The permittee shall inform itself as to the existence and location of any underground utilities and protect the same against damage.

12.20.140 ~~Protection of other property—Excavations, trees and foliage, sod, topsoil~~Vacant

~~A.—The permittee shall erect and maintain suitable timber bulkheads to confine earth from trenches or other excavations in order to encroach upon public properties as little as possible. The permittee shall, at its own expense, shore up and protect all buildings, walls, fences, or other property likely to be damaged during the progress of the work, and shall be held responsible for all damage to public or private property, streets, or improvements resulting from its neglect to exercise proper protection in the prosecution of the work.~~

~~B.—It is unlawful for any person other than a duly authorized officer or employee of the city, or a person holding a permit from the city engineer, to dig up, or in any manner injure or destroy any tree, flower, foliage, flowering plant, foliage plant, or shrubbery, in any public properties.~~

~~C.—Whenever it may be necessary for the permittee to trench through any lawn area, the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as provided in this chapter. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as near as possible to that which existed before work began.~~

~~D.—The permittee shall not remove, even temporarily, any trees or shrubs which exist in parking strip areas or easements across private property without first having notified the property owners, or, in the case of public properties, the authorities maintaining the same.~~

~~E.—When required by the city engineer, existing topsoil shall be carefully removed to the depth ordered by the city engineer and shall be piled in such a place and in such a manner that it will not become mixed with other soil, and upon completion of the remainder of the backfilling shall be replaced in its original position in a manner satisfactory to the city engineer. In the event an embankment resulting from required pipe covering~~

~~should be constructed through the area, such embankment shall be covered with top soil the same as the rest of the area.~~

12.20.150 Maintenance of postal service

Postal service shall be maintained in accordance with the instructions of the United States ~~Post Office~~ Department Postal Service. The permittee shall be responsible for moving mail boxes to temporary locations designated by the ~~Post Office Department~~ Postal Service, and upon completion of the work he shall replace them as directed. The permittee shall contact the United States ~~Post Office Department~~ Postal Service to determine its requirements with respect to the maintenance of postal service and shall comply with these requirements.

12.20.160 Monuments not to be disturbed without authorization

The permittee shall ~~not disturb~~ protect any survey monuments or hubs found ~~on the line of the improvements until authorized to do so by the city engineer. An additional penalty of twenty five dollars shall be imposed for any monument or hub disturbed without such authorization~~ within or adjacent to the work zone. If a monument must be moved or otherwise disturbed during the course of the permitted work, the permittee shall follow the procedures detailed in Chapter 4 of the Engineering Design and Development Standards.

12.20.170 Damage to existing improvements

All damage done to existing improvements during the progress of such work shall be repaired by the permittee. Materials for such repair shall conform to the requirements of applicable ordinances. If, upon being ordered, the permittee fails to furnish the necessary labor and materials for such repairs, the city engineer may cause the necessary labor and materials to be furnished by other parties, and the cost thereof shall be charged against the permittee, which shall be liable on its bond therefor.

12.20.180 Property lines and easement limits

Property lines and limits of easements shall be indicated on the plans, and it shall be the permittee's responsibility to confine its construction activities within these limits. Any damage resulting from trespassing beyond these limits shall be the sole responsibility of the permittee.

12.20.190 Excavated soil

~~In all trenches four feet or more in depth, all material excavated therefrom and piled adjacent to the trench, or in public properties shall be piled and maintained in such a manner that the toe of the slope of the excavated material is at least eighteen inches from the edge of the trench. It shall also be piled so that as little inconvenience as possible is caused to public travel and shall be placed so as not to interfere with the flow of water as provided for in this chapter. When the confines of the area through which pipes are to be laid are too narrow to permit the piling of excavated material beside the trench, such as might be the case in an alley, the permittee may be required to haul excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make~~

~~all necessary arrangements for all storage and disposal sites required. Any excavated soil in the right of way or work zone, if not immediately removed from the site, shall be stored in a manner consistent with the requirements in the City's Drainage Design and Erosion Control Manual.~~

12.20.200 Fire apparatus to be unimpeded

The work shall be conducted so as not to interfere with access to fire stations, fire hydrants, and water ~~gates~~system valves. Material or obstructions shall not be placed within fifteen feet of fire plugs. Passageways leading to fire escapes or firefighting equipment shall be kept free of material piles or other obstructions.

12.20.210 ~~Provision for water flow~~Vacant

~~The permittee shall provide for the flow of all watercourses, sewers, or drains, intercepted during the progress of the work, and shall replace the same in as good condition as it found them or shall make such final provisions for them as the city engineer may direct. The permittee shall not obstruct the gutter of any street, but shall use all proper measures to provide for the free passage of surface water. The permittee shall make provision to take care of all surplus water, mud, silt, slickings, or other runoff pumped from excavations or resulting from sluicing or other operations, and shall be responsible for any damage resulting from his failure so to provide.~~

12.20.220 Cleaning area after construction

As the construction or maintenance work progresses, all public properties, and private property shall be thoroughly cleaned of all rubbish, excess earth, rock, and other debris resulting from the work of construction. Cleaning up the location of such properties or property shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the city engineer before final acceptance of the work. From time to time, as may be ordered by the city engineer, and in any event immediately after completion of the work, the permittee shall, at its own expense, clean up and remove all refuse and unused materials of any kind resulting from the work, and upon failure to do so within twenty-four hours after having been notified to do so by the city engineer, the work may be done by the city and the cost thereof charged to the permittee, and the permittee's bond shall be liable for the cost thereof.

12.20.230 Snow and ice removal

The permittee must also remove, within twenty-four hours, all snow and ice that may fall or form within the barricade, or, in case there is no barricade, the permittee shall remove all snow and ice upon the street within five feet upon either side of the opening, and keep such space free from snow and ice until the opening is properly refilled, unless otherwise directed by the city engineer.

12.20.240 Sanitary facilities

The permittee shall provide and maintain the work site in a neat and sanitary condition ~~such accommodations for the use of his employees as may be necessary to comply with the requirements and regulations of the city,~~

county, or district health department as the case might be. It shall permit no public nuisance, per Section 1-07 of the Standard Specifications.

12.20.250 Pipe trenches

A. ~~In all cases, trenches must be of sufficient width to permit the proper jointing of the pipe. The trenches shall be at least six inches wider on each side, or a total width of twelve inches more than the exterior diameter of the pipe, except where pipes are of four inches in diameter or under. If rock is excavated, it shall be removed to a depth of six inches below the bottom so the trench can be refilled with sand or noncorrosive soil and well tamped. Excavation for manholes and other structures shall be sufficient to leave at least twelve inches between their outer surfaces and the sides of the excavation.~~

B. ~~Except by special permission from the city engineer, no trench shall be excavated more than three hundred feet in advance of pipe laying, nor left unfilled for more than seven hundred feet where pipe has been laid. The length of the trench that may be opened at any one time shall not be greater than the length of pipe and the necessary accessories which are available to the side ready to put in place. The completed trench shall be kept not less than thirty feet ahead of the pipe layers.~~

C. ~~Trenches over four feet deep shall be braced and sheathed according to the standards and rules and regulations of the State Department of Labor and Industries, and as hereafter amended, to protect the workmen and the general public, as well as public and/or private property. No timber bracing, lagging, sheathing, or other lumber shall be left in any trench. All pipe installation shall meet the requirements stated in Section 7-08, General Pipe Installation Requirements, of the Standard Specifications.~~

12.20.260 Removal of water from trenches

~~The permittee shall pump, bail, or otherwise remove any water which accumulates in the trenches. It shall perform all work necessary to keep the trenches clear of water while the foundations and the masonry are being constructed or the pipe laid. Unless otherwise specifically permitted by the city engineer, water, either from surface or subsurface origin, will not be permitted in the trenches at any time during construction and until backfilling over the top of the pipe has been completed; nor will the groundwater level in the trench be permitted to rise above an elevation of six inches below the pipe. Dewatering trenches, when required or necessary to complete the work, may shall be accomplished in any a manner the permittee desires, provided the chosen method has the approval of approved by the city engineer. Disposal of water removed from the trench may require a pretreatment permit, as outlined in Chapter 13.20 OMC. Any damage resulting from the failure of the chosen method to operate properly, however, shall be the responsibility of the permittee, and shall be repaired in a manner satisfactory to the city engineer at the permittee's expense.~~

12.20.270 Excavations through pavement – New pavement cut prohibition – Pavement restoration fee

~~Whenever it is necessary to break through existing pavement for the purpose of constructing service facilities, and where trenches are to be four feet or over in depth, the pavement and the base shall be removed to at~~

~~least six inches beyond the outer limits of the subgrade that is to be disturbed in order to prevent settlement, and a six-inch shoulder of undisturbed material shall be provided on each side of the excavated trench. The face of the remaining pavement shall be approximately vertical. A power-driven concrete saw shall be used to cut a kerf sufficient to permit complete breakage of pavement or base without ragged edges. Asphalt paving shall be scored or otherwise cut. No pile driver may be used in breaking up the pavement.~~

A. Whenever it is necessary to break through existing pavement, the pavement shall be restored in accordance with Chapter 4 of the Engineering Design and Development Standards.

B. Excavations, including but not limited to potholing, windows for borings, trench cuts, etc., are not permitted in New Pavement, except as approved by the Public Works Director or his/her designee as required in the Engineering Design and Development Standards under Pavement Restoration. New Pavement is defined as pavement that was constructed or rehabilitated – including asphalt overlays, concrete overlays, and chip sealing, but excluding crack sealing – within the previous five-year period. The five-year period is determined using the date of drawing acceptance by the City Surveyor.

C. When a pavement cut into New Pavement is approved by the Public Works Director or his/her designee, or occurs without such required approval, a pavement restoration fee, in addition to the fees prescribed in this chapter, shall apply. This additional pavement restoration fee shall be assessed per square foot or portion thereof required to restore the pavement pursuant to Chapter 4 of the Engineering Design and Development Standards.

12.20.280 Tunnels under pavement –Pipe casings

Tunnels under pavement shall not be permitted except by permission of the city engineer, and, if permitted, shall be adequately supported by timbering and backfilling under the direction of the city engineer. Where possible, the pipe shall be driven through, or bored under, a roadway, except sidewalks, in a casing of sufficient strength, which casing shall be left in place with the ends closed around the pipe.

12.20.290 Compacting of backfill

~~Backfilling in all public streets and improved areas, both public and private, shall be compacted to a degree equivalent to that of the undisturbed ground in which the trench was dug. Compacting shall be done by mechanical tampers or vibrators, by rolling in layers, or by water settling, as required by the soil in question. The decision as to whether a trench shall be water settled or not shall be made by the city engineer. When water is taken from a fire hydrant, the permittee shall assign one man to operate the hydrant and shall make certain that such man has been instructed by the water department in the operation of the hydrant. The water department shall likewise be notified at both the beginning and end of the job so that the condition of the fire hydrants can be checked on both occasions. Any damage done to the hydrants during the operation shall be the responsibility of the permittee. Water shall be paid for by the permittee on the terms agreed upon with the water department in a manner consistent with Section 7-08 of the Standard Specifications.~~

A.—When backfilling is done by water settling, excavations above utility installations shall be deposited uniformly in layers of not more than five feet in thickness and shall be thoroughly flooded. During the flooding, the water shall be allowed to flow slowly to the trench from high points and shall be worked down to the full depth of the layer of backfill with bars or pipe nozzles. All bars or pipe nozzles used shall be such as to obtain full penetration of each backfill layer, and shall be forced down through the loose backfill material. As the bars or pipe nozzles are withdrawn, the water shall be allowed to flow downward. The channel or hole formed shall be kept open and the water kept running into it until the fill has settled. Sufficient hose shall be provided in order to apply water to the trench at intervals of not to exceed one hundred feet. All work shall be done in such a manner as to obtain a relative compaction throughout the entire depth of the backfill of not less than that which exists adjacent to the excavation.

B.—Backfilling up to the first eighteen inches above the top of utility pipes or similar installations shall be done with thin layers; each is to be tamped by manual or mechanical means. Layers that are hand-tamped shall not exceed four inches in thickness; layers that are power-tamped shall not exceed six inches in thickness. These same requirements shall apply to the remainder of the backfilling if tamping is the method used for backfilling. Backfilling of all pipes of over twenty-four inches in diameter shall be carried up to the spring line of the pipe in three-inch layers, with each layer moistened and thoroughly tamped with suitable mechanical equipment. The backfill around all pipes twenty-four inches or less in diameter shall be flooded or tamped as specified above to a depth of eighteen inches above the top of the pipe, before any additional backfilling is placed thereon.

C.—Wherever excavation is made through rock, pipe shall be laid six inches above the rock bottom of trench and the space under, around, and six inches above the pipe, and, in the case of gas, pipe shall be backfilled with clean river sand, noncorrosive soil, or gravel meeting the following grading requirement:

- 1.—Passing one-half inch square opening, one hundred percent;
- 2.—Passing one-fourth inch square opening, fifty percent

With respect to other than gas utilities, backfill material shall be of such quality as is approved by the city engineer. Broken pavement, large stones, roots, and other debris shall not be used in the backfill.

D.—Backfilling shall be completed by placing the material well up over the top of the trench or, in the case of concurrent street construction, to the grade of bottom of ballast, and for dry backfilling, by rolling with a roller of an approved type or with the rear of a truck carrying at least five tons, until the surface is unyielding. The surface shall then be graded as required. When a pipeline is laid at an elevation below the groundwater level, extreme care shall be exercised, upon completion of the line, not to allow the groundwater to rise in the trench for settlement or other purposes until sufficient backfill has been placed over the pipe to prevent the pipe from floating.

E.—Any excess material resulting from trench excavation shall be disposed of by the permittee at his own expense in a manner satisfactory to the city engineer. Such excess material shall be deposited on private

property abutting the portion of the public properties from which it was excavated, if so requested by the abutting property owner involved.

12.20.300 Restoration of roadway surfaces – Temporary and Permanent

The permittee shall restore the surface of all roadways to their original condition in accordance with the specifications of the city engineer, streets as specified in Chapter 4 of the Engineering Design and Development Standards. This includes temporary restoration using hot mix asphalt, cold asphalt patching material or steel plates.

The permittee may be required to place a temporary surface over openings made in paved traffic lanes. Except when the pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom on the paving slab shall be made with suitable material well tamped into place. This gravel shall be topped with a minimum of at least one inch of bituminous mixture which is suitable to maintain the opening in good condition until permanent restoration can be made. The crown of the temporary restoration shall not exceed one inch above the adjoining surface. The permittee must exercise special care in making temporary restorations and must maintain such restorations in safe travelable condition until such time as permanent restorations are made. The asphalt which is used in the bituminous mixture for pavement herein required, shall be in accordance with the specifications of the city engineer.

12.20.310 Restoration by city engineer upon default

If the permittee has failed in a timely manner to properly install pipe and/or other structures, and/or restore the surface of the public properties to their original and proper condition upon the expiration of the time fixed by such permit or upon the completion of the work allowed to be done under such permits required in the Standard Specifications and Engineering Design and Development Standards, the city engineer shall, if he deems it advisable, have the right to do all work and things necessary to do so. The permittee shall be liable for the expense thereof upon the bond filed at the time of granting the permit, and the city shall have a cause of action for all fees, expenses, and amounts paid out upon such work; provided, that in any case, it shall be the duty of the permittee to guarantee and maintain the area disturbed for two years after returning it to its original condition; provided further, that if in the judgment of the city engineer it is not expedient to relay the pavement over any cut or excavation made in any public properties upon the completion of the work allowed under such permit, by reason of the looseness of the earth or weather conditions, he may direct the permittee to lay a temporary pavement of wood or other suitable material designated by him over such cut or excavation, to remain until such time as the repair of the original pavement may be properly made, and in case of the failure of the permittee to commence in good faith the relaying of such temporary pavement within five days after the date of such notice, the city engineer may lay such temporary pavement himself and collect the cost thereof from the permittee in the manner provided for in this chapter.

12.20.320 Plans of use of subsurface street space

Users of subsurface street space shall maintain accurate drawings, plans, and profiles showing the location and character of all underground structures, including abandoned installations. Corrected maps shall be filed with the city engineer periodically, but at least every ninety days after new installations are made.

12.20.330 Location of utilities

All utilities shall be located in accordance with the ~~city ordinance applicable thereto, or if there is no such ordinance, at locations as directed by the city engineer~~ City Engineering Design and Development Standards.

12.20.340 Nuisances designated –Abatement

If any person erects a structure upon, makes excavations in, or places material upon, public properties, or allows or permits any earth, rock, stones, trees, logs, stumps, or other substances to cave, fall, crumble, slide, accumulate, or be otherwise deposited, or having been so deposited, to be or remain upon any public properties, without a permit therefor having been first obtained, as provided for in this chapter, shall be deemed to have created a public nuisance. In addition to the penalties provided for violation of this chapter, such a nuisance shall be abated with, or without, action, and such other proceedings shall be taken with respect thereto as are authorized by law and the ordinances of the city for the prevention, abatement, and punishment of nuisances; and it shall be no defense to any prosecution or proceeding under this section that the person violating the same has a franchise to use or occupy such public properties.

12.20.350 Applicability of chapter to ~~public-private~~ utilities

With respect to ~~public-private~~ utilities operating under franchise, master permit, right of way use authorization, or lease agreement from the city, this chapter shall apply only to those activities which involve the disturbance of the surface of, or the doing of any underground work in public property.

12.20.365 Violations -- Misdemeanor -- Gross Misdemeanor -- Civil Infraction

A. Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this chapter shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.

B. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:stated in OMC Chapter 4.50, Civil Infractions.

1. ~~First offense: Class 3 (\$50), not including statutory assessments.~~
2. ~~Second offense arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments.~~
3. ~~Third offense arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.~~

See also OMC Chapter 4.44, Uniform Code Enforcement.

Section 2. Amendment of OMC Chapter 17.48. Olympia Municipal Code Chapter 17.48 is hereby amended to read as follows:

**Chapter 17.48
DESIGN STANDARDS**

17.48.000 Chapter Contents

Sections:

- 17.48.010 Compliance with standards required.
- 17.48.020 Streets.
- 17.48.030 Stormwater drainage.
- 17.48.040 Trees.

17.48.010 Compliance with standards required

The public use and interest shall be deemed to require compliance with the standards of this chapter as a minimum, unless a variance is specifically approved by the hearing examiner and/or the council during the preliminary plat, short plat or large lot plat approval process.

17.48.020 Streets

A. Access to Streets. All developments shall be served by an opened, constructed and maintained street to which the street system within the development must connect.

B. Street Standards. All streets shall be designed and constructed in conformance with the most currently adopted "~~Development Standards for the City of Olympia~~Engineering Design and Development Standards", Chapter 12.02, in effect as of the date of filing and be approved by the Public Works Department.

C. Sidewalk Standards. Sidewalks and/or walkways shall be provided in accordance with the adopted "~~Development Standards for the City of Olympia~~Engineering Design and Development Standards" in effect as of the date of filing and be approved by the Public Works Department.

D. Street Signs. Street signs shall be specified by the Public Works Department.

E. Landscaping Within Street Rights-of-Way. A developer proposing landscaped areas within city rights-of-way shall submit a landscape design plat-plan to the Public Works Department for approval. Further, the landscape design plan shall also be reviewed by the Fire Department to insure that fire apparatus access is not impeded by planned landscaping within city rights-of-way. If approved, the final plat or plan for such development shall contain a covenant that such areas shall be maintained by the developer and his successor and may be reduced or eliminated if deemed necessary for or detrimental to city street purposes and/or fire apparatus access.

F. Street Lighting. Street lighting shall be provided in accordance with the adopted "~~Development Standards for the City of Olympia~~Engineering Design and Development Standards."

17.48.030 Stormwater drainage

The ~~subdivider development~~ shall provide for the storage, treatment, and/or disposal of surface drainage through a stormwater drainage-system approved by the department of public works. The stormwater drainage system shall comply with requirements of the latest edition of the Drainage Design and Erosion Control Manual for Olympia.

17.48.040 Trees

No trees shall be removed in the development of the subdivision except as provided in an approved tree protection and replacement plan. All trees on individual building lots shall be retained until such time as plans are submitted for a building permit and approved as to specific location of building pads, drives and other aspects of land development. An exception to this regulation can be made if the applicant submits and the city approves a tree protection and replacement plan pursuant to Chapter 16.60 of this code.

Section 3. Amendment of OMC Chapter 18.38. Olympia Municipal Code Chapter 18.38 is hereby amended to read as follows:

Chapter 18.38 PARKING AND LOADING

18.38.000 Chapter Contents

Sections:

- 18.38.020 Purpose.
- 18.38.040 Applicability.
- 18.38.060 Parking and loading general regulations.
- 18.38.080 Administrative modifications.
- 18.38.100 Vehicular and bicycle parking standards.
- 18.38.120 Handicapped parking requirements.
- 18.38.140 Loading berths required.
- 18.38.160 Specific zone district requirements.

- 18.38.180 Shared parking facility.
- 18.38.200 Parking facility location.
- 18.38.220 Design standards-General.
- 18.38.240 District design standards.

18.38.020 Purpose

The objectives of this chapter are:

- A. To provide accessible, attractive, well-maintained and screened off-street parking facilities;
- B. To reduce traffic congestion and hazards;
- C. To protect neighborhoods from the unwanted effects of vehicular traffic generated by adjacent non-residential land use districts;
- D. To assure the maneuverability of emergency vehicles;
- E. To provide aesthetically pleasing parking facilities in proportion to individual land use needs;
- F. To implement comprehensive plan transportation demand management policies, thereby lowering single occupancy vehicle trip;
- G. To reduce impervious parking surface through shared parking and median parking ratios;
- H. To define median parking ratios and to allow a reduction or increase in parking ratios using an administrative variance;
- I. To allow for more intense commercial development within predefined areas.

18.38.040 Applicability

Unless specifically exempted, every land use shall have permanently maintained off-street parking facilities pursuant to the following regulations.

18.38.060 Parking and loading general regulations

- A. Off-street parking and loading spaces shall be provided in accordance with the provisions of this chapter when any of the following actions occur. These provisions apply to all uses and structures in all land use districts unless otherwise specified.
 - 1. When a main or accessory building is erected.
 - 2. When a main or accessory building is relocated or expanded.

3. When a use is changed to one requiring more or less parking or loading spaces. This also includes all occupied accessory structures.

4. When the number of stalls in an existing parking lot is decreased or increased by twenty-five (25) percent or 6 stalls, whichever is less. Only those stalls and areas proposed to be added or removed shall be subject to the provisions of this Chapter. (Note: proposed expansions of existing parking lots not subject to the minimum parking requirements of this Chapter).

B. Required Plans. Building permits shall not be approved unless there is a building plan and plot plan identifying parking, pedestrian routes, and loading facilities in accordance with this chapter. No permit or city license shall be issued unless there is proof that required parking, pedestrian routes, and loading facilities have been or are currently provided in accordance with the provisions of this chapter.

C. Unlawful Removal. It is unlawful to discontinue prior approved parking facilities without establishing alternate facilities that meet the requirements of this chapter. Parking and loading facilities which are adequate to meet the requirements contained in this chapter shall be provided and maintained as long as the use they serve is in existence. These facilities shall not be reduced in total unless a shared parking agreement is canceled, a change in occupancy or use of a premises has occurred which results in a reduction of required parking.

D. Use of Facility. Necessary precautions shall be taken by the property owner to ensure parking and loading facilities are only used by tenants, employees, social/business visitors or other persons for which the facilities are provided, to include shared parking.

E. Off-site Parking. Parking lots may be established as a separate and primary land use, provided the proposed parking lot exclusively serves a specific use, building or development, and shared parking. These parking lots require a conditional use permit in the Arterial Commercial district. (See 18.38.200, Parking Facility Location, for maximum off-site separation requirements.)

F. For Landscape Requirements refer to Chapter 18.36

G. Off-Street Parking--Schedule of Spaces. Off-street parking spaces shall be provided to the extent allowed by this Chapter.

H. Unlisted Uses. Any use clearly similar to any of the below-mentioned uses shall meet such use requirements. If a similarity of use is not apparent or no specific requirement is listed below, the Director may require a parking demand study and shall determine the standards that should be applied to the use in question.

I. Shared Parking. The Director may require an applicant to provide proof that shared parking is infeasible when adjacent land uses or business hours of operation are different. Adjoining property owners will submit a

joint letter explaining why an agreement can or cannot be reached. (See Section 18.38.180, Shared and Combined Parking Facilities.)

J. On-Street Credit – Non-Residential. Upon the applicant’s request, non-residential uses located adjacent to a public right-of-way where on-street parking is permitted shall receive credit for one off-street parking space for each twenty (20) linear feet of abutting right-of-way, exclusive only of curb cuts and regardless of the actual and particular on-street parking provisions.

K. Rounding of Fractions. When the number of required parking spaces for a particular use or building results in a fractional space, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or over shall be counted as one (1) space.

18.38.080 Administrative modifications

A. Project applicants may request an administrative modification to increase or decrease the number of parking spaces for motor vehicles, bicycles and loading otherwise required by this chapter. No modification is required to increase or decrease the number of required spaces by up to ten percent. Modifications greater than forty percent may only be granted by the Hearing Examiner and only pursuant to the criteria of OMC Chapter 18.66.

B. Administrative Modifications. A modification to increase or decrease the number of required parking spaces within the range of ten percent to forty percent shall be considered by the Director at the request of the project applicant. The project applicant shall present any modification request including application fee, and any evidence and reports, prior to any final, discretionary approvals, such as land use approval, environmental review, or construction permits.

1. The general criteria for an administrative modification request are:
 - a. Modification requests may be granted based on the effectiveness of proposed transportation demand management strategies, significance and magnitude of the proposed modification, and compliance with this chapter.
 - b. Modification requests may be denied or altered if the Director has reason to believe based on experience and existing development practices that the proposed modification may lead to excessive or inadequate parking or may inhibit or prevent regular and intended functions of either the proposed or existing use, or adjacent uses.
2. Submittal Requirements. A report shall be submitted by the applicant providing the basis for more or less parking and must include the following:
 - a. For modification requests of up to twenty percent:

- i. Describe site and use characteristics, specifically:
 - (A) Site accessibility and proximity to transit infrastructure and transit times;
 - (B) Site accessibility and proximity to bicycle and pedestrian infrastructure;
 - (C) Shared and combined parking opportunities; and
 - (D) Employee or customer density and transportation usage and patterns.
 - ii. Describe and demonstrate alternative transportation strategies such as carpooling, flexible work schedules, telecommuting, or parking fees, if used;
 - iii. Demonstrate compliance with commute trip reduction measures as required by state law, if applicable;
 - iv. Identify possible negative effects on adjacent uses and mitigation strategies, if applicable; and
- b. For modification requests greater than twenty percent and up to forty percent:
 - i. Provide the contents of a twenty percent or less request;
 - ii. If increasing, provide a parking demand study prepared by a transportation engineer licensed in the state of Washington, which supports the need for more parking; or
 - iii. If decreasing, show that the site is or within six months of occupancy will be within a one-quarter-mile walk to transit service verified by Intercity Transit, and that the site is more than 300 feet from a single-family residential zone.

3. To mitigate the need for motor vehicle parking or to minimize hard surfaces, the Director may require measures, such as more efficient parking geometrics and enhanced bicycle parking and pedestrian amenities. As a condition of approval of any increase in motor vehicle parking, at minimum the Director shall require the compliance with the provisions below. Any exceptions shall be based on site and project constraints identified and described in the approval.

- a. Double the amount of required interior landscaping for that area of additional parking. This additional area may be dispersed throughout the parking area. Fifty (50) percent of this requirement may be in the form of parking spaces surfaced with a driveable planted pervious surface, such as 'grasscrete' or 'turfblock.'

b. Without unduly compromising other objectives of this Chapter, ninety (90) percent of the parking area shall be located behind a building. Any parking area along a flanking street shall have added landscaping and a superior design to strengthen pedestrian qualities, such as low walls, arcades, seating areas, and public art.

c. Any preferential parking shall be located near primary building entrances for employees who ride-share.

d. In locations where bus service is provided, the applicant shall install a transit shelter meeting Intercity Transit standards if none is available within six hundred (600) feet of the middle of the property abutting the right-of-way. Alternative improvements may be accepted if supported by Intercity Transit's Director.

4. Public Notification and Appeals. Property owners within three hundred (300) feet of a site shall be notified by mail of modification within 14 days of receipt of any request to increase or decrease parking by twenty-one (21) to forty (40) percent. Written notice of the Director's decision shall be provided to the applicant and all interested parties of record. Administrative modification decisions may be appealed pursuant to OMC Chapter 18.75.

18.38.100 Vehicular and bicycle parking standards

A. Required Vehicular and Bicycle Parking. A minimum number of bicycle parking spaces are required as set forth in Table 38-01 below. The specific number of motor vehicle parking spaces set forth in Table 38-01 +/- ten percent (10%) shall be provided, unless varied pursuant to OMC 18.38.080 or other provision of this code. Any change in use which requires more parking shall install vehicular and bicycle facilities pursuant to Table 38.01 and consistent with the location standards of OMC 18.38.220.

B. Building Area. All vehicle parking standards are based on the gross square feet of building area, unless otherwise noted.

C. Residential Exceptions.

1. New residential land uses in the Downtown Exempt Parking Area do not require motor vehicle parking. See OMC 18.38.160.

2. Residential land uses in the CSH, RMH, RMU, and UR Districts require only one (1) vehicle parking space per unit.

3. Table 38.01 notwithstanding, senior (age 55 or 62 and over) multi-family housing requires three (3) motor vehicle parking spaces per four (4) units. This exception is at the discretion of the applicant and only applicable if an appropriate age-restriction covenant is recorded.

D. Reserved Area for Bicycle Spaces. Where specified in Table 38.01 below, an area shall be designated for possible conversion to bicycle parking. Such reserve areas must meet the location requirements of short-term parking and may not be areas where pervious surfaces or landscaping is required. A cover is not required for such areas.

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
COMMERCIAL			
Carpet and Furniture Showrooms	One and one-quarter (1.25) space per one thousand (1000) sq. ft. of gross showroom floor area. Each store shall have a minimum of four (4) spaces.	One per sixteen thousand (16,000) square feet of showroom floor area. Minimum of two (2).	One per eight thousand (8,000) square feet of showroom floor area. Minimum of two (2).
Child and Adult Day Care	One (1) space for each staff member plus 1 space for each ten (10) children/adults if adequate drop-off facilities are provided. Adequate drop-off facilities must allow a continuous flow of vehicles which can safely load and unload children/adults. Compliance with this requirement shall be determined by the review authority.		
Hotel and Motel	One (1) space for each room or suite and one (1) space per manager's unit. Hotel/motel banquet and meeting rooms shall provide six (6) spaces for each thousand (1000) square feet of seating area. Restaurants are figured separately.	One (1) per ten (10) rooms. Minimum of two (2).	One (1) per thousand (1,000) square feet of banquet and meeting room space. Minimum of two (2).
Markets, Shopping Centers and Large	Less than 15,000 sq. ft = 3.5 spaces for each 1000 sq. ft. of	One per six thousand (6,000) square feet.	One per three thousand (3,000) square feet.

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
Retail/Wholesale Outlets	gross floor areas. 15,001 to 400,000 sq. ft = 4 spaces for each 1000 sq. ft. of gross floor area. More than 400,001 sq. ft. = 4.5 spaces per 1000 sq. ft. of gross floor area.	Maximum of five (5); minimum of one (1).	Maximum of ten (10) per tenant; minimum of two (2) within fifty (50) feet of each customer entrance.
Medical and Dental Clinics	Four (4) spaces per 1000 sq. ft. of gross floor area.	One (1) per 10,000 square feet. Minimum of two (2).	One (1) per 10,000 square feet, minimum of two (2) within fifty (50) feet of each customer entrance; plus an equal reserved area for adding spaces.
Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
COMMERCIAL			
Ministorage	Three (3) spaces minimum or (1) space for every one hundred (100) storage units, and two (2) spaces for permanent on-site managers.	None	None
Mixed Uses	Shared parking standards shall be used to calculate needed parking. This calculation is based upon the gross leasable area (GLA) for each shop or business and does not include atriums, foyers, hallways, courts, maintenance areas, etc. See shared parking 18.38.180.	See individual use standards.	See individual use standards

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
Mortuaries and Funeral Parlors	One (1) space per seventy-five (75) square feet of assembly area or thirteen (13) stalls per 1000 sq. ft.	One (1)	Two (2)
Offices, General	Gross floor area up to 2000 sq. ft = One (1) space for each 250 sq. ft. Gross floor area between 2001 to 7500 sq. ft. = One (1) space for each 300 sq. ft. Gross floor area between 7501 to 40,000 sq. ft. = One (1) space for each 350 sq. ft. Gross floor area of 40001 and greater = One (1) space for each 400 sq. ft.	One (1) per ten thousand (10,000) square feet. Minimum of two (2).	One (1) per ten thousand (10,000) square feet; plus an equal reserved area for adding spaces. Minimum of two (2).
Offices, Government	3.5 spaces per one thousand (1000) sq. ft.	One (1) per five thousand (5,000) square feet. Minimum of two (2).	One (1) per five thousand (5,000) square feet; minimum of two (2); plus an equal reserved area for adding spaces.
Retail Uses	Three and a half (3.5) spaces per one thousand (1000) sq. ft.	One per six thousand (6,000) square feet. Maximum of five (5); minimum of one (1).	One per three thousand (3,000) square feet. Maximum of ten (10) per tenant; minimum of two (2) within fifty (50) feet of each customer entrance.
Service Station (mini-marts are retail uses)	Three and a half (3.5) spaces per one thousand (1000) sq. ft. g.f.a. or 1 space per 300 sq. ft.	None.	None

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
Warehouse, Distribution	1 space for each thousand (1000) sq. ft. or 1 space for each employee.	One (1) per forty thousand (40,000) square feet or one (1) per forty (40) employees. Minimum of one (1).	None.
Warehouse Storage	Gross Floor area of 0-10,000 sq. ft. = One (1) space for each one thousand (1000) sq. ft. Gross floor area between 10,001 – 20,000 sq. ft. = ten (10) spaces plus .75 space for each additional one thousand (1000) sq. ft. beyond ten thousand (10,000) sq. ft. Over 20,000 sq. ft. = eighteen (18) spaces plus .50 for each additional 1000 sq. ft. beyond 20,000 sq. ft., or 1 space for each employee.	One (1) plus one (1) for each eighty thousand (80,000) square feet above sixty-four thousand (64,000) square feet; or one (1) per forty (40) employees. Minimum of one (1).	None
INDUSTRIAL			
Manufacturing	One (1) for each two (2) employees on the largest shift, with a minimum of two (2) spaces.	One (1) for each thirty (30) employees on largest shift. Minimum of two (2).	One (1) for each thirty (30) employees on largest shift. Minimum of two (2).
INSTITUTIONAL			
Beauty Salons/ Barber Shops, Laundromats/Dry Cleaners, and Personal Services		One per six thousand (6,000) square feet. Minimum of one (1).	One per three thousand (3,000) square feet. Minimum of two (2).
Educational Facilities		One (1) per five (5)	One (1) per five (5)

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
(to include business, vocational, universities, and other school facilities).		auto spaces. Minimum of two (2)	auto spaces. Minimum of four (4).
Elementary and Middle School	One (1) stall per twelve (12) students of design capacity.	One (1) per classroom.	Three (3) per classroom.
Farmers Market		None	One (1) per ten (10) auto stalls. Minimum of ten (10).
High School	One (1) space per classroom and office, plus one (1) space for each four (4) students that are normally enrolled and are of legal driving age. Public assembly areas, such as auditoriums, stadiums, etc. that are primary uses may be considered a separate use.	One per five (5) classrooms, plus one (1) for each forty (40) students (may also require one (1) per four thousand five hundred (4,500) assembly seats). Minimum of two (2).	One per five (5) classrooms, plus one (1) for each forty (40) students (may also require one (1) per four thousand five hundred (4,500) assembly seats). Minimum of four (4).
Hospitals, Sanitariums, Nursing Homes, Congregate Care, Rest Homes, Hospice Care Home and Mental Health Facilities.	One (1) for each two (2) regular beds, plus one (1) stall for every two (2) regular employees on the largest shift.	One (1) per thirty (30) beds, plus one (1) per thirty (30) employees on largest shift. Minimum of two (2).	One (1) per thirty (30) beds, plus one (1) per thirty (30) employees on largest shift. Minimum of two (2).
Libraries and Museums	One (1) space per three hundred (300) square feet of public floor area or 3.3 spaces per thousand (1000) sq. ft. Six (6) stalls either on-site or on-street directly adjacent to the property. The Director may allow pervious-type	One (1) per six thousand (6,000) square feet of public floor area. Minimum of two (2).	One (1) per one thousand five hundred (1,500) square feet of public floor area. Minimum of four (4).

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
	parking surfaces.		
Marinas		Minimum of four (4).	One (1) per ten (10) auto stalls. Minimum of four (4).
Other Facilities Not Listed		None	One (1) per twenty-five (25) auto stalls. Minimum of two (2).
Park-N-Ride Lots and Public (Parking) Garages		One (1) per fifteen (15) auto stalls Minimum of four (4)	Two (2).
Parks		None	One (1) per five (5) auto stalls. Minimum of four (4).
Transit Centers		Ten (10).	Ten (10).
PLACES OF ASSEMBLY			
Passenger Terminal Facilities	One (1) space for each one hundred (100) square feet of public floor area or ten (10) spaces per thousand (1000) sq. ft.	Minimum of ten (10)	Minimum of ten (10)
Place of Worship	One (1) space per four (4) seats. When individual seats are not provided, one (1) space for each six (6) feet of bench or other seating. The Director may use a ratio of six (6) stalls/1000 sq. ft. of assembly area where seats or pews are not provided or when circumstances warrant increased parking; e.g., large regional congregations which attract a	One (1) per 10,000 square feet of gross floor area.	One (1) per 160 seats or 240 lineal feet of bench or other seating, and one (1) per 6,000 square feet of assembly area without fixed seats. Minimum of four (4).

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
	large congregation or one which has multiple functions. See shared parking. 18.38.180		
Private Clubs or Lodges (does not include health clubs or retail warehouse)	Six (6) spaces per thousand (1000) sq. ft.	One (1) per 6,000 square feet. Minimum of one (1).	One (1) per 6,000 square feet. Minimum of two (2).
Theater and Auditorium	One (1) space for each four and a half (4.5) fixed seats. If the theater or auditorium is a component of a larger commercial development the above parking standard may be modified to account for shared parking as provided in Section 18.38.180 of this Code	One (1) per 450 fixed seats. Minimum of one (1).	One (1) per 110 fixed seats. Minimum of four (4).
Theater and Auditorium without fixed seats	One (1) space for each three (3) permitted occupants. Maximum building occupancy is determined by the Fire Marshal.	One (1) per 300 permitted occupants. Minimum of one (1).	One (1) per 75 permitted occupants. Minimum of four (4).
RECREATION/AMUSEMENT			
Bowling Alleys	Five (5) spaces for each alley.	One (1) per twelve (12) alleys. Minimum of one (1).	One (1) per four (4) alleys. Minimum of four (4).
Health Club	Four (4) spaces for each thousand (1000) sq. ft.	One (1) per 5,000 square feet. Minimum of one (1).	One (1) per 2,500 square feet. Minimum of four (4).
Skating Rinks and Other Commercial Recreation	Five (5) spaces per thousand (1000) sq. ft.	One (1) per 8,000 square feet. Minimum of one (1).	One (1) per 4,000 square feet. Minimum of four (4).

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
RESIDENTIAL			
Accessory Dwelling Unit	One (1) space per unit	None	None
Bed and Breakfast	One (1) space in addition to space(s) required for the residential unit.	One (1) per ten (10) rooms. Minimum of one (1).	None
Community Club Houses		None	One (1) per ten (10) auto stalls. Minimum of two (2).
Cottage Housing	One (1) space per unit or 1.5 space per unit if on-street parking is not available along street frontage (One (1) space per twenty (20) linear feet).	One per five (5) units, or one (1) per three (3) units if no on-street parking. Minimum of two (2).	One per ten (10) units, or one (1) per six (6) units if no on-street parking. Minimum of two (2).
Elder Care Home	One (1) space in addition to space(s) required for the residential unit.	Minimum of two (2).	Minimum of two (2).
Fraternities, Sororities and Dormitories	One (1) space for every three (3) beds, plus one (1) space for the manager.	One per fourteen (14) beds. Minimum of two (2).	Ten (10) per dormitory, fraternity or sorority building.
Group Home	One (1) space for each staff member plus one (1) space for every five (5) residents. Additionally, one (1) space shall be provided for each vehicle used in connection with the facility.	One (1) per ten (10) staff members plus one (1) per thirty (30) residents. Minimum of one (1). Additional spaces may be required for conditional uses.	None
Home Occupations	None, except as specifically provided in this table.	None	None
Mobile Home Park	Two (2) spaces per lot or unit, whichever is greater. If	None	None

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
Multifamily Dwellings	<p>recreation facilities are provided, one (1) space per ten (10) units or lots.</p> <p>Three or more units shall provide one and one-half (1.5) off-street parking spaces per dwelling unit. Multifamily dwelling units located on HDC-4 properties, where the new project provides for the development of replacement dwelling units in a development agreement, and the project site is all or part of an area of 40 acres or more that was in contiguous ownership in 2009, are exempt from the parking requirements of this section. If parking is voluntarily provided by the property owner, then the Director shall permit such parking to be shared with parking provided for non-residential development on the property.</p>	One (1) storage space per unit that is large enough for a bicycle.	One (1) per ten (10) units. Minimum of two (2) per building.
Single Family to include Duplex and Townhouse.	Two (2) spaces per unit. Note: parking spaces may be placed in tandem (behind the other). DB, CSH and RMH zone districts require one (1) space/unit.	None	None
Studio Apartments.	Apartments with one (1) room enclosing all activities shall provide one (1) off-street parking space per dwelling unit	None	One (1) per ten (10) units. Minimum of two (2) per building.

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
RESTAURANT			
Cafes, Bars and other drinking and eating establishments.	Ten (10) spaces per thousand (1000) sq. ft.	One per 2,000 square feet; minimum of one (1).	One per 1,000 square feet; minimum of one (1).
Car Hop	One (1) for each fifteen (15) square feet of gross floor area.	One per 300 square feet; minimum of one (1).	One per 150 square feet; minimum of one (1).
Fast Food	Ten (10) spaces per thousand (1000) square feet plus one (1) lane for each drive-up window with stacking space for six (6) vehicles before the menu board.	One per 2,000 square feet; minimum of one (1).	One per 1,000 square feet; minimum of one (1).

18.38.120 Handicapped parking requirements

Handicapped parking requirements shall be provided as established by the 1991 Washington State Building Code. The parking standards contained within this Section represent those established by the 1991 Washington State Building Code. Any change in the State’s handicapped parking requirements shall preempt the affected requirements of this Section.

A. ACCESSIBLE PARKING REQUIRED.

Refer to the table below and WAC 51-30, Parking Facilities, for required accessible parking spaces. Refer to Chapter 11 of the Uniform Building Code for building occupancy definitions.

NUMBER OF ACCESSIBLE PARKING SPACES

Total Parking Spaces in Lot or Garage	Minimum Required Number of Accessible Spaces
1-25	1
26-50	2
51-75	3

NUMBER OF ACCESSIBLE PARKING SPACES

Total Parking Spaces in Lot or Garage	Minimum Required Number of Accessible Spaces
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total spaces
Over 1,000	20 spaces plus 1 space every 100 spaces, or fraction thereof, over 1,000

One (1) of every eight (8) spaces or fraction thereof shall be designed to be accessible to wheelchair side loading vans.

EXCEPTIONS:

1. Inpatient Medical Care Facilities. Twenty (20) percent of parking spaces provided shall be accessible.
2. Outpatient Medical Care Facilities. Ten (10) percent of parking spaces provided shall be accessible.
3. Apartment Buildings. One (1) accessible parking space for each fully accessible parking unit shall be provided. When total parking provided on-site exceeds one (1) parking space per apartment, two (2) percent of the additional parking shall be accessible.

B. DESIGN AND CONSTRUCTION.

1. Location. Accessible parking spaces shall be located on the shortest possible accessible route of travel to an accessible building entry. In facilities with multiple accessible building entries with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances. Wherever practical, the accessible route of travel shall not cross lanes of vehicular traffic. Where crossing traffic lanes is necessary, the route of travel shall be designated and marked as a crosswalk.
2. Size. Parking spaces shall be no less than eight (8) feet in width and shall have an adjacent access aisle no less than five (5) feet in width. Where two adjacent spaces are provided, the access aisle may

be shared between the two spaces. Access aisles shall be marked so that the aisles will not be used as parking space. Van accessible parking spaces shall have an adjacent access aisle no less than eight (8) feet in width or a total of sixteen (16) feet including parking space.

3. Vertical Clearance. Where accessible parking spaces are required for vans, the vertical clearance shall be no less than nine and a half (9.5) feet.
4. Slope. Accessible parking spaces and access aisles shall be located on a surface with a slope not to exceed one (1) vertical in forty-eight (48) horizontal.
5. Surface. Parking spaces and access aisles shall be firm, stable, smooth and slip resistant.
6. Signs. Every parking space required by this section shall be identified by a sign, centered between three (3) and five (5) feet above the parking surface, at the head of the parking space. The sign shall include the International Symbol of Access and the phrase "State Disabled Parking Permit Required."

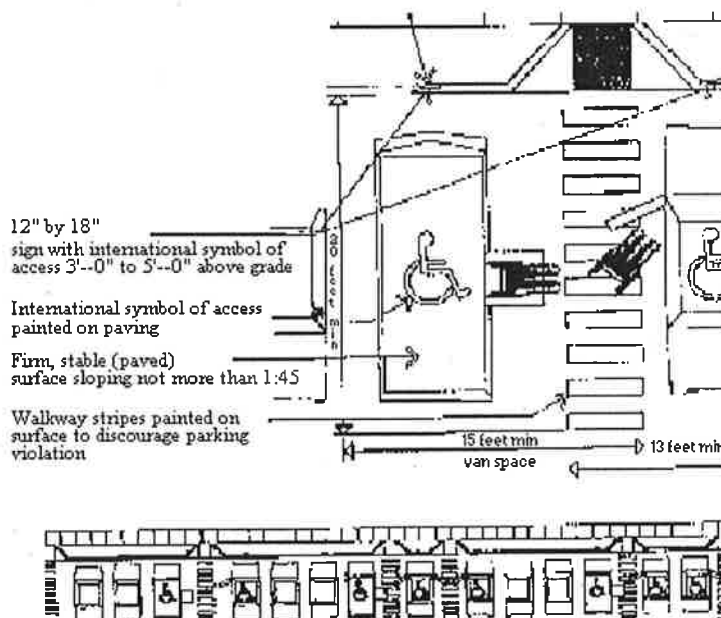


FIGURE 38-1

4. Three (3) berths shall be required for each building containing fifty thousand (50,000) to one hundred thousand (100,000) square feet of floor area.

5. One (1) additional berth shall be required for each fifty thousand (50,000) square feet of floor area in excess of one hundred thousand (100,000) square feet.

B. OFFICE AND HOTEL USES.

Any building intended to be used for offices, hotel, restaurant, assembly area or other similar use shall be provided with off-street loading berths according to this schedule.

1. One (1) berth for each building containing twenty thousand (20,000) to fifty thousand (50,000) square feet of floor area.

2. Two (2) berths for each building containing fifty thousand (50,000) to one hundred thousand (100,000) square feet of floor area.

3. One (1) additional berth for each one hundred thousand (100,000) square feet of floor area in excess of one hundred thousand (100,000) square feet.

C. LOADING BERTH DESIGN STANDARDS.

Off-street loading facilities shall be designed and maintained in accordance with the standards hereunder.

1. Each loading berth shall be at least ten (10) feet wide, forty-five (45) feet long and fourteen (14) feet high.

2. Loading berths and spaces may be located in any required yard providing such berth is not roofed and is not within a required landscape area.

3. Loading berths and spaces shall be located entirely on the property they are intended to serve and designed in such a way that a street is not used as a maneuvering area.

4. Access to loading berths shall be from an alley when such exists.

5. Two (2) or more separate occupancies or buildings having a common wall may locate their required loading berths in one (1) location; provided, the number of berths is not less than the sum of required berths for all buildings concerned; and there shall be interior access from each building to the loading berth.

6. Loading areas shall be designed that traffic congestion and interference is avoided and the highest possible of safety is maintained.

18.38.160 Specific zone district requirements

A. Ten (10) Percent Reduction in Parking Requirements.

The median motor vehicle parking requirements contained in Section 18.38.100 shall be reduced by ten (10) percent for uses in the High Density Corridor 1, 2, 3, and 4 Districts (see High Density Corridor Map), Neighborhood and Urban Villages, and within the Downtown (see Figure 38-2). This shall not be used in combination with an administrative parking variance or other reductions unless approved by the Director.

B. Urban Residential (UR), High Rise Multifamily (RM-H) Residential Mixed Use (RMU) and Commercial Services - High Density (CS-H) Zones.

Residential uses shall be provided with one (1) motor vehicle parking space per unit unless otherwise exempted below.

C. Downtown Exempt Parking Area (See Figure 38-2).

1. Existing buildings constructed prior to January 1, 2002, which are located within the Downtown Exempt Parking Area (See Figure 38-2), shall be exempt from the vehicle parking standards. However, a change of use within such existing structures shall comply with the long-term and short-term bicycle parking standards pursuant to Title 38.01;

2. All new residential buildings and uses located within the Downtown Exempt Parking Area (See Figure 38-2) shall be exempt from vehicle parking standards. However, if any new residential parking is constructed, the parking facility shall meet the Parking Design, Pedestrian Street and Design Review Criteria (OMC 18.38.180 through 18.38.240 and applicable OMC 18.04 or 18.06, 18.16 and 18.20). All new residential buildings and uses shall comply with the long-term and short-term bicycle parking standards pursuant to Table 38.01; and

3. All new commercial buildings or expansions totaling over 3,000 square feet of gross leaseable area, constructed after January 1, 2002, which are located within the Downtown Exempt Parking Area (See Figure 38-2) shall be required to meet vehicle parking and bicycle standards (OMC 18.38.020 through 18.38.240).

4. Bicycle parking is not required for those buildings and uses located within the Downtown Exempt Parking Area (see Figure 38-2) that do not provide on-site motor vehicle parking.

D. High Density Corridor 1 and 2, and Urban Residential (UR).

1. Townhouse units shall provide one and one-half (1.5) parking spaces per unit;

2. Multifamily units shall provide one (1) parking space per unit;

3. Small restaurants (up to 750 square feet of service area) shall provide two (2) parking spaces/1,000 square feet; and
4. Small retail including food stores and laundries (up to 3,000 square feet) shall provide two (2) parking spaces per 1,000 square feet. (The first 350 square feet are exempt from parking requirements.) Small retail may provide additional parking up to three and one-half (3.5) parking spaces per 1,000 square feet.

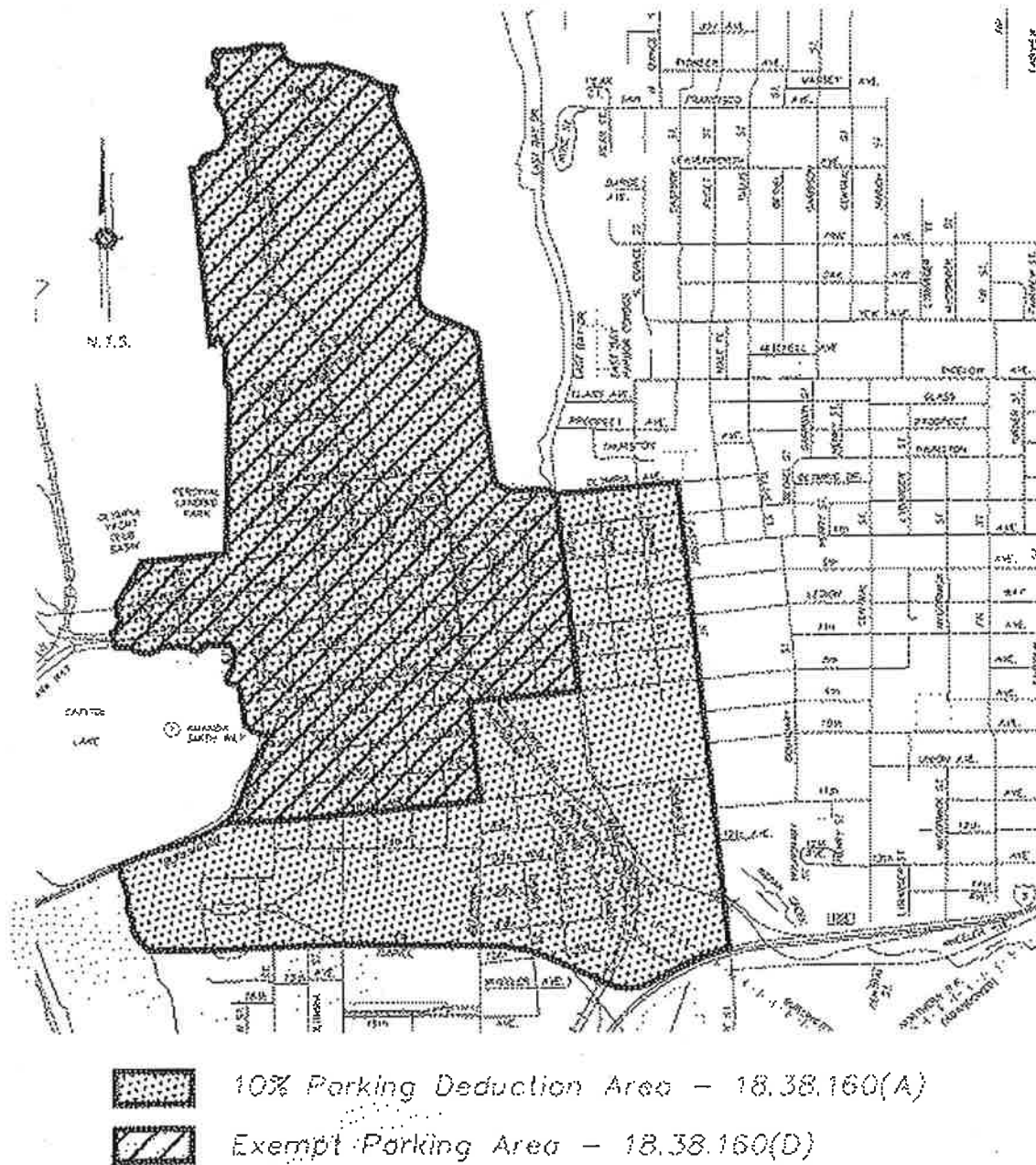


FIGURE 38-2

18.38.180 Shared Parking Facility

A. General.

The Director shall require an applicant to provide proof that shared parking is feasible when adjacent land uses have different hours of operation. Mixed use and shopping center developments with similar operating hours may also be required to submit a parking demand study to determine if parking can be combined.

1. Authority. In order to eliminate multiple entrances and exits, reduce traffic hazards, to conserve space and to promote orderly development, the Director and Hearing Examiner are each hereby authorized to plan and group cooperative parking facilities for a number of parking generators in such a manner as to obtain the maximum efficiency in parking and vehicular circulation.

2. Allocation.

a. Shared parking.

i. When two (2) or more land uses, or uses within a building, have distinctly different hours of operation (e.g., office and church), such uses may qualify for a shared parking credit. Required parking shall be based on the use that demands the greatest amount of parking.

ii. If two (2) or more land uses, or uses within a building, have different daytime hours of operation (e.g., bowling alley and auto part store), such uses may qualify for a total parking reduction of no more than fifty (50) percent.

b. Combined parking.

Two (2) or more uses which have similar hours of operation and combine parking facilities may qualify to decrease the number of parking stalls as follows. The Director may require a parking demand study to ensure sufficient parking is provided.

Two (2) uses:	Five (5) percent reduction
Three (3) uses:	Ten (10) percent reduction
Four (4) or more uses:	Fifteen (15) percent reduction

3. Location. Parking spaces provided for one use shall not be considered parking space for another use. Uses may be defined as singular, combined, or share parking.

a. Shared parking. In case there are uses in close proximity of each other that operate or are used at entirely different times of the day or week, the Director may allow shared parking facilities

to satisfy the parking requirements of such uses if the parking facilities are within seven hundred (700) feet of all parking generators being served by such facilities; and

b. Combined parking. Two (2) or more uses may satisfy their parking requirements by permanently allocating the requisite number of spaces for each use in a common parking facility, cooperatively established or operated; provided, the total number of spaces conforms to the requirements in item 4 below.

4. Agreement. An agreement, lease, deed, contract or easement establishing shared use of a parking area, approved by the City Attorney, shall be submitted to the Director and recorded with the County Auditor's Office. For new buildings which share parking under this provision, such agreements shall run with the land for both and all properties with shared parking. Such agreement requires Director approval for any change or termination. A parking agreement may be attached to a lease if additional parking is required due to a change in occupancy. This only applies in circumstances where there is existing parking and the change in use creates a deficiency.

5. Termination of Shared or Combined Use.

a. In the event that a shared or combined parking agreement is terminated, those businesses or other uses with less than the required parking shall notify the Director within ten (10) days and take one of the following actions:

i. Provide at least fifty (50) percent of the required parking within ninety (90) days, and provide the remaining required parking within three hundred and sixty-five (365) days following the termination of the shared use; or

ii. Demonstrate, based upon a study deemed reliable by the Director, that the available parking is sufficient to accommodate the use's peak parking demand.

iii. Apply for and receive administrative parking variance.

b. If sufficient parking is not provided, the use, or that portion of the use out of compliance with this chapter, shall be terminated upon the expiration of the time period specified in (5)(a)(i) above. This requirement shall be established as a condition of the occupancy permit for uses relying on shared parking.

18.38.200 Parking facility location

A. Parking facilities may be provided either on the same premises with the parking generator or in any parking facility, the property line of which is located within seven hundred (700) feet of the parking generator. Parking facilities may be provided further than seven hundred (700) feet from the parking generator or building if:

1. Regular shuttle service is provided;
2. A shared parking agreement is approved by the City; or
3. The parking generator is in the Downtown Business or Urban Waterfront zone and the parking facility is within 1,400 feet.

B. Where possible, surface parking lots shall be located behind a building. Where it is not possible to provide parking behind a building, parking lots may be located along the side of a building, provided that it comprises no more than fifty (50) percent of the site's street frontage. This provision does not apply to commercial parking lots which comprise the only use of a site. In the R-4, R 4-8 and R 6-12 districts;

1. Surface parking lots for co-housing projects (not including garages) within forty (40) feet of perimeter or through streets shall not extend more than seventy-five (75) feet along the street frontage in a continuous segment (i.e., uninterrupted by a landscaped open space, garden or orchard with no dimension less than forty (40) feet; a dwelling; or common structure).

2. The Hearing Examiner may approve the location of surface parking lots in the front and/or along the side of buildings, pursuant to Conditional Use Permit Hearing Examiner Approval (OMC 18.48.020(A)), when all of the following are met:

- a. The building is over 5,000 square feet; located in a residential zone; requires Design Review and a Conditional Use Permit; and

- b. The site is bounded on two or more street frontages; and

- c. The building is oriented to have the least impact on the neighborhood; and

- d. Parking lot landscape and screening clearly exceed the provisions set out in OMC 18.36.180 to effectively screen it from the street (See also Alternative Landscape Plans OMC 18.36.100(A) & (B)); and

- e. Bicycle/pedestrian facilities provide safety, convenience, security and clear connections for pedestrians and bicycles between all rights-of-way adjoining the parking area and the front door; and

- f. Outdoor lighting is designed with regard to placement, intensity, shielding, timing and color to avoid offsite spillover; and

- g. Site design provides landscape or other features to screen vehicular headlights from residences.

The approval authority may waive these requirements if the applicant demonstrates that these parking restrictions would not allow reasonable use of the site due to its configuration (e.g., if the site has multiple street frontages and it is impractical to meet this requirement along all frontages due to the amount or relationship of the proposed development) or other physical site constraints, or it would significantly interfere with pedestrian circulation. Where permitted in commercial districts (listed in OMC 16.06), parking areas in front of buildings should be located between buildings or adjacent to an existing parking area to enable shared parking (see Shared Parking Facilities, Section 18.38.180. Also see Landscape Standards, Section 18.36.180).

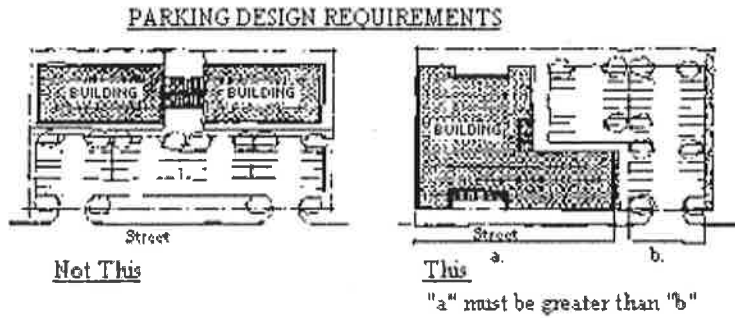


FIGURE 38-3

C. High Occupancy Vehicles - Stall Location. All employers required to operate high occupancy vehicles (HOV) shall mark the closest parking spaces to the building entrance Reserved for HOV. These spaces shall not displace required handicap parking.

D. Arterial Commercial District. Employee and tenant parking in this district may be located up to one thousand (1,000) feet from the parking generator if people are required to walk between the lot and use, or up to three (3) miles if shuttle service is provided at the beginning and end of the work shift.

18.38.220 Design standards-General

Off-street parking facilities shall be designed and maintained in accordance with the standards hereunder, provided that up to 30% of parking stalls may be small spaces as described in section B. In the alternative, an applicant may propose and, if providing equal or better function, the Director may approve alternative parking geometrics consistent with the most recent specific standards promulgated by the Institute of Transportation Engineers or the National Parking Association.

A. General Requirements. Also see the specific zone district design standards of OMC 18.38.240.

1	2 SW	3 WP	4 VPW	5 VPi	6 AW	7 W2	8 W4
Parking Class	Basic Stall Width (ft)	Stall Width Parallel to Aisle (ft)	Stall Depth to Wall (ft)	Stall Depth to Interlock (ft)	Aisle Width (ft)	Modules Wall-to-Wall (ft)	Modules Interlock to Interlock (ft)

1	2 SW	3 WP	4 VPW	5 VPi	6 AW	7 W2	8 W4
Parking Class	Basic Stall Width (ft)	Stall Width Parallel to Aisle (ft)	Stall Depth to Wall (ft)	Stall Depth to Interlock (ft)	Aisle Width (ft)	Modules Wall-to-Wall (ft)	Modules Interlock to Interlock (ft)
A	2-Way Aisle-90° 9.00	9.00	17.5	17.5	24	59	59
A	2-Way Aisle-60° 9.00	10.4	18.0	16.5	24	60	57
A	1-Way Aisle-75° 9.00	9.3	18.5	17.5	20	57	55
A	1-Way Aisle-60° 9.00	10.4	18.0	16.5	16	52	49
A	1-Way Aisle-45° 9.00	16.5	16.5	14.5	13	46	42

STANDARD PARKING DIMENSIONS

FIGURE 38-4

Figure 7-1. Dimensional elements of parking layouts.
 SOURCE: Adapted from B. A. Woan, "Parking Garage Planning and Operation," Fig. 20, Eno Foundation for Transportation, Inc., 1978

- θ Parking angle
- W_1 Parking module width (wall to wall), single loaded aisle
- W_2 Parking module width (wall to wall), double loaded aisle
- W_3 Parking module width (wall to interlock), double loaded
- W_4 Parking module width (interlock to interlock), double loaded aisle
- AW Aisle width
- WP Stall width parallel to aisle
- DI Stall depth to interlock
- D Stall depth to wall measured perpendicular to aisle
- S_L Stall length
- S_W Stall width

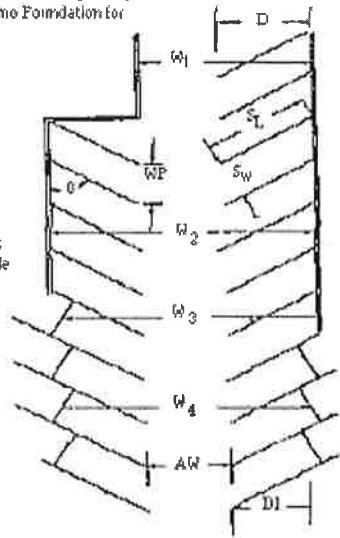


FIGURE 38-5

1. Driveways Approaches. Driveways approaches and curb cuts within public rights-of-way shall be located and designed in accordance with the Olympia-City's current Engineering Design and Development Standards.
2. Ingress/Egress Requirements.
 - a. The Director, or designee, and after appropriate traffic study, including consideration of total parcel size, frontage on thoroughfares, uses proposed and other vicinity characteristics, shall have the authority to fix the location, width and manner of approach of a vehicular ingress and egress from a building or parking area to a public street and to alter existing ingress or egress as may be required to control street traffic in the interest of public safety and general welfare.
 - b. Generally, but not in all cases, the internal circulation system and the ingress and egress to commercial or multifamily developments from an access street shall be so designed that the principal point of automobile cross-traffic on the street occurs at only one point--a point capable of being channelized for turning movements. Access shall be shared with adjoining parcels by placing ingress/egress points on shared lot lines, wherever safe and practical. Where parcels are bounded by more than a single street, generally, but not in all cases, access shall be provided only from the street having the lowest classification in the hierarchy of streets as established by the Public Works Director in the Engineering Design and Development Standards.
3. Maneuvering Areas.

- a. All maneuvering areas, ramps, access drives, etc. shall be provided on the property on which the parking facility is located; however, if such facility adjoins an alley, such alley may be used as a maneuvering area. A garage or carport entered perpendicular to an alley must be located a minimum of ten (10) feet from the property line. A garage or carport entered parallel to an alley may be placed on the rear property line; provided sight distances are maintained.
 - b. Maneuvering areas shall be provided so that no vehicle is obliged to back out of a parking stall onto the street, except into neighborhood collector and local access streets within the R-1/5, RLI, R-4, R 4-8, and R 6-12 use districts, or where approved by the City Engineer.
4. **Parking Surface.** All parking lots must be paved and designed to meet drainage requirements. Pervious surfaces and other approved dust free surfaces may be used. A maintenance agreement may be required to ensure such surface is properly maintained.
 5. **Landscaping.** Parking areas shall be landscaped according to the requirements of Chapter 18.36.
 6. **Wheel Stop, Overhang.** Appropriate wheel and bumper guards shall be provided to protect landscaped areas, to define parking spaces and to clearly separate the parking area from any abutting street rights-of-way and property lines. Vehicles may overhang landscaped areas up to two (2) feet when wheel stops or curbing is provided.

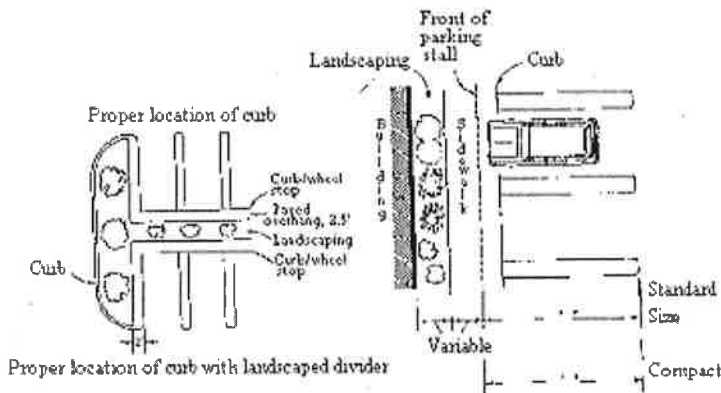


FIGURE 38-6

7. Contiguous parking lots shall not exceed one (1) acre in size. Parking lots exceeding one (1) acre in size shall be separated by a minimum ten (10) foot wide landscaped strip. This strip is in addition to interior and perimeter landscaping and may be used for stormwater management or pedestrian access.
8. **Structured Parking Dimensions.** Structured parking facilities may be designed to the general design standards found in Figures 38-4 and 38-5 above, Figure 38-7 below, or to the following structured

parking design standard. Within parking structures, small spaces shall not exceed 30% of spaces within each structure.

	Small Space Dimension	Standard Dimensions
Standard Stall Width	8-foot	9-foot
Standard Stall Depth	16-foot	16-foot
Standard Aisle Width	24-foot	24-foot
Standard Wall-to-Wall	57-foot	57-foot

B. Compact Car Dimensions, Layout and Circulation.

1. Parking Dimensions. No more than thirty (30) percent of spaces shall be smaller than the standard sizes. (See Compact Parking Dimensions Table below.)

1	2 SW	3 WP	4 VPW	5 VPi	6 AW	7 W2	8 W4
Parking Class	Basic Stall Width	Stall Width Parallel to Aisle (ft)	Stall Depth to Wall (ft)	Stall Depth to Interlock (ft)	Aisle Width (ft)	Modules Wall-to-Wall (ft)	Modules Interlock to Interlock (ft)
2-Way Aisle-90° A	8.00	8.00	15.0	15.0	21.0	51.0	51.0
2-Way Aisle -60° A	8.00	9.3	15.4	14.0	21.0	52.0	50.0
1-Way Aisle-75° A	8.00	8.3	16.0	15.1	17.0	49.0	47.0
1-Way Aisle-60° A	8.00	9.3	15.4	14.0	15.0	46.0	43.0
1-Way Aisle-45° A	8.00	11.3	14.2	12.3	13.0	42.0	38.0

Source: Guidelines for Parking Facility Location and Design ITE Committee 5D-8, May 1990.

FIGURE 38-7

C. Bicycle Parking Design Standards.

1. A long-term bicycle parking facility shall provide for secure extended and short-term use and shall protect the entire bicycle and its components and accessories from theft and weather. Acceptable

examples include, in preferred order: bike lockers; bike check-in systems; in-building parking; and limited-access fenced areas with weather protection.

To discourage improper use a bike locker door should include a see-through window or view hole. For in-building bike parking and limited access fenced areas, fixed structures for locking individual bikes, such as racks, must be provided within the facility. If such an area exceeds five (5) parking spaces, lockable clothing/gear storage lockers must also be provided within the facility. However, facilities such as factories and schools that provide personal lockers are not required to provide additional locker space for bicycle clothing/gear storage.

Exception: For retail uses under five thousand (5,000) square feet, long-term parking facilities exclusively for bicycles must only be provided only upon request of one or more employees. However, if permanent dedicated space is not provided, a sign must be posted at the primary employee entry reading "Secure Bicycle Parking Provided Upon Request - Olympia Municipal Code 18.32."

2. A short-term bicycle parking facility shall provide convenient parking with some security and weather protection. Short-term bicycle parking facilities shall include a covered stationary rack. These facilities may be shared among adjoining establishments.

Short-term bicycle parking facilities shall be located either: no further from a public entry than the nearest non-handicapped parking stall; or visible from and within one hundred (100) feet of the public entry; or within fifty (50) feet of the public entry to the building. A directional sign shall be provided if the selected location is not clearly visible from the primary entrance.

3. Each bicycle parking area shall be separated from motor vehicle parking and maneuvering areas by a barrier, post, or bollard, or by at least five (5) feet of open space. Bicycle parking spaces shall be two (2) feet by six (6) feet each, with no less than a seven (7) foot overhead clearance. A five (5) foot maneuvering aisle shall separate rows of bicycle parking spaces. Bicycle parking facilities shall not be solely accessible by stairs.

4. Bicycle racks shall be covered in such a manner as to protect the entire bicycle from rain and installed to provide adequate maneuvering space and ensure that the requisite number of bicycle parking spaces remain accessible. The rack shall be permanently affixed to the ground and support the bicycle at two (2) or more points, including at least one (1) point on the frame higher than two (2) feet from the ground. The user shall be able to lock the bicycle with a U-shaped lock or cable lock. Bicycle racks which only support a bicycle front or rear wheel are not permitted.

5. Long-term bicycle parking facilities may be substituted for short-term bicycle facilities only if the design is consistent with the purpose of short-term facilities.

D. Pedestrian Routes. Notwithstanding pedestrian accessible route requirements addressed in the International Building Code, a pedestrian access plan shall be prepared for sites with more than 30 parking spaces, or where block sizing requirements are triggered. The plan shall examine where people will walk into, out of, and through the development. The development shall provide clear pedestrian pathways, in a manner that minimizes potential conflicts between moving vehicles and pedestrians. A pedestrian pathway, whether it be a required sidewalk or additional asphalt with a distinct line separating vehicles, shall be located in areas likely to be used by a pedestrian, instead of the driveway or street.

Unless exempted by the City, the plan shall be prepared by a transportation engineer hired by the developer, and the report shall be subject to the review and approval of the City Engineer or designee as well as the Director or designee. The report shall consider the pedestrian and bicycle use of the development and adjacent offsite parcel(s), in light of future growth and build out, and consistent with the goals and purposes of the Comprehensive Plan to mitigate long-term impacts of the development on multi-modal travel. Such pedestrian pathways should connect with other public pathways on property adjacent to the site.

18.38.240 District design standards

In addition to the parking design standards for various zone districts found below, also refer to Design Review, Chapter 18.100.

A. URBAN WATERFRONT ZONE (UW).

1. Structured Parking Design Requirements. All structured parking must meet the Parking Structure Design Requirements in the Pedestrian Streets Overlay District Chapter, Section 18.16.080(J).

B. DOWNTOWN BUSINESS ZONE (DB).

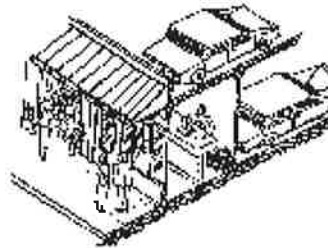
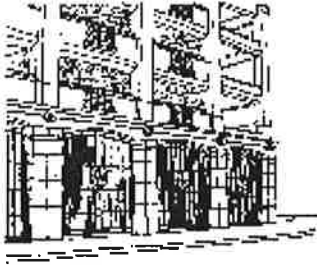
1. Structured Parking Design Requirements. All structured parking must meet the Parking Structure Design Requirements in the Pedestrian Streets Overlay District Chapter, Section 18.16.080(J).

C. RESIDENTIAL MIXED USE (RMU), RESIDENTIAL HIGH-RISE MULTIFAMILY (RMH) DISTRICT, URBAN RESIDENTIAL (UR).

1. Structured Parking Design Requirements. All structured parking must meet the Parking Structure Design Requirements in the Pedestrian Streets Overlay District Chapter, Section 18.16.080(J).

D. URBAN WATERFRONT - HOUSING (UW-H).

1. Structured Parking Design Requirements. All structured parking must meet the Parking Structure Design Requirements in the Pedestrian Streets Overlay District Chapter, Section 18.16.080(J).



Parking Garage facade treated with decorative grill work.

FIGURE 38-8

Section 4. Amendment of OMC 12.02.020. Olympia Municipal Code 12.02.020 is hereby amended to read as follows:

12.02.020 Engineering design and development standards

There is hereby adopted by reference "~~2016-2017~~ Engineering Design and Development Standards," one (1) copy of which shall be kept on file in the office of the City Clerk and the Olympia Public Works Department. These standards shall be considered a part of this ordinance as though fully set forth herein.

Section 5. Amendment of OMC 13.20.040. Olympia Municipal Code 13.20.040 is hereby amended to read as follows:

13.20.040 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

- A. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.
- B. Approval Authority. The Washington State Department of Ecology, Water Quality Program Manager.
- C. Authorized or Duly Authorized Representative of the User.
 - 1. If the User is a corporation:

a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

3. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

4. The individuals described in Section 13.20.040(C)(1-3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates, or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

E. Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 13.20.050 and 40 CFR Part 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

F. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by USEPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

G. Categorical Industrial User. An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

H. City. The City of Olympia, Washington, a municipal corporation organized and existing under and by virtue of the laws of the State of Washington.

I. Composite Sample. A composite of several samples taken throughout the period of a day when a regulated discharge is occurring. Several brands of electric samplers, some with a refrigerated sample collection area, may be used. Approvable composite samplers may either use a flow paced or time paced algorithm. For example, collecting a same size aliquot every 1,000 gallons (flow paced), or a variable sized aliquot every hour (time paced). In both cases, they must interface with a device which senses the effluent flow volume to collect a representative sample unless the Executive Director has determined that a flow proportionate sample is not required.

J. Daily Limit or Daily Maximum Limit. The maximum allowable discharge of a pollutant over a calendar day or equivalent representative 24-hour period. Where daily maximum limits are expressed in units of mass, and the daily discharge is calculated by multiplying the daily average concentration and total flow volumes in the same 24-hour period by a conversion factor to get the desired units. Where daily limits are expressed in terms of a concentration, the daily discharge is the composite sample value, or flow weighted average if more than one discrete sample was collected. Where flow weighting is infeasible, the daily average is the arithmetic average of all samples if analyzed separately, or the sample value if samples are composited prior to analysis.

K. Domestic User (Residential User) shall mean any person who contributes, causes, or allows the contribution of wastewater into the POTW that is of a similar volume and/or chemical make-up as that of a residential dwelling unit. Discharges from a residential dwelling unit include up to 900 cu. ft. of flow per month, with a concentration up to 300 mg/l of Biochemical Oxygen Demand, 300 mg/l of Total Suspended Solids, and 60 mg/L Total Ammonia.

L. Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official.

M. Executive Director. The executive director of the LOTT Alliance and shall be considered LOTT Alliance personnel or the LOTT Alliance's agent for purposes of Article VII of the Interlocal Cooperation Act Agreement for Wastewater Management by the LOTT Wastewater Alliance. The term also means a duly authorized representative of the Executive Director.

N. Existing Source. Any source of discharge subject to Categorical Standards that does not meet the definition of a "New Source" per Section 13.20.040(Y).

O. Exterior Grease Storage Area. Containers such as barrels, cans and drums of new or used fats, oils and/or greases (FOG) that are stored outside of food establishments, or businesses preparing food that store such containers. These grease storage containers and their lids shall be sealed and secured within a secondary containment area (see Section 13.20.120 below) with a minimum storage capacity equal to the volume of the

storage container(s), and so they cannot be unintentionally tipped over or spilled. The secondary containment area shall also be designed to prevent rainfall entering and thus reducing the capacity of the containment area.

ØP. Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

PQ. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under 307(b), (c), or (d) of the Act.

QR. Instantaneous Maximum Discharge Limit or Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of a discrete sample. Where a User is required to take a grab sample for purposes of determining compliance with Local Limits, this standard is the same as the Daily Maximum standard. For pollutants for which Users are required to take composite samples, (or for metals if no permit has been issued) the Instantaneous Limit shall be twice the Daily Limit.

RS. Interference. A discharge which causes (either by itself or in combination with other discharges) a violation of LOTT's NPDES permit or prevents the intended sewage sludge use or disposal by inhibiting or disrupting the POTW, including its collection systems, pump stations, and wastewater and sludge treatment processes. For example, a discharge from a User which causes a blockage resulting in a discharge at a point not authorized under LOTT's NPDES permit.

SI. Local Limits. Effluent limitation developed for Users by the Executive Director to specifically protect the POTW from the potential of Pass Through, Interference, vapor toxicity, explosions, sewer corrosion, and intended biosolids uses. Such limits shall be based on the POTW's site-specific flow and loading capacities, receiving water considerations, and reasonable treatment expectations for non-domestic wastewater. See Section 13.20.080 for a full list of Local Limits.

ÏU. LOTT Alliance or LOTT. A State of Washington nonprofit corporation created by Interlocal Agreement that operates as a public agency under State of Washington law, providing wastewater management and reclaimed water production services for the urbanized area of north Thurston County, Washington.

ÛV. Minor Industrial User or MIU. Any Industrial User which does not otherwise qualify as a Significant Industrial User of the POTW, identified by the Executive Director as having the potential to spill or discharge chemicals or slugs of wastewater to the POTW, or the potential to discharge a waste stream that, when taken into account with the waste streams of other industrial Users, may have a significant impact on the POTW.

¼W. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

~~WX~~. Monthly Average. The arithmetic mean of the effluent samples collected during a calendar month or specified 30-day period. Where the Control Authority has taken a sample during the period, it must be included in the monthly average if provided in time. However, where composite samples are required, grab samples taken for process control or by the Control Authority are not to be included in a monthly average.

~~XY~~. Monthly Average Limit. The limit to be applied to the Monthly Average to determine compliance with the requirements of this Ordinance (see Section 13.20.080 for listing).

~~YZ~~. New Source.

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

- a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- a. Begun, or caused to begin, as part of a continuous onsite construction program,
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

ZAA. Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

AABB. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of LOTT's NPDES permit, including an increase in the magnitude or duration of a violation.

BBCC. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

CCDD. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

DDEE. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, Carbonaceous Oxygen Demand, toxicity, or odor).

EEFF. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

FFGG. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a pretreatment standard.

GGHH. Pretreatment Standards or Standards. Pretreatment standards shall mean discharge prohibitions (Section 13.20.050), categorical pretreatment standards (Section 13.20.060), state pretreatment standards (Section 13.20.070) and local limits (Section 13.20.080)

HHII. Publicly Owned Treatment Works or POTW. A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by LOTT and/or the [City or County] and more fully described in the

"Interlocal Cooperation Act Agreement for Wastewater Management by the LOTT Wastewater Alliance by and among City of Lacey, City of Olympia, City of Tumwater, and Thurston County, dated November 5, 1999." This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, including sanitary sewer and storm sewer collection systems, which convey wastewater to a treatment plant.

HHJ. Septic Tank Waste. Sewage and typically associated solids from domestic activities pumped from a septic tank serving one or more private residences. The Executive Director may also consider wastes from other holding tanks such as boat blackwater, bilge water, cesspools, and treatment lagoons to be Septic Tank Waste so long as they are absent chemicals which might inhibit biological activity.

JKK. Sewage. Human excrement and gray water (from household showers, toilets, kitchens, clothes and dish washing, and related domestic activities).

KKL. Significant Industrial User or SIU. Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

1. A User subject to categorical pretreatment standards; or
2. A User that:
 - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or
 - b. Contributes a process wastestream that makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
3. The Executive Director may determine that a User subject to categorical pretreatment standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the User never discharges more than one-hundred (100) gpd of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - a. the User, prior to Executive Director's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

b. the User annually submits the certification statement required in Section 13.20.430(B) and 40 CFR Part 403.12(q), together with any additional information necessary to support the certification statement; and

c. the User never discharges any untreated concentrated wastewater.

4. Upon a finding that a User meeting the criteria in Section 13.20.040(KK)(2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Executive Director may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR Part 403.8(f) (6), determine that such User should not be considered a Significant Industrial User.

~~LLMM~~. Slug Load or Slug Discharge. Any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions. This includes discharges at a flow rate or concentration which could cause a violation of the prohibited discharge standards of Section 13.20.050 of this Ordinance.

~~MMNN~~. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

~~NNOO~~. Total Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

~~OOPP~~. User or Industrial User. Any Person with a source of discharge which does not qualify that person as a Domestic User who discharges an effluent into the POTW by means of pipes, conduits, pumping stations, force mains, tank trucks, constructed drainage ditches, intercepting ditches, and all constructed devices and appliances appurtenant thereto.

~~PPQQ~~. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

~~QQRR~~. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Section 6. Amendment of OMC 13.20.120. Olympia Municipal Code 13.20.120 is hereby amended to read as follows:

13.20.120 Additional Pretreatment Measures

A. The Executive Director may immediately and effectively halt or prevent any discharge of pollutants to the POTW which reasonably appear to present an imminent endangerment to the health or welfare of persons. In

such cases, the Executive Director will provide the User advance notice if possible, but shall not delay a response to imminent endangerment.

B. The Executive Director may halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW (including the collection system and pump stations). In such cases, the Executive Director shall attempt to provide not only notice to the affected User(s), but the opportunity to respond.

C. Any User causing the Executive Director to exercise the emergency authorities provided for under Sections 13.20.120(A) and (B) shall be responsible for reimbursement of all related costs to the Executive Director and the City.

D. The Executive Director may require Users to reduce or curtail certain discharges to the sewer, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and take all other measures to protect the POTW and determine the User's compliance with the requirements of this Ordinance.

E. The Executive Director and the City, based on the determination that such devices are necessary for implementation of pretreatment requirements, may require any User to install and maintain, on their property and at their expense the following devices:

1. A sample taking facility accessible to the Executive Director
2. A suitable storage and/or flow equalization tank
3. Grease, oil, and/or grit interceptors
4. An approved combustible gas detection meter

5. A secondary containment area for the exterior storage of containers of fats, oils and grease. The secondary containment area shall have a minimum storage capacity equal to the volume of the storage container(s), and be designed to prevent rainfall entering and thus reducing the capacity of the containment area. Containers in these areas shall be stored such that they cannot be unintentionally tipped over or spilled.

F. Users installing any of the above devices shall ensure they are of the type and capacity approved by the City, meet applicable building and plumbing codes, and conform to any separate requirements established by the City and the Executive Director. Users shall locate units in areas easily accessible for cleaning and inspection by representatives of the City or Executive Director. Users shall be responsible for all periodic inspection, cleaning, and repair of such devices.

Section 7. Amendment of OMC 15.20.060. Olympia Municipal Code 15.20.060 is hereby amended to read as follows:

15.20.060 Exemptions from the concurrency test

A. Exemption from the concurrency test is not an exemption from the remaining requirements of OMC Title 15. The following applications for a building permit shall be exempt from the concurrency test:

1. Any proposed development that creates no additional impacts on any transportation facility;
2. Any project that is a component of another proposed development and that was included in a prior application for a finding of concurrency;
3. Any renewal of a previously issued but unexpired permit;
4. Any application for a residential building permit if the dwelling unit is a part of a subdivision or short plat that submitted an application after 1990 and that has undergone the analysis mandated by the State Subdivision Act, RCW 58.17.060 or .110 and
5. Any application that is exempt from OMC Title 14.

B. Unless otherwise exempted by the Director or Environmental Review Officer, A building permit application must be accompanied by a Traffic Impact Analysis (TIA) provided by the applicant in accordance with the City of Olympia Traffic Impact Analysis Guidelines for New Development dated November 3, 2006 (TIA Guidelines) in Chapter 4 of the current Engineering Design and Development Standards, or as hereafter amended by resolution of the City Council. Applications that do not meet the minimum requirements to conduct a TIA under Section B 'When Required' of the TIA Guidelines are exempt.

Section 8. Amendment of OMC 17.52.020. Olympia Municipal Code 17.52.020 is hereby amended to read as follows:

17.52.020 Applicability

A variance to any requirements of Chapter 17.48 may be requested. Variances to other provisions of this title may not be applied for or granted; provided, that the ~~director of the public works department~~ city engineer may approve a deviation from the requirements of Sections 17.16.030, 17.24.020, 17.32.100, 17.32.150, 17.36.070 and 17.36.120 without a variance, if said deviation is justified on the basis of topography or other special or unique conditions attending the development site, consistent with Chapter 1 of the Engineering Design and Development Standards.

Section 9. Amendment of OMC 18.75.020. Olympia Municipal Code 18.75.020 is hereby amended to read as follows:

18.75.020 Specific appeal procedures

A. Administrative Decision. Administrative decisions regarding the approval or denial of the following applications or determinations/interpretations may be appealed to the Hearing Examiner within fourteen (14) days, or twenty-one (21) days if issued with a SEPA threshold determination including a comment period, of the final staff decision using procedures outlined below and in OMC Chapter 18.82, Hearing Examiner (Refer to 18.72.080 for other appeal authorities).

1. All Administrative Interpretations/Determinations
2. Boundary Line Adjustments
3. Home Occupation Permits
4. Preliminary Short Plats
5. Preliminary SEPA Threshold Determination (EIS required)
6. Shoreline Exemptions and staff-level substantial development permits
7. Sign Permits
8. Variances, Administrative
9. Building permits
10. Engineering permits
11. Application or interpretations of the Building Code
12. Application or interpretations of the Housing Code
13. Application or interpretations of the Uniform Fire Code
14. Application or interpretations of the Uniform Code for the Abatement of Dangerous Buildings
15. Application and interpretations of the Uniform Code for Building Conservation
16. Land Use (Director) decisions

17. Administrative decisions on impact fees
18. A recommendation to Thurston County to deny a permit to repair or replace existing, failing on-site septic systems that meet the criteria set forth in OMC 13.08.020(2), as required by RCW 35.21.940
19. Appeals of Drainage Manual Administrator decisions
20. Appeals of the requirements of the Engineering Design and Development Standards, including appeals to deviation request decisions made under Chapter 1 of such Standards.

B. SEPA.

1. The City establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:

a. Any agency or person may appeal the City's conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter 197-11. All such appeals shall be made to the Hearing Examiner and must be filed within seven (7) days after the comment period before the threshold decision has expired. This appeal and any other appeal of a land use action shall be considered together.

b. The following threshold decisions or actions are subject to timely appeal.

i. Determination of Significance. Appeal of a determination of significance (DS) or a claim of error for failure to issue a DS may only be appealed to the Hearing Examiner within that fourteen (14) day period immediately following issuance of such initial determination.

ii. Determination of Nonsignificance or Mitigated Determination of Nonsignificance. Conditions of approval and the lack of specific conditions may be appealed to the Hearing Examiner within seven (7) calendar days after the SEPA comment period expires.

iii. Environmental Impact Statement. A challenge to a determination of adequacy of a Final EIS may be heard by the Hearing Examiner in conjunction with any appeal or hearing regarding the associated project permit. Where no hearing is associated with the proposed action, an appeal of the determination of adequacy must be filed within fourteen (14) days after the thirty (30) day comment period has expired.

iv. Denial of a proposal. Any denial of a project or non-project action using SEPA policies and rules may be appealed to the Hearing Examiner within seven (7) days following the final administrative decision.

c. For any appeal under this subsection the City shall keep a record of the appeal proceedings, which shall consist of the following:

- i. Findings and conclusions; and
- ii. Testimony under oath; and
- iii. A taped or written transcript.

d. Any procedural determination by the City's responsible official shall carry substantial weight in any appeal proceeding.

2. The City shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal. See Chapter 18.78, Public Notification.

C. Land Use Approval.

1. The Director's decisions may be appealed to the Hearing Examiner by any aggrieved or affected parties. All appeals shall be filed in writing with the Department within fourteen (14) days of the date of the decision being appealed. Where combined with an environmental threshold determination, such appeal period shall be extended to twenty-one (21) days.

2. The Department shall send written notification of receipt of the appeal to the applicant and to all appropriate city departments prior to the date the Hearing Examiner will consider the matter.

3. Any action taken by the Hearing Examiner which upholds, modifies or reverses a decision by the Director shall be final.

D. Building and Fire Permits Appeals. For building or fire code appeals, the Hearing Examiner is authorized to appoint a master, an individual with appropriate professional experience and technical expertise, to hear such appeals and to prepare findings and conclusions for issuance by the Hearing Examiner.

E. Takings and Substantive Due Process Review and Modifications.

1. The Hearing Examiner is hereby authorized to hear, by way of appeal or upon review of a project permit application, all assertions of project-specific taking of property for public use without just compensation and/or the denial of substantive due process of law, and all challenges to imposition of conditions on a project of a similar nature such as any assertion that an open space dedication is not reasonably necessary as a direct result of a proposed development whether based on constitutional, statutory or common law. Failure to raise a specific challenge to such condition or exaction shall constitute a waiver of such issue and a failure to exhaust an administrative remedy.

2. In deciding and resolving any such issue, the Examiner may consider all law applicable to the City. Should the Examiner determine that, but for a taking without just compensation or a violation of

substantive due process of law, imposition of any such condition would be required by standard, regulation, or ordinance the Examiner shall so state in the decision and so report to the Olympia City Council. In lieu of failing to impose such condition, the Examiner shall first provide the City with due opportunity to provide just compensation. The Examiner shall specify a time period in which the Council shall elect to or not to provide just compensation. Upon notice of the election of the City Council not to provide such compensation, the Examiner is authorized to and shall, within fourteen (14) days, issue a decision modifying to whatever degree necessary such condition to eliminate the taking or violation of substantive due process.

Section 10. Amendment of OMC 18.82.120. Olympia Municipal Code 18.82.120 is hereby amended to read as follows:

18.82.120 Authority

The following cases shall be within the jurisdiction of the Hearing Examiner under the terms and procedures of this Chapter.

- A. Short plat modification, variance requests or appeals.
- B. Shoreline development permits and permit rescissions.
- C. Shoreline development variances.
- D. Preliminary plat applications.
- E. Preliminary plat approval extension requests.
- F. Rezone and Master Planned Development applications.
- G. Preliminary plat modification requests.
- H. Planned residential developments.
- I. Conditional use permits.
- J. Zoning variances.
- K. Appeals of zoning interpretations.
- L. Administrative appeals.
- M. Public Works—Development Standards variances. Appeals of the requirements of the Engineering Design and Development Standards, including deviation request decisions made under Chapter 1 of such Standards

- N. Applications for density bonuses.
- O. Removal of density bonus conditions.
- P. Critical area reasonable use exception.
- Q. Site plan and home occupation application referred by staff.
- R. Preliminary short plat or binding site plan applications referred by staff.
- S. Concept design review.
- T. Detailed design review.
- U. Building and grading permits.
- V. Engineering and other construction permits.
- W. Permits and other matters associated with and consolidated with applications for the above project approvals.
- X. Appeals of Community Planning and Development Director's denial or cancellation of a multi-family housing final certificate of tax exemption.
- Y. Subdivision improvement deferral agreement.
- Z. County homeless encampments.

AA. Appeals of Drainage Manual Administrator decisions.

Section 11. 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 12. 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 13. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 14. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Niehaber

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

<http://www.olympiawa.gov/EDDS-updates>

2017 EDDS Topics -11/29/17					
EDDS #	Topic	Requested Change and Why	Location in EDDS, OMC, etc.	Submitted By	Notes/Stakeholder Comments
SUBSTANTIVE CHANGES					
1	ADA Requirements for Curb Ramps	Clarify when ADA curb ramps are required as part of Streetside (Frontage) Improvements or utility work, and when existing ones need to be replaced.	2.040, 4C.050	Sophie Stimson, Dave Smith	In 2016 Curb Ramps were defined, along with reference to ADA and PROWAG. Now need EDDS to more explicit.
2	Pedestrian Pathways	Address issues with safe access for pedestrians through parking lots and commercial developments.	Chapter 2 and 4, 4C.035, OMC 18.38	Darren Nienaber, Sophie Stimson, Chuck Dower	
3	Traffic Impact Analysis	Clarify when a TIA is required, what standards to go by and what types of improvements are required by the results of a TIA.	2.040, Chapter 4; OMC 15.20.060	Fran Eide, Steve Sperr, Amy Buckler	Add "Olympia's TIA Guidelines" as an Appendix to Chapter 4. Need in EDDS to solidify DTS SEPA exemption proposal.
4	Block Sizing	Change current standard for Arterials of 500-750 feet to 500 feet, per Comp Plan.	2.040.B.3.e, Ch. 4 Tables 3 & 7	Sophie Stimson	Comp Plan Policy PT4.1
OTHER CHANGES					
5	Urban Forestry Manual	Reference in Chapter 1, and address link to requirements in SWPPP and SVPAs. See topic #10 below.	Chapters 3 and 5	Jake Lund, Tiffani King	Deferred to 2018.
6	Appeals	Appeals of decisions related to Deviation Request determinations and related decisions as to the applicability of the EDDS should go to the Hearings Examiner.	1.05, 2.090.E, OMC 17.48, 17.52, 18.75 and 18.82	Darren Nienaber	
7	Professional Qualifications	Revise wording to include all "Licensed Professionals" involved in submitting documents for permits or approval.	1.110	Donna Buxton	
8	Bonding of Work	Clarify bonding requirements throughout the EDDS. Clarify scenarios, if any, for which deferral of streetside improvements can be bonded.	1.130, 2.030.F, 2.070, at.al.; OMC 12.20 and 17.44.020	Fran Eide, Steve Sperr	Coordinate with Bonding For Minor Improvements as part of Final Plat issue. Carryover from 2016.
9	Submittals for Private Development Work	Consider requiring submittals for certain types of construction (e.g. pervious concrete sidewalk and driveways) and/or materials to be used, for work on public facilities and infrastructure constructed by private development.	Chapter 3	Fran Eide and Steve Sperr	Deferred to 2018.
10	Soil and Vegetation Protection Area Plans	Add requirements for what is to be in these plans, per Urban Forestry Manual. Need in Ch 3 if not in applicable OMC chapter.	3.045	Jake Lund, Stacey Ray	Deferred to 2018.
11	Record Drawings	Adjust standards to reflect current issues. Update OMC 17.44.030 to reflect current standards. Also address scanning requirements changes (to .pdf).	3.045, 3.065, OMC 17.44.030	Steve Sperr, Ladd Cluff	Carryover from 2016, plus new scanning requirements in 2017.
12	Easements	(1) Clarify how to determine easement widths when > 20' standard width is needed. Confirm consistency with Drainage Manual. (2) Ensure there is sufficient vehicular access to easements, manholes and monitoring wells located on private property.	3.100, 2.060.E	Steve Sperr, Diane Utter	1st part was carryover from 2016.
13	Stormwater Construction Notes	(1) Update the notes for protection of bioretention and permeable pavements, per LID. (2) Add note regarding the applicability of ___ EDDS and ___ Drainage Manual.	Drawing 3-1, Ch. 5	Jake Lund	
14	Ditch Maintenance	Need to establish responsibility here in the EDDS, or in applicable OMC?	Ch4 and/or 5?	Jake Lund	Deferred to 2018.
15	Driveway Culverts	Establish standard for driveway approaches with culverts.	4B.140, Ch 5	Steve Sperr, Jake Lund	Deferred to 2018.
16	Typo errors	Change the word "cure" to "curve" in 4B.140 A.5; add word "school" back into 2.040.B.18.	4B.140.A.5, 2.040.B.18	Chuck Dower, Steve Sperr	
17	Gates and Bollards for Public Facilities	Establish clear standards; currently only fence standards in Lift Station section of Chapter 7.	Chapters 4, 7, other?	Jake Lund, Marcus Goodman	Deferred to 2018.
18	Sidewalk Repair	Cuts into sidewalks require new sidewalk installation to the next joint or 5' from cut, whichever is longer.	4C.030.G	Sophie Stimson, Steve Sperr	

EDDS #	Topic	Requested Change and Why	Location in EDDS, OMC, etc.	Submitted By	Notes/Stakeholder Comments
19	Illumination	Review mounting heights, spacing and other requirements for Street Lights. Confirm whether "City of Olympia Streetlight Installation Guidelines" is still being used.	4F	Steve Sperr	Deferred to 2018.
20	LED Street Lights	Lower color temperature standard to 3000 Kelvin for acorn (pedestrian-level) fixtures.	4F.020	Randy Wesselman	
21	Transportation-Related Special Provisions	Update Appendix 5 of Chapter 4 to reflect changes made by Amendments to the 2016 WSDOT Standard Specifications.	Appendix 5 of Ch. 4	Rolland Ireland	An annual topic?
22	Hammerhead Detail	Review minimum dimensions and other requirement of the Temporary "T" (i.e."Hammerhead") elements of standard detail 4-5.	Drawing 4-5	Chuck Dower	Deferred to 2018.
23	Bedding and Backfill	Revise and/or clarify pipe zone bedding specification (see WSDOT 9-03.12(3)) and drawing 4-8, to decrease size of crushed rock that can be used. Need to clarify backfill spec as well?	Drawing 4-8; specs in various Chapters	Steve Sperr	Deferred to 2018.
24	Concrete-Related Detail Updates	Update rebar and concrete spec for Standard Drawings 4-31A and 4-33. Update type of concrete reference in Drawings 5-2, 6-12, 7-5.	Drawings 4-31A&33, 5-2&3, 6-12, 7-5	Steve Sperr	
25	Utilities Location Schematic	Review Standard Drawing details, and consider adding additional pipe separation info. Add reference to this Drawing in other Chapters.	Drawing 4-44	Steve Sperr	Deferred to 2018.
26	Easements for Private Stormwater Facilities	Clarify minimum easement dimensions for private stormwater facilities on private property (.e.g. on Binding Site Plans, plats).	Chapter 5	Jake Lund, Steve Sperr	See language in 2009 and 2016 Drainage Manuals.
27	Catch Basins	Add (1) requirement to install "Drains to..." markers during construction, (2) detail on CB drawings showing marker, and (3) more detail about where non-vented grates and hooded frames are required.	Chapter 5 & Drawings	Jake Lund	Deferred to 2018.
28	Stormwater Pond Sign	Add a standard detail into Chapter 5 showing the required information to be included on the sign, as well as where and when it is required.	Chapter 5	Jeremy Graham	Carryover from 2016.
29	Tree Protection Fencing	Need detail, how it's installed, reference to Urban Forestry manual.	Ch. 5	Jake Lund, Shelly Bentley	
30	Videotaping pipe inspections	(1) revise wording to reflect who should be doing the video inspections and under what standard (see OSPs). (2) Consider recovering cost of City TV-ing if defect found within 1 year performance period. (3) Change Granite XP to Granite Net (the current version). (4) Clarify that this applies to all sewers, including private sewers connected to the City collection system.	5.010, 5.024, 7A.010, 7A.070	Steve Sperr, Diane Utter	Partly a carryover from 2016. Recovery of cost for TVing will be under applicable bond.
31	PVC Pipe Repair Bands	Add requirements to use wide steel band, Fernco-type repair bands when repairs to stormwater or sewer pipe are needed.	5.06, 7A.065	Steve Sperr	
32	Underground Detention Systems	Consider pros and cons of allowing certain types of underground stormwater detention systems, depending on location (under parking lots, e.g.).	Chapter 5	Jake Lund	Carryover from 2016.
33	Drawing 5-1	Update WSDOT drawing reference in Note 3.	Drawing 5-1	Steve Sperr	
34	Fire Hydrants	Update required hydrant manufacturers to current standard.	6.060	Tom Swartout	
35	Water Meters	Update specified water meter type and dimensions in some drawings.	6.075, Drawings	Tom Swartout	
36	Service Connection Drawings	Misc. updates to service connection drawings, including type of PE pipe.	Drawings 6-1A, 1B, 1C, 2	Tom Swartout	
37	Setter Drawing	Misc. updates to setter drawing.	Drawing 6-3	Tom Swartout	
38	Meter Placement Drawing	Misc. updates to Meter Placement drawing.	Drawing 6-7	Tom Swartout	
39	Reduced Pressure (RP) Drawing	Clarify union height above slab or grade.	Drawing 6-22	Tom Swartout	
40	Meter Lid Drawings	Remove requirements for magnet in the lid.	Drawings 6-29, 29A	Tom Swartout	
41	Water Service Connections	(1) Add Fire Dept approval for size of service, (2) change type of PE pipe, (3) clarify preference of service taps in ROW versus new water main in easements, and (4) add steel sleeve (casing) pipe.	6.120	Tom Swartout	steel casing pipe spec still needed (2018).
42	Groundwater Monitoring Wells	Add additional language regarding these resource protection wells.	Ch. Chapters 3-6	Donna Buxton	
43	Location of Sewer Main in Street	Establish standards for location of new sewer main in existing streets that may allow other than center of road, and possible stubout requirements.	Ch 7	Diane Utter, Steve Sperr	Defer to 2018, per Water Resources.
44	Grease Barrel Storage in ROW	Establish standard in Ch.5, with Standard Drawing, and link to OMC 13.20. Needed to address spills and overflows.	5.100, OMC 13.20	Diane Utter, Steve Sperr	

EDDS #	Topic	Requested Change and Why	Location in EDDS, OMC, etc.	Submitted By	Notes/Stakeholder Comments
45	Hard surface runoff into sewer	Address "stormwater" catch basin connections to the sewer system for covered fueling stations (pump islands), solid waste compactors, and covered parking structures.	Ch7 - new section(s)?	Diane Utter, Jake Lund, Steve Sperr	See also topic #67 below.
46	Pipe Abandonment	Reference WSDOT Standard Specifications, or copy and paste Olympia Special Provisions requirements for abandoning a pipe in place.	7A	Diane Utter	
47	Notification of sewer taps	Require advance notification to Wastewater Utility of sewer service line taps on existing sewer mains, similar to water main taps requirements.	7B.080	Diane Utter	
48	Saddle Manholes	Update section on saddle manholes, including bypass pumping, and add a standard drawing.	7B.050	Fran Eide	Deferred to 2018.
49	Inside Drop Manholes	Clarify when it can be used, and clean up Standard Drawing (e.g. note 4). Add updated ASTM reference.	7B.050, Drawing 7-4A	Fran & Steve	Deferred to 2018.
50	Ownership of Side Sewers in the ROW	Change description of ownership to be consistent with change to OMC 13.08 in 2017 that will say the City owns the portion of side sewer located in public ROW.	7B.070, 080, 7F.010	Diane Utter	
51	Force Main Drain	Consider deleting requirement for drain, and add requirement for pigging equipment.	7C.060	Steve Sperr	Carryover from 2016. Per Water Resources, keeping drain requirement but adding pigging.
52	City personnel	Change references to "City forces" to "City personnel".	7E.010	Diane Utter	
53	STEP Tank Pumping	Remove requirement to pump STEP tank at time of sale of property; this has not been a requirement for a long time.	7E.010	Diane Utter	
54	Bearing Floats	Change floats from mercury to bearing floats (see float make & model in drawing 7-7).	7E.080.C	Diane Utter	
55	Alarm Heights	Remove alarm heights in section 7E.090, and ensure correct ones are on Drawing 7-7.	7E.090, Drawing 7-7	Diane Utter	
56	Power Switch Cover	Add power switch cover requirement for residential STEPS systems.	7E.090.H, J	Diane Utter	
57	Hour Meter and Event Counter	Remove reference to these non-existent devices.	7E.090.J	Diane Utter	
58	Commercial STEP Systems	Revise wording in 7E.095 - exact wording forthcoming from Operations.	7E.095	Tom Swartout	Defer to 2018.
59	Grinder System Inspection	Require grinder pump systems to be inspected at time of sale of property, to ensure proper operation consistent with DOE requirements.	7F.010	Diane Utter	
60	Grinder Main Discharge Point	Create new subsection similar to 7C.080 (Force Main Termination), to address H2S, etc.	7F.040 and 7C.080	Diane Utter	
61	Threaded pipe	Change "treaded" to "threaded" on Drawing 7-12.	drawing 7-12	Diane Utter	
62	Two-Way Cleanouts	Restore two-way cleanout requirement on Standard Drawing 7-19.	Drawing 7-19	Diane Utter	Dropped at request of Water Resources
63	Residential STEP tank detail	Add a new Standard Drawing with wiring diagram and photo for residential STEP tanks.	Drawing 7-25, 7E.090	Diane Utter	
64	Wiring Diagram	Add wiring diagram with photo. For Lift Stations only, or also for Commercial STEPs?	Ch7 Drawings	Tom Swartout	
65	Lift Station Drawings	Updates to Lift Station Drawings 7-7, 18A-B, 20, 21, 22A-I.	Ch7 Drawings	Tom Swartout	
66	Lift Station Start-up documents	Add the Lift Station Inspection Checklist and S&L Product Start-Up Report forms as Appendices.	Ch7. Appendices	Tom Swartout	Carryover from 2016.
67	Catch Basins for Solid Waste	Add requirement, consistent with the Drainage Manual, for installation of catch basins for dumpster/compactor pads that are connected to the sewer system. Add similar requirement for covered parking lots and fuel islands in Ch 4 as well?	Ch. 8	Jeremy Graham	See also topic #45 above.
68	Compactors	Revise wording in 8.031.C.2 to correct type of compactor.	8.031.C.2	Ron Jones	Deferred to 2018.
69	Ch. 8 Drawings	Remove conflict between Appendix 1 and Appendix 2 by deleting Illustrations.	Ch. 8 Appendices	Steve Sperr	
70	Green Cove Basin	Update Chapter 9, to better reflect LID code changes and requirements for new Drainage Manual.	Ch 9	Jake Lund	
71	OMC 12.20	Revise OMC 12.20, titled Street Excavations, to be consistent with the EDDS, as some sections are outdated and/or conflict with the EDDS. Address "no-cut Ordinance"/Pavement Restoration Fee issues here.	OMC 12.20, 4B.175 &180, 6.170	Fran Eide, Steve Sperr	Carryover from 2015 & 2016; includes update to no-cut ordinance/Pavement Restoration Fee

EDDS #	Topic	Requested Change and Why	Location in EDDS, OMC, etc.	Submitted By	Notes/Stakeholder Comments
HOLD FOR FUTURE CONSIDERATION					
1	Street Connectivity	Set up special Deviation Request requirements, consistent with Comprehensive Plan Goal GT5 and Policy PT5.2, that require the proponent to address specific issues identified in the Comp Plan related to connectivity. Also consider (1) alternative alignments in environmentally sensitive/critical areas, (2) new criteria for examining new street connections, and (3) identifying safety issues and funding solutions to such issues related to newly connected streets.	1.050		Comp Plan Policies PT5.1, 5.2 & 5.4
2	Streetside (Frontage) Improvements	Clarify when they are required, what is required, and intent to achieve sidewalk and planter strip widths on major streets. Clarify when "streetside" vs. utility extensions are required. Consider stronger language for when sidewalk and other ped-related improvements in urban corridors are required (Comp Plan Policy PT15.1).	2.040, 2.020, 2.070, 3.110		Comp Plan Policy PT15.1
3	Alleys	Revise Alley requirement in section 2.040B to be consistent with updated Comp Plan. Revise the current concrete strip standard for residential alleys, as it has not been installed in over 15 years.	2.040.B, Ch.4 Table 2, Drawings 4-4A,B		Deferred until decision is made to discuss when to require alleys for new construction. Comp Plan Policies PT3.4-3.6.
4	Private Utility Easements	Revise requirements for private utility easements, to address when they are required, allowing for adjustment of width based on zoning, etc.	2.050.E		Initiated in 2015; deferred to 2017 due to complicated regulations & need to address utility concerns.
5	Franchise (Private) Utilities (carryover from 2015)	Revise the Franchise Utilities section, as it is out of date and omits some requirements. Address as many of the Comp Plan Policies related to Private Utilities as practicable. Address pavement restoration.	2.060, 4B.175, 4B.195	Fran Eide & Safe Streets Campaign	A 2016 topic that was deferred to 2017. Comp Plan Policies PU 3.6, 15.1, 15.5, 16.1, 16.3, 16.4, 17.1.
6	Parking Lots (carryover from 2015)	(1) Clarify wording in paragraph 3 of the Parking Lot section 4H110. (2) Revise parking lot connection requirements to address connecting adjacent parking lots in 4I.090. (3) Clarify EDDS & Drainage Manual roles in parking lot design/layout, approval and inspection, vs. CP&D in OMC 18.38.	OMC 18.38.220, 4H.110, 4I.090 and Ch. 5		Comprehensive Plan Policy PT1.11
7	Planter Strips	Add standard for planter strip landscaping, addressing (1) number and type of plants, (2) species and diversity of trees, and (3) placement and replacement of trees.	4H		Issue is linked to volume of soil required for plants and trees. Comp Plan Policy PN3.5
8	Roof Drains to Street Gutters	Investigate and determine whether tightline discharge of building roof drains to street gutters should be allowed or regulated by the EDDS.	Chapters 4 and 5	Steve Sperr	Carryover from 2016.
9	Sump Pumps to Street Gutters	Investigate and determine whether tightline discharge of sump pumps in basement (and other low areas) to street gutters should be allowed or regulated by the EDDS.	Chapters 4 and 5	Steve Sperr	Carryover from 2016.
10	Traffic Calming	Consider adding some criteria for determining when/if/where to use, especially for RLI Collectors and Local Access Streets.	Ch. 4, Ch. 9		Also, "Install or allow traffic calming..." is stated in Comp Plan Policy PT2.6.
11	Electric Vehicle Charging Stations	Support the use of electric vehicles by developing standards for their placement in the ROW. Being addressed separately from EDDS Update.	Chapter 4	Nathaniel Jones	Comp Plan Policy PN8.5. Develop standards in 2018.
12	Fiber Optics Conduit	Establish standards for a City-owned fiber optics conduit system, once policies and regulations regarding such a system are established by City Council action.			Comp Plan Policy PU22
13	Modified Street Designs	Focus on a particular mode instead of "complete streets". Provides direction for master plans.			Comp Plan Policy PT1.13
14	Bike Boulevards/Corridors	Establish standards for bike corridors, using 2016 Bike Corridor pilot project as template.			Comp Plan Policy PT25.4
15	Protected Bike Lanes	Establish standards for protected bike lanes			
16	Pedestrian Crossing Islands	Make islands large enough for small groups cycling together.			Comp Plan Policy PT25.5
17	Private Streets	Clarify requirements for Private Streets, and when are they permissible.	2.040, 4B.070	Steve Sperr	
18	Infill Housing Incentives	On 2017 Draft Action Plan. May or may not involve changes to the EDDS.	TBD	Leonard Bauer	See 5/17/16 email from Leonard for more details.
19	Sidewalk Cafes	Establish standards for use of portions of sidewalks in the ROW, in front of restaurants, bars, etc.	TBD, OMC 9.16.180	Rich Hoey, Fran Eide	



City Council

Approval of an Ordinance Amending Transportation Impact Fees

Agenda Date: 12/19/2017
Agenda Item Number: 4.G
File Number: 17-0075

Type: ordinance **Version:** 2 **Status:** 2d Reading-Consent

Title

Approval of an Ordinance Amending Transportation Impact Fees

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve on second reading the ordinance amending Transportation Impact Fees.

Report

Issue:

Whether to adopt an ordinance amending Transportation Impact Fees to include increases in cost for labor, construction materials, real property, and removal of projects which are fully funded.

Staff Contact:

Randy Wesselman, Transportation Engineering and Planning Manager, Public Works Transportation, 360.753.8477

Presenter(s):

None - Consent Item.

Background and Analysis:

Background and analysis has not changed from first to second reading.

The City charges developers a Transportation Impact Fee to offset the impact of new development on the transportation system. Transportation Impact Fees fund future transportation capital improvement projects. The cost is calculated based on the type of land use and the projected number of afternoon, peak-hour vehicle trips generated by the development.

On an annual basis, staff adjusts project costs to remain current with the cost of labor, construction materials, and real property. Staff makes updates to the Transportation Impact Fee Rate Study approximately every three to five years. The last update was in 2016.

Updates affecting the Transportation Impact Fee Rate Schedule include:

1. Deleting the Transportation Projects Update and Prioritization project and the Log Cabin Road Extension right-of-way cost since these are fully funded or complete;
2. Inflating project estimates for cost of labor, construction materials, and real property.

Staff recommends revising the Transportation Impact Fee Ordinance to reflect the above changes.

Attached are the proposed amendments to the Transportation Impact Fee Ordinance.

Neighborhood/Community Interests (if known):

Public Hearings were held on October 17 and November 21, 2017. The City Council did not receive any comments concerning the decrease in Transportation Impact Fees.

Options:

1. Approve on second reading the ordinance amending Transportation Impact Fees. Project costs will remain current with the cost of labor, construction materials, and real property.
2. Do not approve the Ordinance.

Financial Impact:

The Transportation Impact Fee will decrease from \$2,999 to \$2,957 per new PM peak hour trip. This represents a -1.39% decrease.

Attachments:

Ordinance

Cost Distribution

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON AMENDING TRANSPORTATION IMPACT FEES, AND AMENDING SECTION 15.16.040 OF THE OLYMPIA MUNICIPAL CODE

WHEREAS, RCW 82.02.050 - .090 authorizes the City of Olympia to adopt an ordinance imposing impact fees; and

WHEREAS, in Ordinance Nos. 5490 and 6164, the City of Olympia did adopt such impact fees, to include "Transportation Impact Fees"; and

WHEREAS, the City Council has called for an annual review of impact fees, concurrent with the annual review of the Capital Facilities Plan (CFP) element of the City's Comprehensive Plan, to consider adjustments to the fees; and

WHEREAS, following said review of the 2018-2023 CFP, the Olympia City Council desires to amend Transportation Impact Fees to account for projects fully funded or completed, costs of labor, construction materials, and real property; and

WHEREAS, this Ordinance is adopted pursuant to Article 11, Section 11, of the Washington Constitution; and

WHEREAS, this Ordinance is supported by the staff report, attachments, and documents on file with the Department of Public Works;

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

Section 1. Amendment of OMC 15.16.040. Olympia Municipal Code Section 15.16.040 is hereby amended to read as follows:

15.16.040 Schedule D, Transportation Impact Fees

**SCHEDULE D
TRANSPORTATION IMPACT FEE RATE SCHEDULE
Effective January 1, ~~2017~~2018**

Land Uses	Unit of Measure	Rate
Cost per New Trip Generated:		\$2,999 <u>\$2,957</u>
<i>Residential</i>		
Single Family (Detached)	dwelling	\$3,498 <u>\$3,450</u>
Multi Family-Townhouse & Duplex	dwelling	\$2,293 <u>\$2,261</u>

SCHEDULE D
TRANSPORTATION IMPACT FEE RATE SCHEDULE
Effective January 1, 2017-2018

Land Uses	Unit of Measure	Rate
Senior Housing & Accessory Dwelling	dwelling	\$868 <u>\$856</u>
Mobile Home	dwelling	\$2,064 <u>\$2,035</u>
<i>Commercial – Services</i>		
Bank	sq ft / GFA	\$23.68 <u>\$23.35</u>
Day Care	sq ft / GFA	\$24.67 <u>\$24.33</u>
Hotel/Motel	room	\$2,399 <u>\$2,366</u>
Service Station ¹	fueling position	\$10,101 <u>\$9,961</u>
Quick Lubrication Vehicle Shop	servicing positions	\$6,173 <u>\$6,088</u>
Automobile Care Center	sq ft / GLA	\$5.13 <u>\$5.06</u>
Movie Theater	seat	\$137 <u>\$135</u>
Health Club	sq ft / GFA	\$8.20 <u>\$8.09</u>
Marina	berth	\$530 <u>\$523</u>
<i>Institutional</i>		
Elementary /Jr. High/ High School	student	\$208 <u>\$205</u>
University/College	student	\$459 <u>\$452</u>
Church	sq ft / GFA	\$2.03 <u>\$2.01</u>

SCHEDULE D
TRANSPORTATION IMPACT FEE RATE SCHEDULE
Effective January 1, 2017-2018

Land Uses	Unit of Measure	Rate
Hospital	sq ft / GFA	\$3.72 <u>\$3.67</u>
Assisted Living, Nursing Home, Group Home	bed	\$616 <u>\$607</u>
<i>Industrial</i>		
Light Industry/Manufacturing/Industrial Park	sq ft / GFA	\$4.33 <u>\$4.27</u>
Warehousing/Storage	sq ft / GFA	\$1.63 <u>\$1.61</u>
Mini Warehouse	sq ft / GFA	\$1.33 <u>\$1.31</u>
<i>Restaurant</i>		
Restaurant	sq ft / GFA	\$14.25 <u>\$14.06</u>
Fast Food Restaurant	sq ft / GFA	\$32.64 <u>\$32.18</u>
Coffee/Donut Shop with Drive-Through Window	sq ft / GFA	\$27.81 <u>\$27.42</u>
Coffee/Donut Shop with Drive-Through Window and No Indoor Seating	sq ft / GFA	\$10.72 <u>\$10.57</u>
<i>Commercial – Retail</i>		
Retail Shopping Center:		
up to 49,999	sq ft / GLA	\$6.15 <u>\$6.07</u>
50,000-99,999	sq ft / GLA	\$5.43 <u>\$5.36</u>
100,000-199,999	sq ft / GLA	\$5.34 <u>\$5.27</u>

SCHEDULE D
TRANSPORTATION IMPACT FEE RATE SCHEDULE
Effective January 1, 2017-2018

Land Uses	Unit of Measure	Rate
200,000-299,999	sq ft / GLA	\$4.89 <u>\$4.82</u>
300,000-399,999	sq ft / GLA	\$5.82 <u>\$5.74</u>
over 400,000	sq ft / GLA	\$6.57 <u>\$6.48</u>
Supermarket > 5,000 SF	sq ft / GFA	\$12.74 <u>\$12.56</u>
Convenience Market < 5,000 SF	sq ft / GFA	\$33.37 <u>\$32.91</u>
Furniture Store	sq ft / GFA	\$0.36 <u>\$0.35</u>
Car Sales - New/Used	sq ft / GFA	\$9.64 <u>\$9.50</u>
Nursery/Garden Center	sq ft / GFA	\$10.20 <u>\$10.06</u>
Pharmacy/Drugstore	sq ft / GFA	\$6.71 <u>\$6.62</u>
Hardware/Building Materials Store < 25,000 SF	sq ft / GFA	\$5.65 <u>\$5.58</u>
Discount Merchandise Store (Free Standing)	sq ft / GFA	\$6.24 <u>\$6.16</u>
Video Rental	sq ft / GFA	\$10.40 <u>\$10.25</u>
Home Improvement Superstore > 25,000 SF	sq ft / GFA	\$2.84 <u>\$2.80</u>
Miscellaneous Retail	sq ft / GLA	\$5.87 <u>\$5.79</u>
<i>Commercial – Office</i>		
Administrative Office:		

SCHEDULE D
TRANSPORTATION IMPACT FEE RATE SCHEDULE
Effective January 1, ~~2017~~2018

Land Uses	Unit of Measure	Rate
0-99,999	sq ft / GFA	\$12.34 <u>\$12.17</u>
100,000-199,999	sq ft / GFA	\$7.52 <u>\$7.42</u>
200,000-299,999	sq ft / GFA	\$6.56 <u>\$6.47</u>
over 300,000	sq ft / GFA	\$6.15 <u>\$6.06</u>
Medical Office/Clinic	sq ft / GFA	\$12.85 <u>\$12.67</u>
<i>Downtown² Fees</i>		
Multi Family-Townhouse, & Duplex	dwelling	\$1,004 <u>\$990</u>
Senior Housing & Accessory Dwelling	dwelling	\$380 <u>\$375</u>
Assisted Living, Nursing Home, Group Home	bed	\$367 <u>\$362</u>
Hotel/Motel	room	\$1,431 <u>\$1,411</u>
Movie Theater	seat	\$89 <u>\$87</u>
Marina	berth	\$316 <u>\$312</u>
Downtown Services/Retail ³	sq ft / GLA	\$3.87 <u>\$3.82</u>
Administrative Office:		
0-99,999	sq ft / GFA	\$8.53 <u>\$8.41</u>
100,000-199,999	sq ft / GFA	5.20 <u>\$5.13</u>

SCHEDULE D
TRANSPORTATION IMPACT FEE RATE SCHEDULE
Effective January 1, ~~2017~~2018

Land Uses	Unit of Measure	Rate
200,000-299,999	sq ft / GFA	\$4.53 <u>\$4.47</u>
over 300,000	sq ft / GFA	\$4.25 <u>\$4.19</u>
Medical Office/Clinic	sq ft / GFA	\$8.87 <u>\$8.75</u>
Industrial Park	sq ft / GFA	\$2.99 <u>\$2.95</u>
Warehousing/Storage	sq ft / GFA	\$1.13 <u>\$1.11</u>
Mini Warehouse	sq ft / GFA	\$0.92 <u>\$0.90</u>

Notes: For uses with Unit of Measure in "sq ft / GFA" or "sq ft/GLA", impact fee is dollars per square foot.

- 1) Service Station can include Mini Mart (less than or equal to 2,500 square feet) and/ or Car Wash. Mini Mart greater than 2,500 square feet is calculated separately.
- 2) Downtown: As defined in Olympia Municipal Code 15.04.020.O.
- 3) Downtown Services/Retail includes Retail Stores, Restaurants, Supermarkets, Convenience Markets, Video Rentals, Banks, Health Clubs, Day Cares, and Libraries.

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 January 1, 2018, after its passage by the Olympia City Council and publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

Transportation Impact Fee Cost Distribution

PROJECT/STREET	A1	A15	A18	A19	A20
	COST	Total Funds Appropriated or Assigned through April 30, 2017	Not Debt Financed	Payment Schedule for Horizon Year Debt Based on Bond Issuance	Total Funds Needed for Horizon Year A18+ A19
Fones Road - 18th Avenue to Pacific Avenue	\$15,103,200	\$354,518	\$14,748,682	\$0	\$14,748,682
Henderson Boulevard & Eskridge Boulevard Intersection Improvements	\$682,000	\$125,639	\$556,361	\$0	\$556,361
Wiggins Road & 37th Avenue Intersection Improvements	\$682,000	\$244,333	\$437,667	\$0	\$437,667
Cain Road & North Street Intersection Improvements	\$418,700	\$20,012	\$398,688	\$0	\$398,688
Boulevard Road Intersection Improvements - Morse-Merryman Road	\$6,065,830	\$3,419,677	\$2,646,153	\$0	\$2,646,153
Log Cabin Road Extension - Design	\$500,000	\$0	\$500,000	\$0	\$500,000
US 101/West Olympia Access Project - Design, Environmental Permits and Mitigation, and ROW	\$6,385,800	\$0	\$6,385,800	\$0	\$6,385,800
Debt Service	\$2,617,475	\$0		\$2,617,475	\$2,617,475
Total	\$32,455,005	\$4,164,179	\$25,673,351	\$2,617,475	\$28,290,826

Percent of new project traffic due to growth within City of Olympia and UGA	64.800000%
Project Costs Allowable for Impact Fees	\$18,332,455
New PM Peak Hour Trips	6,241
Cost Per Trip without Administration Fee	\$2,937
Administration Fee	\$20
Cost Per Trip with Administration Fee	\$2,957



City Council

Approval of an Ordinance Related to Chapter 3.04 Funds of the Olympia Municipal Code

Agenda Date: 12/19/2017
Agenda Item Number: 4.H
File Number: 17-1193

Type: ordinance **Version:** 2 **Status:** 2d Reading-Consent

Title

Approval of an Ordinance Related to Chapter 3.04 Funds of the Olympia Municipal Code

Recommended Action

Finance Committee Recommendation:

The Finance Committee recommends approval of the ordinance related to Chapter 3.04 Funds of the Olympia Municipal Code.

City Manager Recommendation:

Move to approve the ordinance related to Chapter 3.04 Funds of the Olympia Municipal Code on second reading.

Report

Issue:

Whether to approve an ordinance to update *Chapter 3.04 Funds* in the Olympia Municipal Code.

Staff Contact:

Stacie Tellers, Acting Accounting Supervisor, Administrative Services, 360.753.8599

Presenter(s):

None - Consent Calendar item.

Background and Analysis:

Background and analysis has not changed from first to second reading.

The City of Olympia Municipal Code (OMC) Chapter 3.04 is where the codification of Funds is documented. This is the official location where all funds are described, including why they were created, how resources are collected, and how they can be used.

The OMC, in its current form, was adopted in 1982. Since that time several ordinances established new and/or changed sections. Therefore, the current Chapter 3.04 contains Fund information that is outdated, obsolete or incomplete. Additionally, there are some City Funds that have been authorized but not yet codified.

The proposed *Chapter 3.04 Funds* is also reorganized to make it easier for people to find fund information.

On November 8, 2017, the Finance Committee reviewed the ordinance and authorized staff to forward the ordinance to the City Council with their recommendation to approve it.

Neighborhood/Community Interests (if known):

This update will make it easier for the public to find information on the City Funds.

Options:

1. Move to approve the ordinance related to Chapter 3.04 Funds of the Olympia Municipal Code. Chapter 3.04 Funds will be up-to-date, well-organized, and make managing City funds easier.
2. Do not approve the ordinance and direct staff to make changes. Staff will revise the proposed Chapter 3.04 Funds and bring back an updated version to the City Council.

Financial Impact:

None

Attachments:

Ordinance

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE CHAPTER 3.04 RELATING TO FUNDS.

WHEREAS, authorized funds of the City of Olympia are codified under Olympia Municipal Code (OMC) Chapter 3.04; and

WHEREAS, OMC Chapter 3.04 in its current form was adopted in 1982, with several ordinances amending portions of OMC 3.04 since that time; and

WHEREAS, staff has identified that OMC Chapter 3.04 currently contains information that is outdated, obsolete, or incomplete and is difficult for staff and citizens to use; and

WHEREAS, on November 8, 2017, the City of Olympia Finance Committee reviewed and discussed a proposal from staff recommending that OMC 3.04 be amended by repealing the chapter in its current form and replacing it with an updated chapter that is complete and represents the current authorized funds of the City of Olympia; and

WHEREAS, the Finance Committee recommended that OMC 3.04 be repealed and replaced with an updated OMC 3.04; and

WHEREAS, based on the recommendation of the Finance Committee and staff, the City Council has determined that OMC 3.04 should be amended by repealing the chapter in its current form and replacing it with an updated OMC Chapter 3.04;

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

Section 1. Amendment of OMC 3.04. Olympia Municipal Code Chapter 3.04 is hereby amended by repealing the current Chapter 3.04 in its entirety and replacing it to read as follows:

Chapter 3.04
FUNDS

3.04.000 Chapter Contents

Sections:

- 3.04.001 General Fund – Current Operations.
- 3.04.003 Special Accounts Control Fund.
- 3.04.006 Development Fee Revenue Fund.
- 3.04.007 Parking Fund.
- 3.04.014 LEOFF I OPEB Trust Fund.
- 3.04.021 The Washington Center for the Performing Arts Endowment Fund.

- 3.04.025 The Washington Center for the Performing Arts Operations and Maintenance (O&M) Fund.
- 3.04.026 Arts Fund.
- 3.04.029 Facilities Major Repairs.
- 3.04.107 HUD Fund.
- 3.04.127 Impact Fee Fund.
- 3.04.130 SEPA Mitigation Fund.
- 3.04.132 Lodging Tax Fund.
- 3.04.134 Park & Recreation Sidewalk Utility Fund.
- 3.04.135 Parking Business Improvement Area Funds.
- 3.04.136 Farmers Market Repair & Replacement Fund.
- 3.04.137 Hands On Children's Museum Fund.
- 3.04.138 Transportation Benefit District Fund.
- 3.04.139 Grants Control Fund.
- 3.04.140 Real Estate Excise Tax Fund.
- 3.04.141 Olympia Metropolitan Park District Fund.
- 3.04.200 Debt Service Funds.
- 3.04.317 Capital Improvement Fund.
- 3.04.325 City Hall Construction Fund.
- 3.04.331 Fire Equipment Fund.
- 3.04.400 Waterworks Utility Funds.
- 3.04.403 Solid Waste (Garbage) Utility Fund.
- 3.04.404 Storm Drainage Utility.
- 3.04.500 Equipment Rental.
- 3.04.503 Unemployment Compensation Fund.
- 3.04.504 Insurance Trust Fund.
- 3.04.505 Workers Compensation Fund.
- 3.04.600 Fiduciary and Custodial Funds.

3.04.001 General Fund – Current Operations.

A. Created. There is hereby created a fund to be known as the general fund. All general revenues of the city not otherwise accounted for shall be placed in the general fund.

B. Uses. Any general government expenditure not otherwise provided for shall be paid out of the general fund.

3.04.003 Special Account Control Fund.

A. Created. There is hereby created a fund to be known as the special account control fund.

B. Uses. The special account control fund shall be used as deemed necessary by the director of administrative services (clerk/treasurer) for the purpose of accounting for special accounts (funds). Moneys for the fund shall come from sources provided by the various special accounts within the fund or other sources deemed necessary by the city council. The director of administrative services (clerk/treasurer) is authorized to transfer funds from the general fund or other funds which may have special accounts or funds to the special account control fund as deemed necessary. Any special account or fund which may be designated as part of the general fund or other funds may be accounted for within the special account control fund.

C. Following is a list of accounts within the special account control fund:

1. Shared Leave (1703)

a. Created. There is created within the revolving account control fund an account to be known as the shared leave revolving account.

b. Sources. There shall be deposited in said account moneys representing the value of vacation leave donated by city employees pursuant to a shared leave program adopted by the city manager.

c. Uses. Moneys within the shared leave revolving account shall be used to provide assistance to city employees consistent with the adopted administrative guidelines for personnel administration.

2. GHB Building (1705)

a. Created. There is hereby created within the special account control fund an account designated as the GHB Building and Heritage Park Fountain Block Acquisition, Development and Maintenance Account.

b. Sources. There shall be deposited in said account monies received from the lease or rent of the GHB Building, plus any funds the city council deems appropriate.

c. Uses. Funds within the GHB Building and Heritage Park Fountain Block Acquisition, Development, and Maintenance Account shall be used for maintenance of the GHB Building and the acquisition, development, and

maintenance of properties and ground located within the Heritage Park Fountain Block.

3. Public, Education, and Government Access Television (1707)

- a. Created. There is hereby created an account within the special accounts control fund, to be known as the public, education, and government access television account.
- b. Sources. There shall be deposited in this account that portion of franchise fees and other monies as may be designated by contract or mutual agreement with franchised television cable companies and the City of Olympia, which are required to be expended for public, education, and government access television purposes as required by contract or agreement, and other monies which the city council may direct to be deposited into this account.
- c. Uses. This account may be used for public, education, and government access television access equipment, facilities and services or other items as the direction of the city council.

(See also OMC 5.15 Cable Communications Franchises)

4. Health & Wellness Programs (1710)

- a. Created. There is hereby created within the special accounts control fund an account to be known as the employee health & wellness account.
- b. Sources. There shall be deposited into this account funds returned to the city from reserves or set-asides from employee insurance and welfare providers; grants, donations and other funds designated for the purpose of employee health and wellness; and other funds as may be appropriated or designated by the city council.
- c. Uses. This account may be used to pay for employee benefits, or to support employee health and wellness programs and activities including but not limited to: employee benefit outreach and programs, and health and wellness programs.

5. Lifecycle – PC Replacement and Information Systems Capital Projects (3501)
 - a. Created. There is hereby created within the special accounts control fund an account to be known as the information systems account.
 - b. Sources. There shall be deposited into this account monies budgeted within the various funds and departments for PC and network replacement and maintenance, monies from the sale of surplus PC and network equipment, transfers from various funds for implementation of the information technology plan, fiber optics and fiber conduit leases, and other monies which the City Council may direct to be deposited into this account.
 - b. Uses. This account may be used for the replacement, upgrade and maintenance of the PC and network systems, implementation of the information technology plan, or other items at the direction of the city council.
 - c. Transfer. The director of administrative services is authorized to transfer any remaining budget and related funding resources of the information system program within the capital improvement fund, to the information system account, within the special accounts control fund.
6. Building Demolition and Nuisance Abatement (4005)
 - a. Created. There is hereby created within the special accounts control fund an account to be known as the building demolition and nuisance abatement revolving account.
 - b. Sources. There shall be deposited in said account monies which may be appropriated by the city council from time to time, from reimbursements for building demolition and nuisance abatement performed or contracted by the city, and from fines, forfeitures, and penalties levied and collected by the courts or otherwise paid to the city for violation of the following titles of the Olympia Municipal Code: 5; 6. 8, 12, 14, 16, 17, and 18.
 - c. Uses. Monies within the building demolition and nuisance abatement revolving account may be used for all costs involved in the process of securing, removing, or abating any building or structure that is dangerous to the lives and safety of persons or property.

- d. Transfer. The city council may by resolution close this account and transfer any remaining monies to the general fund.
9. Trees (407)
 - a. Created. See OMC 16.60.045.A
 - b. Sources. See OMC 16.60.045.A
 - c. Uses. See OMC 16.60.045.B
 10. Historic Preservation (4103)
 - a. Created. There is hereby created within the special accounts control fund an account to be known as the historic preservation account.
 - b. Sources. There shall be deposited into this account funds as designated by the city council.
 - c. Uses. This account may be used for historic preservation programs as designated by the city council.
 11. Housing and Community Development Loan (4601)
 - a. Created. There is hereby created within the special accounts control fund an account to be known as the low income housing loan account.
 - b. Sources. There shall be deposited in said fund moneys remaining in the 1989 general fund budget for downtown housing which may be unspent as of December 31, 1989, funds which may be appropriated by the city council from time to time, loan repayments and interest, and other moneys received from public or private sources for the purpose set forth below.
 - c. Uses. Moneys within the low income housing loan account shall be used for making low or no interest loans for construction, remodeling or rehabilitation of residential units affordable to, or other nonresidential service facilities available to, low and moderate income persons as defined by the United States Department of Housing and Urban Development, or for other housing and economic development uses.
 12. HUD and Rental Rehabilitation (4608)
 - a. Created. There is hereby created within the special accounts control fund an account to be known as the community development rental rehabilitation revolving fund.

- b. Uses. The fund will be a revolving fund maintained by a separate checking account and shall be used for the purposes of issuance of loans for the rehabilitation of rental units, receipt of payments for the loans, and for CDBG eligible projects. The fund will be established and replenished initially from moneys from the state of Washington/ HUD grant until the two hundred thousand dollars has been used in this program. Thereafter, the fund will be replenished from repayment of loans.
 - c. Rules and Regulations. The United States Department of Housing and Urban Development have established the rules and regulations regarding this fund.
13. Seizure and Forfeiture (6102)
- a. Created. There is hereby created within the special accounts control fund an account to be known as the seizure and forfeiture account.
 - b. Sources. There shall be deposited into this account monies received by the city from seized and forfeited property which by law or council direction is restricted in use, plus any other monies deemed appropriate by the city council.
 - c. Uses. RCW 10.105.010(7)(c) describes the use of seized or forfeited monies. This account shall be used exclusively for the expansion and improvement of law enforcement activity as may be directed by the city council and/or as required by law. Monies retained under RCW 10.105.010 may not be used to supplant pre-existing funding sources. Monies in this account not restricted by law may be used for other purposes as directed by the city council.
14. Scholarship Donations (7201)
- a. Created. There is hereby created within the special accounts control fund an account to be known as the recreation scholarship account.
 - b. Sources. There shall be deposited in this account monies received from public or private donations or funds directly appropriated into the account.
 - c. Uses. Funds within the recreation scholarship account shall be used to provide leisure and recreation scholarships for low-income residents, predominantly youth, through a program to be established by the City of Olympia Parks, Recreation and Cultural Services Department. Funds available in the recreation scholarship account at the end of the fiscal year shall carry forward in the account for future use as provided herein.

15. Arts Program (7202)

- a. Created. See OMC. 2.100.180
- b. Sources. See OMC 2.100.170
- c. Uses. See OMC 2.100.180

16. Aerial Mapping (8212)

- a. Created. There is hereby created within the special accounts control fund an account designated as the aerial mapping account.
- b. Sources. There shall be transferred into the aerial mapping account funds as may be budgeted within the various departmental budgets for aerial mapping. there shall be deposited within the account other funds that may be received by the city designated for aerial mapping or other funds as may be designated by the city council.
- c. Uses. Funds within the aerial mapping account shall be used for updating the aerial mapping records of the city or for systems to access those records.

3.04.006 Development Fee Revenue Fund.

A. Created. There is hereby created a fund to be known as the development fee revenue fund.

B. Sources.

1. There shall be deposited into the development fee revenue fund fees collected for management of development, including but not limited to: building permits, electrical permits, plumbing permits, mechanical permits, engineering permits, zoning fees, subdivision fees, inspection fees, and plan check fees.

2. Fees deposited into the development fee revenue fund shall be fees collected for management of development.

C. Uses. Funds within the development fee revenue fund shall be used to reimburse costs in the general fund related to management of development, including but not limited to: personnel, equipment, consulting services, direct and indirect support and overhead, and other costs attributable to management of development. Funds within the development fee revenue

fund may be used to pay direct expenses in the fund as authorized by the established policy for management of the development fee revenue fund.

D. Processes. The city manager shall establish processes to identify costs to be reimbursed by the development fee revenue fund and costs to be directly charged to the fund. For Fiscal Year 2015, the amount to be reimbursed by the fund shall be the budget amount of development fees.

E. Target Balance Fund. The city council shall establish a target fund balance for the development fee revenue fund. The city council shall establish policies for management of the target fund balance, which shall address at a minimum, actions to be taken when the fund balance exceeds or is less than the target fund balance.

F. Transfer. If the city council closes or discontinues the development fee revenue fund, any remaining funds in the development fee revenue fund shall be transferred to the general fund of the city.

3.04.007 Parking Fund.

A. Created. There is hereby created a fund to be known as the parking fund.

B. Sources. There shall be deposited into the parking fund revenues received from parking fines, revenue for parking on city streets and other city property, parking permits, parking meter tokens, electric vehicle charging, other parking which may be managed by the city, grants, debt proceeds related to capital or operation of the parking fund, and other monies which the City Council may direct to be deposited in the parking fund.

C. Uses. Funds within the parking fund shall be used for the operations and management of the Parking Program, capital improvements to the parking systems, programs and improvements to support economic development areas where the city collects parking revenue, debt service on debt issued to support or enhance the parking system, direct and indirect overhead which supports parking operations and management, and other items at the direction of the city council.

D. Transfer. If the city council closes or discontinues the parking fund, any remaining funds in the parking fund shall be transferred to the general fund of the city.

3.04.014 LEOFF 1 OPEB Trust Fund.

- A. Created. There is hereby created a trust fund to be known as the LEOFF 1 OPEB trust fund.
- B. Sources. There shall be deposited into the LOEFF1 OPEB trust fund such funds as may be designated by the City Council.
- C. Uses. The LEOFF 1 OPEB trust fund shall be used exclusively to pay benefits to City of Olympia retirees of the Law Enforcement Officers' and Firefighters' Retirement System, Plan 1, pursuant to RCW 41.26, other than pension, until such time as there are no retirees legally eligible to receive benefits for the LEOFF 1 OPEB trust fund. In addition to the benefit payments, costs directly related to actuarial analysis and administrative functions of the LEOFF 1 OPEB Trust should be charged to the LEOFF 1 OPEB Trust Fund.
- D. Transfer. At the time there are no retirees legally eligible to receive benefits from the LEOFF 1 OPEB trust fund, any remaining funds shall be transferred to the General Fund of the City.

3.04.021 Washington Center for the Performing Arts Endowment Fund

- A. There is hereby established a fund to be known as The Washington Center for the Performing Arts endowment fund. There shall be deposited in the fund all proceeds from the sale of real property previously owned by the City of Olympia, located at the southwest corner of Black Lake Boulevard and Cooper Point Road in Olympia. More specifically, these proceeds shall include all moneys received for the property by Olympia on the closing date for the sale, December 18, 1984, and all payments hereafter received under the promissory note from Thompson Properties Four Limited Partnership, received as consideration in the sale and dated December 18, 1984, including principal and interest.
- B. Any outside contributions to the city for The Washington Center for the Performing Arts shall likewise be placed in the endowment fund, unless otherwise designated by the donor.

C. Any interest or dividends accruing from moneys in the endowment fund shall be retained in the fund.

D. All moneys within The Washington Center for the Performing Arts endowment fund shall be used to broaden the use of the city center to all citizens and groups within Olympia, including the remediation of the property located at the southwest corner of Black Lake Boulevard and Cooper Point Road in Olympia and the facilitation of the sale of that property. To that end, the endowment fund shall be used only for the maintenance, operation, repair, upkeep or improvement of The Washington Center for the Performing Arts, or the remediation and sale of the property located at the southwest corner of Black Lake Boulevard and Cooper Point Road in Olympia. Disbursement from the endowment fund shall be made by appropriation of the city council directly for Washington Center purposes as set forth herein or pursuant to an agreement with the board of directors for The Washington Center for the Performing Arts.

3.04.025 The Washington Center for the Performing Arts Operations and Maintenance Fund.

A. Created. There is hereby created a fund to be known as The Washington Center for the Performing Arts operations and maintenance (O&M) fund.

B. Sources. There shall be deposited into The Washington Center O&M fund, moneys appropriated within the lodging tax fund and The Washington Center endowment fund for the purpose of supporting the operations & maintenance of The Washington Center for the Performing Arts, interest earnings of The Washington Center O&M fund, donations received by the city to support the operations & maintenance of The Washington Center for the Performing Arts, and other funds as determined by the city council.

C. Uses. The Washington Center O&M fund shall be used for the operations and maintenance of The Washington Center for the Performing Arts.

3.04.026 Arts Fund.

A. Created. See OMC 2.100.180.

B. Sources. See OMC 2.100.170.

C. Uses. See OMC 2.100.180.

3.04.029 Facilities Major Repairs Fund.

A. Created. There is hereby created a fund to be known as the equipment and facilities replacement reserve fund for the purpose of major replacement and/or repair of city equipment and facilities, excluding equipment and facilities of the city's utilities and equipment rental funds.

B. Uses. The funds deposited in the equipment and facilities replacement reserve fund shall be used only for the above purposes as may be authorized by the city council.

3.04.107 HUD Fund.

A. Created. There is hereby created a fund to be known as the HUD fund.

B. 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.

C. 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.

D. Transfer. the director of administrative services shall transfer and adjust revenue estimates and appropriations as may be required for the administration of the HUD fund.

3.04.127 Impact Fee Fund.

A. Created. See OMC 15.04.100.B

B. Sources. See OMC 15.04.040 through 15.04.090, and 15.04.120.

C. Uses. See OMC 15.04.130

D. The following are impact fee accounts:

1. Parks and transportation impact fee accounts (See OMC 15.04.100)

2. School impact fee account (See OMC 15.04.110)

(See also OMC Title 15 – Impact Fees)

3.04.130 SEPA Mitigation Fund.

- A. Created. There is hereby created a fund to be known as the SEPA mitigation fund.
- B. 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)
- C. 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)

3.04.132 Lodging Tax Fund.

- A. Created. There is hereby created a fund to be known as the lodging tax fund.
- B. 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)

3.04.134 Parks & Recreational Sidewalks Utility Tax Fund.

- A. Created. There is hereby created a fund to be known as the parks and recreational sidewalks utility tax fund.
- B. Sources. There shall be deposited into the parks and recreational sidewalks 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.

C. Uses. Funds in the parks and recreational sidewalks utility tax fund may be used as follows:

1. 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
2. Other monies deposited in the parks and recreational sidewalks 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)

3.04.135 Parking Business Improvement Area Fund.

A. Created. There is hereby created a fund to be known as the parking business improvement area fund.

B. 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)

3.04.135 Farmers Market Repair & Replacement Fund.

A. Created. There is hereby created a fund to be known as the Farmers Market major repair and replacement fund.

B. 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.

C. 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

3.04.137 Hands On Children’s Museum Fund.

A. Created. There is hereby created a fund to be known as the Hands on Children’s Museum fund.

B. 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.

C. 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.

3.04.138 Transportation Benefit District Fund.

A. Created. There is hereby created a fund to be known as the Transportation Benefit District fund.

B. Sources. Pursuant to Chapter 36.73 RCW, there shall be deposited in the Transportation Benefit District fund:

1. Proceeds from a vehicle tax of up to Forty and no/100 Dollars (\$40) per vehicle as provided for by RCW 82.80.140
2. 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.

C. 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)

3.04.139 Grants Control Fund.

A. Created. There is hereby created a fund to be known as the grants control fund.

B. Uses. The fund shall be used as deemed necessary by the director of Administrative Services (clerk/treasurer) for the purpose of accounting for grant revenue and activities.

3.04.140 Real Estate Excise Tax Fund.

A. 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 receipting REET funds authorized by RCW 82.46.

B. 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)

3.04.141 Olympia Metropolitan Park District Fund.

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

B. 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.

C. 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.

3.04.200 Debt Service Funds.

A. Created. There is hereby created a fund group to be known as the debt service funds. The debt service funds shall be used as deemed necessary by the director of administrative services (clerk/treasurer) for the purpose of accounting for city general obligation debt accounts (funds) required by debt funding ordinances, documents, and/or agreements.

B. Sources. Moneys for debt service funds shall come from sources authorized by the city council.

C. Uses. The director of administrative services (clerk/treasurer) is authorized to expend funds from the debt service funds as deemed necessary by debt funding ordinances, documents, and/or agreements.

D. Following is a list of debt service funds related to local improvement districts (L.I.D.):

1. LID Obligation Control Fund (208)

2. Created. There is hereby created a fund to be called the Local Improvement Fund, District No. 762.

a. Sources. Amounts assessed, levied, and collected upon the properties included within the LID for the purpose of defraying the cost and expense of the improvement, and into which fund shall be deposited the proceeds of the sale of warrants, installment notes, bonds, bond anticipation notes, or other short-term obligations which may be sold by the City and drawn against the fund.

b. Uses. Out of the fund shall be paid such warrants, installment notes, bonds, bond anticipation notes, or other short-term obligations, interest thereon, and the cost of improvement to be borne by the property included in the LID.

3. LID Guaranty Fund (213)

a. Created. There is hereby created a fund for the purpose of guaranteeing to the extent of such fund, and in the manner hereinafter provided, the payment of its local improvement bonds and warrants issued to pay for any local improvements ordered by the City Council subsequent to April 7, 1926.

b. Sources. Such fund shall be designated local improvement guaranty fund. For the purpose of maintaining the fund the City shall, from time to time, levy, as other taxes are levied, such sums as may be necessary to meet the financial requirements thereof; provided that such sums so levied in any year shall not be more than sufficient to pay the outstanding warrants on the fund and to establish therein a balance which combined levy in any one year shall not exceed five percent of the outstanding obligations thereby guaranteed. The tax levies herein authorized and directed shall be in addition to, and if need be, in excess of any and all statutory or charter limitations applicable to the tax levies of the

City. There shall also be paid into each guaranty fund the interest received from bank deposits of the fund, as well as any surplus remaining in any local improvement fund after the payment of all outstanding bonds or warrants payable primarily out of such local improvement fund.

- c. Uses. Whenever there shall be paid out of a guaranty fund any sums on account of principal or interest of a local improvement bond or warrant, the City, as trustee for the fund, shall be subrogated in all the rights of the holder of the bond or interest coupon or warrant so paid, and the proceeds thereof, or of the assessment underlying the same, shall become part of the guaranty fund. Warrants drawing interest at a rate not to exceed six percent shall be issued, as other warrants are issued, by the City, against a guaranty fund to meet any liability accruing against it; and at the time of making its annual budget and tax levy the City shall provide for the levying of a sum sufficient, with the other resources of the fund, to pay warrants so issued during the preceding fiscal year; provided, that such warrants shall at no time exceed five percent of the outstanding bond obligations guaranteed by the fund. As among the several issues of bonds or warrants guaranteed by the fund no preference shall exist, but defaulted interest coupons, bonds and warrants shall be purchased out of the fund in the order of their presentation.
- d. Guaranty and Rights. So much of the money of a guaranty fund as is necessary may be used to purchase certificates of delinquency for general taxes on property subject to local improvement assessments, underlying bonds or warrants guaranteed by the fund, or to purchase property at county tax foreclosures or from the county after foreclosure, for the purpose of protecting the guaranty fund. The fund shall be subrogated to the rights of the City, and the City may foreclose the lien of general tax certificates of delinquency and purchase the property at the foreclosure sale. After so acquiring title to real property the City may lease or sell and convey the same at public or private sale for such price and on such terms as may be determined by resolution of the City Council, any provisions of law, charter or ordinance to the contrary, notwithstanding, and all proceeds resulting from such sales shall belong to, and be paid into the guaranty fund.

3.04.317 Capital Improvement Fund.

A. Created. There is hereby created a fund to be known as the capital improvement fund. This fund is created for the purpose of accounting for capital projects related to general operations assets of the city.

B. Sources. Resources shall be added to the capital improvement fund via appropriations made by the city council.

C. Uses. Funds from the capital improvement fund shall be used in accordance with the authorized budget.

3.04.325 City Hall Construction Fund.

A. Created. There is hereby created a fund to be known as the city hall construction and acquisition fund.

B. Sources. The director of administrative services (clerk/treasurer) is authorized to transfer the remaining unexpended appropriations and related resources in the capital improvements fund, city office space account, to the city hall construction and acquisition fund.

C. Uses. The city hall construction and acquisition fund shall be for the purpose of planning, property acquisition, design, construction, equipping and furnishing, and other related costs of the City Hall facility.

3.04.331 Fire Equipment Fund.

A. Created. There is hereby created a fund to be known as the fire equipment and replacement fund.

B. Uses. Funds from the fire equipment and replacement fund shall be used for the purchase of equipment by the fire department, including but not limited to, vehicles, accessories thereto and major repairs and improvements, and other purposes as may be deemed appropriate by the city council.

3.04.400 Waterworks Utility Funds.

A. Created. There is hereby created a fund group known to be the waterworks utility funds.

B. Sources. Moneys for the waterworks utility funds shall come from sources authorized by local, state, or federal law.

C. Uses.

1. Funds from the waterworks utility funds shall be used as deemed necessary by the director of administrative services (clerk/treasurer) for the purpose of accounting for the water and wastewater utility accounts (funds) as required by local, state, or federal law.

2. The director of administrative services (clerk/treasurer) is authorized to expend funds from the waterworks utility funds as deemed necessary by the local, state, or federal law.

(See also OMC 13.04 Water; OMC 13.08 Sewers; OMC 13.20 Wastewater System; and OMC 13.24 Reclaimed Water)

A. Following is a list of the waterworks utility funds:

1. Water Utility Operating Fund (401)

a. Created. There is hereby created a fund to be known as the water utility operating fund.

b. Uses. The director of administrative services (clerk/treasurer) is authorized to expend funds from the water utility operating fund as deemed necessary by the ordinances of the City of Olympia and/or Washington State law.

2. Wastewater (Sewer) Utility Operating Fund (402)

a. Created. There is hereby created a fund to be known as the sewer utility operating fund. This fund shall be for the purpose of accounting for the operations and maintenance of the sewer collection system.

b. Uses. The director of administrative services (clerk/treasurer) is authorized to expend funds from the sewer utility operating fund as deemed necessary by the ordinances of the city.

4. Water/Sewer Bond Redemption Fund (417)

- a. Created. There is hereby created a fund to be known as the water and sewer revenue bond redemption fund.
- b. Uses. The water and sewer revenue bond fund shall be drawn upon for the sole purpose of paying the principal of, premium if any, and interest on the bonds and any future parity bonds. The money in the water and sewer revenue bond fund shall be kept separate and apart from all other funds and accounts of the city.

5. Water/Sewer Bond Reserve Fund (427)

- a. Created. There is hereby created a fund to be known as the water and sewer bond reserve fund. This reserve account has been created for the purpose of securing the payment of the principal of and interest on the bonds and any future parity bonds.
- b. Sources. The city hereby covenants and agrees that it will satisfy the reserve account requirement for the bonds with bond proceeds. The city further covenants and agrees that in the event it issues any future parity bonds it will provide in each ordinance authorizing the issuance of such future parity bonds for the payment into the reserve account out of gross revenue or assessments (or, at the option of the City, out of any other funds on hand and legally available therefor) approximately equal additional annual installments so that by five years from the date of issuance of such future parity bonds there will have been paid into the reserve account an amount that, together with money already on deposit therein, will be at least equal to the reserve account requirement.
- c. Uses. The water and sewer bond reserve fund shall be drawn upon for the sole purpose of paying the principal of, premium if any, and interest on the bonds and any future parity bonds whenever there is a sufficient amount in the reserve fund above the required reserve. Money in the reserve account may also be withdrawn to redeem and retire, and to pay the premium, if any, and interest

due to such date of redemption, on the outstanding parity bonds secured by such reserve account, as long as the money remaining on deposit in such reserve account is at least equal to the reserve account requirement determined with respect to the parity bonds then outstanding. in the event the bonds outstanding are ever refunded, the money set aside in the reserve account to secure the payment thereof may be used to retire bonds or may be transferred to any other reserve account that may be created to secure the payment of any bonds issued to refund the bonds.

6. Water Utility Capital Improvement Fund (461)

- a. Created. There is hereby created a fund to be known as the water capital improvement fund.
- b. Sources. The water general facility charges collected pursuant to OMC 13.04.375 of this code shall be deposited into the water capital improvement fund. The City Council may make any other funds available to the water capital improvement fund for the purposes set forth herein.
- c. Uses.
 - i. Moneys within the water capital improvement fund shall only be used for the purpose of acquiring, equipping and/or making capital improvements to water facilities and extensions, additions, expansion and betterments to the Olympia water system owned by the City and shall not be used for maintenance or operations relative to those facilities. In the event that bonds or similar debt instruments are issued for advance provision of capital facilities for which water facility charges may be expended, charges may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described above.
 - ii. Moneys from the water capital improvement fund may be used to grant rebates to developers for costs incurred in providing water capital facilities in excess of the capacity required for an individual

development. Any rebates must be made pursuant to a refunding agreement between the developer and the City after the effective date of the ordinance codified in this section. Prior refunding agreements may be renegotiated in order to bring such agreements in accord with the provisions of this section.

7. Wastewater Capital Improvement Fund (462)

- a. Created. There is hereby established within the budget of the City a sewer capital improvement fund.
- b. Sources. The sewer general facility charges collected pursuant to OMC Section 13.08.205 of this code shall be deposited into the sewer capital improvement fund. The City Council may make any other funds available to the water capital improvement fund for the purposes set forth herein.
- c. Uses.
 - i. Moneys within the sewer capital improvement fund shall only be used for the purpose of acquiring, equipping and/or making capital improvements to sewer facilities, extensions and betterments of the Olympia sewer system owned by the City and shall not be used for maintenance or operations relative to those facilities or for LOTT joint facilities. In the event that bonds or similar debt instruments are issued for advance provision of capital facilities for which sewer facility charges may be expended, charges may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described above.
 - ii. Moneys from the sewer capital improvement fund may be used to grant rebates to developers for costs incurred in providing sewer capital facilities in excess of the capacity required for an individual development. Any rebates must be made pursuant to a refunding agreement between the developer and the City after the effective date of the ordinance codified in this section. Prior refunding agreements may be renegotiated

in order to bring such agreements in accord with the provisions of this section.

3.04.403 Solid Waste (Garbage) Utility Fund.

- A. Created. There is hereby created a fund to be known as the solid waste (garbage) utility fund.
- B. Sources.
1. The monies collected via charges pursuant to OMC 13.12 shall be deposited in the solid waste (garbage) utility fund. All receipts for the collection and the disposal of the garbage and refuse, and all receipts for the burning of garbage and all moneys received by the solid waste section, shall be deposited with the city clerk-treasurer and become a part of the solid waste (garbage) utility fund. All receipts from the sale of recyclables shall become a part of the solid waste (garbage) utility fund but shall be accounted separately. The City Council may make any other funds available to the solid waste (garbage) utility fund for the purposes set forth herein.
 2. The City Council may also provide for additional moneys to be paid into the solid waste (garbage) utility fund from time to time from any available funds of the City, and warrants may be drawn on the solid waste (garbage) utility fund, any such additional moneys are to be repaid out of the solid waste fund as soon as there are sufficient moneys available.
- C. Uses. The expenses of establishing, conducting and operating the solid waste section shall be paid from the solid waste (garbage) utility fund.

3.04.404 Storm Drainage Utility Fund.

- A. Created. There is hereby created a fund group known to be the storm drainage utility funds. These funds shall be used as deemed necessary by the director of administrative services (clerk/treasurer) for the purpose of accounting for the Storm Drainage Utility accounts (funds) as required by ordinances and/or law.
- B. Sources. Moneys for the storm drainage utility funds shall come from sources authorized by local, state or federal law.

C. Uses. The director of administrative services (clerk/treasurer) is authorized to expend funds from the storm drainage utility funds as deemed necessary by local, state or federal law.

D. The following are the storm drainage utility funds:

1. Storm Water/Surface Water Operating Fund (404)

- a. Created. There is hereby created a fund which shall be known as the Storm and Surface Water Operating Fund.
- b. Sources. All revenues, assessments, and other charges collected by the utility pursuant to OMC 3.22, or otherwise received for drainage purposes or attributable to the operation and maintenance of the utility, and all loans to or grants or funds received for its construction, improvement and operation, shall be deposited in the utility fund. The City Council may make any other funds available to the Storm and Surface Water Operating Fund for the purposes set forth herein.
- c. Uses. All disbursements for costs of data collection, planning, designing, constructing, acquiring, maintaining, operating and improving the drainage utility facilities, whether such facilities are natural, constructed or both, and administering the utility shall be made from the Storm and Surface Water Operating Fund.

2. Storm Water/Surface Water Mitigation Fund (407)

- a. Created. There is hereby created a fund which shall be known as the Storm Drainage Mitigation Fund.
- b. Sources. Monies received from storm drainage mitigation fees shall be deposited in the Storm Drainage Mitigation Fund.
- c. Uses. Mitigation fees deposited in this 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 this Fund to finance projects,

purchases and improvements which meet the purpose for which the fees were collected.

3. Storm Water Debt Service Fund (418)

- a. Created. There is hereby created a fund known as the storm & surface water debt service fund.
- b. Sources. Monies designated by Council shall be deposited in the storm drainage mitigation fund.
- c. Uses. The debt service fund shall be drawn upon for the sole purpose of paying the principal of, premium if any, and interest on debt issued by the Storm Drainage Utility. The money in the Debt Fund shall be kept separate and apart from all other funds and accounts of the City.

4. Storm Water/Surface Water Capital Improvement Fund (434)

- a. Created. There is hereby created a fund to be known as the storm & surface water utility capital improvement fund.
- b. Sources. Monies designated by Council shall be deposited in the storm & surface water utility capital improvement fund.
- c. Uses. Moneys within the storm & surface water utility capital improvement fund shall only be used for the purpose of acquiring, equipping and/or making capital improvements to storm & surface water facilities and extensions, additions, expansion and betterments to the Olympia storm and surface water system.

3.04.500 Equipment Rental Fund.

A. Created. There is hereby created a fund group to be known as the equipment rental and replacement funds. These Funds shall be used as deemed necessary by the director of administrative services (clerk/treasurer) for the purpose of accounting for the equipment rental and replacement accounts (funds) as required by ordinances and/or law. Moneys for these funds shall come from sources authorized by these ordinances and/or law.

B. Uses. The director of administrative services (clerk/treasurer) is authorized to expend funds from the equipment rental and replacement funds as deemed necessary by the ordinances and/or law mentioned above.

C. The following are the equipment rental and replacement funds:

1. Equipment Rental Operating Fund (501)

a. Created. There is hereby created a fund to be known as the equipment rental fund to be used as a revolving fund to be expended for salaries, wages, and operations required for the repair, replacement, purchase, and operation of motor vehicle equipment, and for the purchase of all equipment materials and supplies to be used in the administration and operation of said fund.

b. Sources. Monies designated by Council and a portion of the charges made to various divisions and departments of the City of Olympia shall be deposited in the equipment rental operating fund.

c. Uses. Monies within the equipment rental operating fund shall be used for salaries, wages, materials, overhead, or other costs necessary to operate and maintain all motor vehicle equipment of the City of Olympia.

d. Transfers. All monies deposited in said equipment rental fund and not expended for any purpose other than those listed above shall remain in the fund from year to year and shall not be transferred to any other fund or expended for any other purpose unless authorized by the City Council.

2. Cumulative Reserve Equipment Rental Fund (502)

a. Created. There is hereby created, pursuant to R.C.W. 35.21.070, a reserve fund to be known as the cumulative reserve equipment rental fund.

b. Sources. Monies designated by Council and a portion of the charges made to various divisions and departments of the City of Olympia shall be deposited in the cumulative reserve equipment rental fund.

c. Uses. This fund is hereby created for the following purposes as authorized by law:

1. Purchase of all forms of equipment and supplies used by the Equipment Rental Department of the City of Olympia, including

but not limited to vehicles, excavating equipment and supplies accessory thereto.

2. Major replacement and/or repair of all forms of equipment handled by the Equipment Rental Department of the City of Olympia

- d. Restrictions. Any monies in the cumulative reserve equipment rental fund shall never be expended for any purpose other than those listed above without an approving vote by majority of the electors of the City of Olympia at a general or special election held for such purpose. Any monies in said fund at the end of the fiscal year shall not lapse nor shall the same be surplus available or which may be used for any purpose or purposes than those specified by this Ordinance.

3.04.503 Unemployment Compensation Fund.

- A. Created. There is hereby created a trust fund to be known as the unemployment compensation fund.
- B. Sources. To provide funds for deposit into the unemployment compensation fund, each department and operating fund of the City shall, in its budget, provide for payments into the fund an amount not more than three percent of the amount paid for wages and salaries.
- C. Uses. Monies in the unemployment compensation fund will be used for reimbursements to the Washington State Department of Employment Security and other costs connected with administering unemployment insurance claims.

3.04.504 Insurance Trust Fund.

- A. Created. There is hereby created a fund to be known as the self-insurance trust fund.
- B. Sources. Monies budgeted for liability insurance shall be deposited into the sel. The City Council may authorize transfer of monies to the Fund and shall designate moneys to be placed in the Fund for the coming budget year.
- C. Uses. Monies in this fund will be used for payments for insurance related to risk management plans of the City; to pay claims against the City for with the City must pay a deductible or is self-insured; to pay for repairs or replacement to City property which is

damaged or destroyed and not covered by insurance; to pay for corrections, repairs, or replacement of City property when immediate action is necessary to prevent injury to persons or property, and moneys are not available for such purpose from other budget sources; and to pay for studies of other areas of self-insurance.

3.04.505 Workers Compensation Fund.

A. Created. There is hereby created a fund to be known as the workers compensation fund.

B. Sources. There shall be deposited in the workers compensation fund funds from any available source. Additionally, any employee deduction may be deposited which may be required by the State for workers compensation until such time as it is required to be remitted to the state.

C. Uses. The workers compensation fund shall be used to pay any worker's compensation claims, to pay obligations due to the state for workers compensation, to pay premiums for insurance or surety bonds as may be required, and to pay any other costs related to the City's workers compensation program, including but not limited to third party administration costs, actuarial studies, safety programs, accident prevention programs and administration of the workers compensation program.

3.04.600 Fiduciary and Custodial Funds.

A. Created. There is hereby created a fund group to be known as the fiduciary and custodial funds. These funds shall be used as deemed necessary by the director of administrative services (clerk/treasurer) for the purpose of accounting for funds designating the City in a fiduciary or custodial capacity as required by legal agreements or law. Moneys for these funds come from sources deemed by legal agreements or law.

B. Uses. The director of administrative services (clerk/treasurer) is authorized to expend funds from the fiduciary and custodial funds as deemed necessary by the legal agreements or law authorizing the fund.

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 five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Mark Barber", is written over a horizontal line.

CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Approval of an Ordinance Adopting the 2018 Utility Rates and General Facilities Charges

Agenda Date: 12/19/2017
Agenda Item Number: 4.I
File Number: 17-1199

Type: ordinance **Version:** 2 **Status:** 2d Reading-Consent

Title

Approval of an Ordinance Adopting the 2018 Utility Rates and General Facilities Charges

Recommended Action

Committee Recommendation:

The proposed rates and charges reflect recommendations from the City Council and the Utility Advisory Committee. City Council reviewed and discussed the proposed 2018 Utility rates and general facility charges (GFCs) on November 14, 2017, and the City Council held a public hearing on November 21, 2017. The review considered recommendations forwarded to Council by the Utility Advisory Committee.

City Manager Recommendation:

Move to approve the ordinance adopting the 2018 utility rates and general facilities charges on second reading.

Report

Issue:

Whether to approve an ordinance adopting the 2018 utility rates and general facility charges (GFC). Increases in LOTT Clean Water Alliance rates and capacity development charges are also included in the ordinance.

Staff Contact:

Dan Daniels, Director, Public Works Waste ReSources, 360.753.8780
Andy Haub, P.E., Director, Public Works Water Resources, 360.753.8475

Presenter(s):

None - Consent calendar item.

Background and Analysis:

Background and analysis has not changed from first to second reading.

The proposed 2018 utility rates and general facility charges (GFCs) are consistent with the Council-adopted utility master plans and the City of Olympia's Comprehensive Plan. The Utilities provide key public and environmental health services for our community.

For 2018, rate increases are proposed for the Drinking Water and Waste ReSources utilities. A GFC increase is proposed for the Drinking Water utility. GFCs are charged to new development as a condition of connecting to and using the existing infrastructure system.

Lacey, Olympia, Tumwater, Thurston County (LOTT) Clean Water Alliance Board of Directors has approved increases for both monthly wastewater treatment rates and their capital development charge (CDC). The CDC is similar to the City's GFC. The City collects monthly rates and CDC for LOTT through the utility billing and development permitting processes.

If approved, the overall increase in rates for a typical residential customer in 2018 will be approximately 2.7 percent or a \$6.55 increase in their bi-monthly bills. City GFCs and LOTT capacity development charges will increase \$484 for a new single family home.

Summaries of proposed rates for each utility and GFCs are as follows:

Drinking Water

4.4 Percent Rate Increase Proposed. Increase GFCs by 6 percent.

The rate proposal is consistent with the *2015-2020 Water System Plan* that was adopted by City Council on October 6, 2015. Specifically, the proposed rate increase will cover the payment of recently-incurred debt associated with three major infrastructure improvements. These project are currently under construction.

The proposed rate will result in a typical increase of \$1.12/month for an average single family resident. Bi-monthly charges for a typical single family residence will be approximately \$53.24. Each customer class (residential, non-residential and irrigation) will see the increase, although actual increases on customer bills vary depending on water usage.

A 6 percent increase in general facility charges for drinking water is also proposed. The new GFC will be \$4,433. The increase acknowledges our recent capital costs.

Wastewater

No Rate or GFC Increase Proposed.

The Wastewater utility safely conveys wastewater from our homes and businesses to the LOTT Clean Water Alliance treatment facility in downtown Olympia.

Economic growth in our community is expected to generate adequate new revenue to cover various cost of service increases.

Wastewater Treatment Services - LOTT Clean Water Alliance

LOTT Clean Water Alliance rates and capacity development charges (CDC) are set by the LOTT Board of Directors. Capacity development charges are similar to City GFCs.

Already approved by the Board, LOTT is implementing a 2 percent rate increase in 2018. LOTT will be charging \$77.28 bi-monthly. The LOTT CDC is increasing 4.1 percent to \$5,808 for a new single

family home.

Storm and Surface Water

No Rate or GFC Increase Proposed.

The 2018 Storm and Surface Water utility budget maintains current levels of service for flood mitigation, water quality improvement, and aquatic habitat enhancement.

Waste ReSources

Variable Rate Increases Proposed.

The Waste ReSources utility provides a wide range of waste reduction, recycling and disposal services. It implements programs for residential, commercial, drop box, and organics customers. Policy direction is set by the *Towards Zero Waste: Olympia's Waste ReSources Plan 2015-2020*.

Proposed rate increases for 2018 include the following:

- Drop box 6 percent
- Residential 6 percent
- Commercial 5 percent
- Organics 0 percent

Approximately 4 percent of the rate increase will be set aside to help fund future Waste ReSources facility needs.

Neighborhood/Community Interests (if known):

City utilities provide vital public health services for Olympia residents. Utility rates are set to ensure reliable, uninterrupted levels of service.

Options:

1. Move to approve the ordinance approving utility rates and general facility charges for 2018.
Implications:
 - Supports essential City public and environmental health services.
 - Increases rates for customers and charges for new development.
2. Modify or decline the proposed 2018 increases.
Implications:
 - Avoids, or lessens, additional customer costs.
 - Risk failures in fulfilling City public and environmental health responsibilities.

Financial Impact:

The proposed rate and GFC increases will generate revenue to implement Council-adopted utility master plans and ensure financially responsible management of City Utilities.

Attachment(s):

Ordinance

Ordinance No.

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO UTILITY FEES AND CHARGES AND AMENDING SECTION 4.24.010 OF THE OLYMPIA MUNICIPAL CODE

WHEREAS, the City's utilities are managed with a goal of resource sustainability in order to maintain, rebuild, expand systems, and prepare for revenue variability; and

WHEREAS, the City Council intends to meet the goals and polices for utility fiscal management set forth in the Comprehensive Plan and utility master plans; and

WHEREAS, the City Council intends to promote rate equity through cost recovery by customer class, and to smooth out rate spikes over a period of up to six years, the time period for which the CFP is developed; and

WHEREAS, the City's Storm and Surface Water Utility and the Wastewater Utility are managed to maintain minimum operating expense reserves of ten (10) percent, and the Drinking Water Utility is managed to maintain minimum operating expense reserves of twenty five (25) percent; and

WHEREAS, in order to incorporate the foregoing principles into City Water Utility, City Storm and Surface Water Utility, City Wastewater collection and LOTT Cleanwater Alliance wastewater (LOTT) treatment rates, the City Council received recommendations from the Utility Advisory Committee, held hearings, and reviewed the utility rates set forth in this Ordinance; and

WHEREAS, pursuant to the Interlocal Cooperation Act Agreement for Sewer Treatment, the LOTT Board of Directors is empowered to "impose, alter, regulate, and control rates, charges, and assessments;" and the LOTT Board of Directors held a public hearing and approved certain rate increases, which the City Council must annually adopt;

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

Section 1. Amendment of OMC Section 4.24.010. Section 4.24.010 of the Olympia Municipal Code is hereby amended to read as follows:4.24.010 Computation and assessment of charges

The rates set forth below do not reflect any possible surcharges or discounts provided to a parcel of property or customer under any provision of city ordinances or taxes assessed directly upon customers for which the city acts as collection agent.

A. WATER

- | | | |
|---|---------|---------------|
| 1. Occupant turning on water after delinquent shutoff penalty | \$10.00 | OMC 13.04.360 |
| 2. Delinquency notification penalty | \$10.00 | OMC 13.04.430 |

- | | | |
|---|---|---------------|
| 3. Service disconnected/water reconnect for nonpayment penalty | \$25.00 | OMC 13.04.430 |
| 4. Water for commercial construction purposes | \$50.00 per month plus consumption charge | OMC 13.04.410 |
| 5. Water for residential building construction purposes | Flat fee of \$50.00 paid along with building permit fee | OMC 13.04.410 |
| 6. Non-emergency after-hours water service turn on/shut off | \$110.00 | OMC 13.04.340 |
| 7. Water General Facility Charges, assessed and payable as provided in OMC 13.04.375: | | OMC 13.04.375 |

Meter Size	AWWA Capacity Factor	GFC
3/4"	1.00	\$4,180 <u>4,433</u>
1" Residential Fire Sprinkler	1.00	4,180 <u>4,433</u>
1"	1.67	7,013 <u>7,483</u>
1 1/2"	3.33	13,983 <u>14,920</u>
2"	5.33	22,381 <u>23,881</u>
3"	10.67	43,739 <u>46,670</u>
4"	16.33	68,574 <u>73,168</u>
6"	33.33	139,961 <u>149,338</u>
8"	53.33	223,947 <u>238,951</u>
10"	76.67	325,604 <u>347,419</u>
12"	100.00	419,929 <u>448,064</u>

This charge shall be assessed in addition to any other charges or assessments levied under this chapter.

8. Water Meter Rates—Inside City Limits:

a. **Schedule I: Monthly Charges.**

The following is the monthly charge based upon meter size for all consumers. Monthly charges for meter sizes not listed in the schedule shall correspond to the next larger meter size listed.

Meter Size		Ready to Serve Charge	OMC 13.04.380
3/4-inch	\$ 12.43 <u>12.98</u>	+ consumption charge	
1-inch Residential Fire Sprinkler	12.43 <u>12.98</u>	+ consumption charge	
1-inch	16.55 <u>17.28</u>	+ consumption charge	
1 1/2-inch	26.84 <u>28.02</u>	+ consumption charge	
2-inch	39.16 <u>40.88</u>	+ consumption charge	
3-inch	72.09 <u>75.26</u>	+ consumption charge	
4-inch	109.11 <u>113.91</u>	+ consumption charge	
6-inch	211.95 <u>221.28</u>	+ consumption charge	
8-inch	335.37 <u>350.13</u>	+ consumption charge	
10-inch	479.34 <u>500.43</u>	+ consumption charge	
12-inch	623.33 <u>650.76</u>	+ consumption charge	

(1) Residential and nonresidential premises that are vacant shall be subject to payment of the full Water ready-to-serve charge. This fee will be charged even if the water is turned off.

Consumption charge per 100 cubic feet:

	Block 1	Block 2	Block 3	Block 4
Residential (Single Family and Duplex Residential)	\$1.80 <u>1.88</u>	\$3.02 <u>3.15</u>	\$4.82 <u>5.03</u>	\$6.34 <u>6.62</u>
Nonresidential (Multi-family and Commercial)	\$2.52 <u>2.63</u>	\$3.77 <u>3.94</u>	--	--
Irrigation	\$2.52 <u>2.63</u>	\$7.44 <u>7.77</u>	--	--

Blocks Definition:	Block 1	Block 2	Block 3	Block 4
Single Family and Duplex (1) Residential	0-400 cf/unit	401-900 cf/unit	901-1,400 cf/unit	1,401+ cf unit
Nonresidential (2)	Nov-June Usage	July-Oct Usage	--	
Irrigation	Nov-June Usage	July-Oct Usage		

(1) Single family accounts with or without accessory dwelling units shall be charged as one single family account.

(2) If nonresidential block usage cannot administratively be prorated between blocks, usage shall then be billed at the block rate in which the meter reading period ends.

b. Wholesale consumers:

See OMC 13.04.380B.

c. State buildings with sprinkler systems or fire service connections:

See OMC 13.04.380C.

d. Hydrants and fire protection:

The rates for fire hydrants, including test water and water used to extinguish fires, shall be deemed service charges and for any one (1) year, or fractional part thereof, as follows:

Fire hydrants \$153.36160.11 per year

Automatic sprinkler systems or special fire service connections with the city water distribution system will be charged the monthly ready-to-serve charge based on pipe size in Section 1.6.a.

Residential fire service connections that require a 1" pipe size will be charged the same as a 3/4" pipe size as shown in Subsection 8a.

B. WASTE WATER (SEWER)

1) LOTT Charges

LOTT wastewater monthly service charge \$~~37.88~~38.64 per ERU OMC 13.08.190

Nonresidential accounts shall be billed one (1) ERU minimum per month. ERU charges in excess of one (1) ERU shall be billed at the rate of \$~~.0421~~0429 per 1 cf. for LOTT wastewater service charges.

2016 LOTT capacity development charge \$~~5,579.465~~808.22 per ERU OMC 13.08.210

2) City of Olympia Monthly Sewer Charges

A) Residential accounts with separately metered City of Olympia water service servicing: one separate single-family residence, one single-family residence with accessory dwelling unit, one unit of a residential duplex, one mobile home or one trailer shall be billed based on monthly water consumption as follows:

0 – 250 cf	\$13.29 per month	
251 – 350 cf	\$13.29 per month plus \$.0818 per cf	OMC 13.08.190
351 cf and above	\$21.47 per month	

B) Residential accounts with residential duplexes with a single water meter servicing both units shall be billed based on water consumption as follows:

0 – 500 cf	\$26.58 per month	
501 – 700 cf	\$26.58 per month plus \$.0818 per cf	OMC 13.08.190
701 cf and above	\$42.94 per month	

C) Residential accounts not included in A) or B) above	\$21.47 per	
	ERU	OMC 13.08.190

D) Nonresidential accounts shall be billed one (1) ERU minimum per month.	\$21.47 per	
ERU charges in excess of one (1) ERU shall be billed at the rate of \$.0307 per 1 cf. for local collection system.	ERU	OMC 13.08.190

3) City of Olympia General Facility Charge

Wastewater (Sewer) general facility charge	\$3,442.00 per	OMC
	ERU	13.08.205
Wastewater (Sewer) general facility charge for properties on public combined sewers and in the Downtown Deferred General Facility Charge Payment Option Area	\$1,483.00 per	OMC
	ERU	13.08.010
		OMC
		13.08.205

C. WASTE RESOURCES

1. Residential garbage rates, monthly, every-other-week collection:

	OMC 13.12.160
One twenty-gallon cart (minimum residential garbage service)	\$ 9.82 <u>10.41</u>
One thirty-five gallon cart	
Recycle rate	16.96 <u>17.98</u>
Nonrecycle rate	21.27 <u>22.55</u>
One sixty-five gallon cart	
Recycle rate	23.16 <u>24.55</u>
Nonrecycle rate	29.03 <u>30.77</u>
Two sixty-five gallon carts	
Recycle rate	44.32 <u>46.98</u>
Nonrecycle rate	55.49 <u>58.82</u>
Three sixty-five gallon carts	83.29 <u>88.29</u>
One ninety-six gallon cart	
Recycle rate	40.13 <u>42.54</u>
Nonrecycle rate	50.28

- c. Extended pickup service to be at no charge when the combined annual income of the household of the qualified applicant is equal to or less than fifty percent of the median household income in Thurston County.
- d. Persons requesting service must apply with the utilities office by filling out an affidavit for extended service. Upon approval of affidavit, service will be granted.
- e. Qualified applicant will reapply on a yearly basis on or before December 31st of each year.
- f. In the case of a multifamily residence or complex, only the qualified tenant's cart will be clearly marked with the tenant's name and unit number.

4. Residential and commercial organics rate, monthly, every other week collection:

Organics:

Per city-owned 95-gallon cart or each 1/2 yard of material collected \$10.25

5. Commercial garbage rates, monthly, weekly collection:

One ten gallon can (minimum commercial garbage service)	\$ 6.76 <u>7.10</u>
One thirty-two gallon can or cart	19.96 <u>20.96</u>
Two thirty-two gallon cans or equivalent cart service	30.45 <u>31.97</u>
Three thirty-two gallon cans or equivalent cart service	57.26 <u>60.12</u>
Four thirty-two gallon cans or equivalent cart service	75.44 <u>79.21</u>
More than four thirty-two gallon cans or equivalent cart service	75.44 <u>79.21</u> + 19.96 <u>20.96</u> for each additional thirty-two gallons of service

6. 95-gallon garbage and refuse cart service, monthly:

One pickup weekly	\$ 57.26 <u>60.12</u>
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Two pickups weekly	109.73
	<u>115.22</u>
Three pickups weekly	160.02
	<u>168.02</u>
Four pickups weekly	211.24
	<u>221.80</u>
Five pickups weekly	261.82
	<u>274.91</u>

7. One-yard garbage and refuse dumpster service, monthly:

One pickup weekly	\$ 112.57
	<u>118.20</u>
Two pickups weekly	221.35
	<u>232.42</u>
Three pickups weekly	326.41
	<u>342.73</u>
Four pickups weekly	431.26
	<u>452.82</u>
Five pickups weekly	535.96
	<u>562.76</u>
Six pickups weekly	640.78
	<u>672.82</u>

8. One and one-half yard garbage and refuse dumpster service, monthly:

One pickup weekly	\$ 148.83
	<u>156.27</u>
Two pickups weekly	283.66
	<u>297.84</u>
Three pickups weekly	417.39
	<u>438.26</u>
Four pickups weekly	550.82
	<u>578.36</u>

Five pickups weekly	684.21
	<u>718.42</u>
Six pickups weekly	818.05
	<u>858.95</u>

9. Two-yard garbage and refuse dumpster service, monthly:

One pickup weekly	\$ 184.90
	<u>194.15</u>
Two pickups weekly	352.81
	<u>370.45</u>
Three pickups weekly	520.80
	<u>546.84</u>
Four pickups weekly	688.76
	<u>723.20</u>
Five pickups weekly	856.77
	<u>899.61</u>
Six pickups weekly	1,022.03
	<u>1,073.13</u>

10. Three-yard garbage and refuse dumpster service, monthly:

One pickup weekly	\$ 261.59
	<u>274.67</u>
Two pickups weekly	511.98
	<u>537.58</u>
Three pickups weekly	760.20
	<u>798.21</u>
Four pickups weekly	1,015.80
	<u>1,066.59</u>
Five pickups weekly	1,257.02
	<u>1,319.87</u>
Six pickups weekly	1,494.23
	<u>1,568.94</u>

11. Four-yard garbage and refuse dumpster service, monthly:

One pickup weekly	\$ 328.93
	<u>345.38</u>
Two pickups weekly	650.87
	<u>683.41</u>
Three pickups weekly	966.40
	<u>1,014.72</u>
Four pickups weekly	1,275.29
	<u>1,339.05</u>
Five pickups weekly	1,577.62
	<u>1,656.50</u>
Six pickups weekly	1,874.84
	<u>1,968.58</u>

12. Six-yard garbage and refuse dumpster service, monthly:

One pickup weekly	\$ 477.62
	<u>501.50</u>
Two pickups weekly	932.71
	<u>979.35</u>
Three pickups weekly	1,384.68
	<u>1,453.91</u>
Four pickups weekly	1,836.32
	<u>1,928.14</u>
Five pickups weekly	2,288.12
	<u>2,402.53</u>
Six pickups weekly	2,631.35
	<u>2,762.92</u>

13. Prepaid extra tag for unscheduled collection of a bag on regular garbage collection day; \$5.39/each.

14. Extra unscheduled can, bag or box on regular garbage collection day to which a City approved prepaid tag is not attached: \$8.81/each.

15. Fees for special pickups, minor ancillary services, and yard waste drop-off site disposal services, other than unscheduled extra cans or material on regular collection day, shall be established by the City Manager, based on cost of service; to include labor, equipment, distance traveled, and volume of materials as appropriate.

16. City-owned drop boxes: customers will be charged repair fees on boxes which have been burned or damaged:

Ten cubic yards:

Delivery fee	\$ 63.65	
	<u>67.47</u>	
Daily rental	2.19	
	<u>2.32</u>	
Hauling fee	193.86	
	<u>205.49</u>	
Dumping charge		Current disposal fee, surcharge and 13.6% service fee on disposal fee

Twenty cubic yards:

Delivery fee	\$ 63.65	
	<u>67.47</u>	
Daily rental	2.82	
	<u>2.99</u>	
Hauling fee	193.86	
	<u>205.49</u>	
Dumping charge		Current disposal fee, surcharge and 13.6% service fee on disposal fee

Thirty cubic yards:

Delivery fee	\$ 63.65	
	<u>67.47</u>	
Daily rental	3.91	
	<u>4.14</u>	
Hauling fee	193.86	
	<u>205.49</u>	
Dumping charge		Current disposal fee, surcharge and 13.6% service fee on disposal fee

Forty cubic yards:

Delivery fee	\$ 63.65 <u>67.47</u>	
Daily rental	3.91 <u>4.14</u>	
Hauling fee	193.86 <u>205.49</u>	
Dumping charge		Current disposal fee, surcharge and 13.6% service fee on disposal fee
Standby or dig out	\$90.00 per hour	

17. Customer-owned compactors and special containers. Dumping charges are based on weight at transfer station:

Cubic Yard	Charge Per Haul
10 or less	193.86 * <u>205.49</u>
15	193.86 * <u>205.49</u>
20	193.86 * <u>205.49</u>
25	193.86 * <u>205.49</u>
30	193.86 * <u>205.49</u>
35	193.86 * <u>205.49</u>
40	193.86 * <u>205.49</u>
42	193.86 * <u>205.49</u>
	* plus disposal fee plus 13.6% service fee on disposal fee
Standby or dig out	\$90.00 per hour

No delivery fees or rental fees will be charged for city-owned drop boxes used to haul source-separated yard waste for composting or construction and demolition debris for recycling. If material is contaminated, the customer will be charged current disposal fees and 13.6% service charge on the disposal fee, plus delivery fee and daily rental fees.

18. City-owned temporary garbage and refuse dumpster services (customers will be charged repair fees for containers which have been burned or damaged):

One cubic yard:	
Delivery fee	\$ 51.28
	<u>54.36</u>
Daily rental fee	2.02
	<u>2.14</u>
Fee per dump	42.20
	<u>44.73</u>
One and 1/2 cubic yard:	
Delivery fee	51.28
	<u>54.36</u>
Daily rental fee	2.02
	<u>2.14</u>
Fee per dump	44.70
	<u>47.38</u>
Two yard:	
Delivery fee	51.28
	<u>54.36</u>
Daily rental fee	2.02
	<u>2.14</u>
Fee per dump	47.90
	<u>50.77</u>
Three yard:	
Delivery fee	51.28
	<u>54.36</u>
Daily rental fee	2.02
	<u>2.14</u>
Fee per dump	62.99

	<u>66.77</u>
Four yard:	
Delivery fee	51.28
	<u>54.36</u>
Daily rental fee	2.02
	<u>2.14</u>
Fee per dump	87.27
	<u>92.51</u>
Six yard:	
Delivery fee	51.28
	<u>54.36</u>
Daily rental fee	2.02
	<u>2.14</u>
Fee per dump	119.23
	<u>126.38</u>

19. City-owned temporary organics dumpster services (customers will be charged repair fees for dumpsters which have been burned or damaged):

One cubic yard:	
Fee per dump	\$ 20.50
One and 1/2 cubic yard:	
Fee per dump	30.75
Two yard:	
Fee per dump	41.00
Three yard:	
Fee per dump	61.50

If material is contaminated, customer will be charged the dump fee, delivery fee and daily rental fee for city-owned temporary garbage and refuse dumpster services as established in Section 16 of this ordinance.

20. **An additional surcharge of \$70.00 per month applies to permanent commercial dumpster customers who require Saturday collection and are subject to regular monthly fees set forth in OMC 4.24.010C Subsections 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18 or 19.**

D. STORM AND SURFACE WATER

At the time of issuance of a building/engineering permit, per OMC 13.16.080, a storm and surface water GFC shall be assessed at the rate of: \$ 1,190/Impervious Unit (2,528 sq. ft.) plus 4.50 per average daily vehicle trip based on the Institute of Traffic Engineers' Trip Generation Manual.

1. Storm drainage service charges:

a. Residential Parcel. All parcels in the city shall be subject to a monthly charge for storm drainage service in accordance with the following schedule:

Single-family parcels with or without accessory dwelling units (Regardless of date approved)	\$13.37/utility account
Plats approved after 1990 with signed maintenance agreement	11.96/utility account
Duplex parcels (Regardless of date approved)	13.37/unit (\$26.74 when billed as a single account)

b. Nonresidential Parcel. A charge per utility account will be established at the time of issuance of a clearing, filling, excavating or grading permit and assessed monthly as follows:

Administrative fee	\$ 13.08 plus:
For parcels developed after January 1990 (Category I)	4.92 per billing unit or
For parcels developed between January 1980 and January 1990 (Category II)	10.28 per billing unit or
For parcels developed before January 1980 (Category II)	12.97 per billing unit

c. For developed parcels without structural impervious areas, the following construction phase charge shall be assessed at the time of issuance of a clearing, filling, excavating or grading permit:

Single-family and duplex zoned	\$ 5.61 per parcel x total number of parcels identified in preliminary plat x 24 months
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d. Undeveloped parcels. No charge.

2. State highway charge:

Monthly fee for state highway rights-of-way 30% of the storm drainage service charges

3. Other roadway charges:

Monthly fee for roadway rights-of-way, other than state highways within the city boundary

E. RECLAIMED WATER

1. Occupant turning on water after delinquent shutoff penalty	\$10.00	OMC	13.24.330
2. Delinquency notification penalty	\$10.00	OMC	13.24.340
3. Service disconnected/reclaimed water reconnect for nonpayment penalty	\$25.00	OMC	13.24.340
4. Reclaimed water for commercial construction purposes	\$50.00 per month plus consumption charge	OMC	13.24.200
5. Non-emergency after-hours reclaimed water service turn on/shut off	\$110.00	OMC	13.24.250

6. Reclaimed Water Rates

a. Meter Rates – The monthly charge based upon meter size for all reclaimed water customers follows 4.24.010.A.8. Monthly charges for meter sizes not listed in the schedule shall correspond to the next larger meter size listed.

b. Consumption charges

(1) Indoor use of reclaimed water: 70% of the consumption charges in 4.24.010.A.8.

(2) Outdoor use of reclaimed water: 70% of the consumption charges in 4.24.010.A.8 for Irrigation.

Section 2. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 4. Effective Date. This Ordinance shall take effect January 1, 20178.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Approval of an Amendment to Ordinance 7097 Related to the Operating Budget

Agenda Date: 12/19/2017
Agenda Item Number: 4.J
File Number: 17-1214

Type: ordinance **Version:** 2 **Status:** 2d Reading-Consent

Title

Approval of an Amendment to Ordinance 7097 Related to the Operating Budget

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the amending ordinance on second reading.

Report

Issue:

Whether to approve the amendment to Ordinance 7097, which relates to the Operating Budget.

Staff Contact:

Bill Sampson, Acting Fiscal Services Director, Administrative Services Department, 360.753.8473

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Background and analysis has not changed from first to second reading.

To change the budget, the Council must approve a new ordinance amending the budget. Generally, budgetary amendments are made quarterly. On occasion a budget change needs to be made between the quarterly updates and a separate ordinance will come before the Council. These ordinances do not officially amend the budget ordinance, but does provide authorization to expend funds. The attached ordinance reflects ordinances which may have been adopted relating to the budget since the last quarterly update, and other proposed changes to the budget.

No separate ordinances were passed since the adoption of ordinance 7097 relating to the Operating Budget.

Budget Items not previously presented to the Council:

- 1) Appropriation of \$15,000 for supplies for new Honor Guard. Funding from \$15,000 donation from the Olympia Police Guild.
- 2) Appropriation of \$33,500 for the K-9 program training expenses. Funding from a \$33,500 grant from Halloran Foundation.
- 3) Appropriation of \$218,614 for Medic 1 reimbursement. Funding from Medic 1.
- 4) Appropriation of \$600,000 for Olympia Police Department overtime. Funded by \$500,000 increase in projected sales tax and \$100,000 transfer back to General Fund from HUD Fund 107.
- 5) Appropriation of \$44,900 for Aerial Mapping. Funding in Special Accounts Revolving Fund from Fund Balance.
- 6) Appropriation of \$5,000 for energy efficiencies. Funding from \$5,000 PSE Energy Rebate.
- 7) Appropriation of \$20,000 for Priest Point Park Cultural Resource Survey & Management Plan. Funding comes from Department of Archaeology and Historic Preservation Grant.

Neighborhood/Community Interests (if known):

None noted.

Options:

- 1) Approve ordinance amending Ordinance 7097.
- 2) Do not approve the amending ordinance. The budget items not previously presented to the Council would not be authorized.

Financial Impact:

Total increase appropriations by \$937,014. Funding for these appropriations noted above.

Attachments:

Ordinance

Ordinance No.

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO BUDGETS, FINANCE, AND SALARIES, AND AMENDING ORDINANCE NO. 7097.

WHEREAS, the Olympia City Council passed Ordinance No. 7059 on December 13, 2016; and

WHEREAS, throughout the year, updates are required to recognize changes relating to budgets, finance, and salaries; and

WHEREAS, Ordinance No. 7059 was amended on April 11, 2017, by passage of Ordinance No. 7070; and

WHEREAS, Ordinance No. 7070 was amended on June 20, 2017, by passage of Ordinance No. 7084; and

WHEREAS, Ordinance No. 7084 was amended on October 3, 2017, by passage of Ordinance No. 7097; and

WHEREAS, the following amendments need to be made to Ordinance No. 7097;

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

Section 1. 2017 Budget. The budget for the calendar year 2017 is hereby adopted in the amounts and for the purposes as shown below; and the following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the monies in the several funds in the City Treasury hereinafter named.

FUND	APPROP. FUND BALANCE	ESTIMATED REVENUE	APPROP.	ADDITIONS TO FUND BALANCE
General, Regular Operations	\$434,071 <u>\$478,971</u>	\$72,569,824 <u>\$73,461,938</u>	\$73,003,895 <u>\$73,940,909</u>	\$-
General, Special Sub-Funds				
Special Accounts	578,289	861,880	1,440,169	-
Development Fee Revenue	191,706	3,392,530	3,584,236	-
Parking	-	1,530,700	1,395,512	135,188
Post Employment Benefits	1,599,500	1,101,000	2,700,500	-
Washington Center	5,000	349,200	354,200	-
Municipal Arts	900	233,100	234,000	-
Equip & Facilities Reserve		1,618,636	1,618,636	-

Total General Fund	2,809,466	81,656,870	84,331,148	
	2,854,366	82,548,984	85,268,162	135,188
4 th /5 th Avenue Corridor Bridge Loan	20	552,489	552,509	-
UTGO Bond Fund – 2009 Fire	3,480	1,187,851	1,191,331	-
City Hall Debt Fund – 2009	952	2,419,166	2,420,118	-
2010 LTGO Bond – Street Projects	4	436,009	436,013	-
L.O.C.A.L. Debt Fund – 2010	-	178,283	178,281	2
2010B LTGO Bonds - HOCM	-	430,888	430,888	-
2013 LTGO Bond Fund	-	673,875	673,875	-
2016 LTGO Parks BAN	-	115,000	115,000	-
Water Utility O&M	-	13,302,290	13,297,934	4,356
Sewer Utility O&M	96,639	19,901,896	19,998,535	-
Solid Waste Utility	176,000	11,764,820	11,741,287	199,533
Stormwater Utility	-	5,313,050	5,310,757	2,293
Water/Sewer Bonds	-	2,044,982	2,023,330	21,652
Stormwater Debt Fund	-	123,359	123,359	-
Equipment Rental	575,000	2,322,434	2,897,434	-
TOTALS	\$3,661,561	\$142,423,262	\$145,721,799	
	\$3,706,461	\$143,315,376	\$146,658,813	\$363,024

Section 2. Administration. The City Manager shall administer the budget, and in doing so may authorize adjustments within the funds set forth in Section 1 above, to the extent that such adjustments are consistent with the budget approved in Section 1.

Section 3. Salaries and Compensation. The salaries and compensation for the City of Olympia employees for the calendar year 2017 shall be as set forth in the "Supplementary Information" section of the 2017 Adopted Operating Budget document, or as the same may be amended by the City Manager as part of his administration of the budget pursuant to Section 2 above.

Section 4. Benefit Cost Sharing. The City Manager is authorized to modify and establish benefit cost sharing for City employees; and such programs may be based, in part, on an employee's start date with the City.

Section 5. 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 6. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 7. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 8. Effective Date. This Ordinance shall take effect five (5) days after publication as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

**PASSED:
APPROVED:
PUBLISHED:**



City Council

Approval of an Amendment to Ordinance 7098 Related to the Capital Budget

Agenda Date: 12/19/2017
Agenda Item Number: 4.K
File Number: 17-1215

Type: ordinance **Version:** 2 **Status:** 2d Reading-Consent

Title

Approval of an Amendment to Ordinance 7098 Related to the Capital Budget

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the amending ordinance on second reading.

Report

Issue:

Whether to amend Ordinance 7098, which relates to the Capital Budget.

Staff Contact:

Bill Sampson, Acting Fiscal Services Director, Administrative Services Department, 360.753.8473

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Background and analysis has not changed from first to second reading.

City Council may revise the City's capital budget by approving an ordinance. New budget items come up during the year that have not been presented to Council through the annual budget cycle.

Generally, budget amendments are presented quarterly to Council for their review and approval but may be made at any time during the year.

Below are new budget items included in amended Ordinance 7098:

- 1) Appropriation of \$100,000 for Environmental Clean Up at West Olympia Landfill. Funding was received through a remediation settlement agreement with Puget Sound Energy for the West Olympia Landfill.

- 2) Appropriation of \$115,764 for Port Stormwater project. Funding was received as payment from the Port of Olympia for their portion of the project.
- 3) Appropriation of \$22,197 to cover final costs of the Harrison Avenue Widening project. Funding was collected from Transportation Impact Fees.

Neighborhood/Community Interests (if known):

N/A

Options:

- 1) Approve the amendment to Ordinance 7098. This allows staff to complete the projects listed above.

- 2) Do not approve the amendment to Ordinance 7098. Staff will not be able to complete the projects listed until additional funding is appropriated

Financial Impact:

Total increase in appropriations is \$237,961. Funding for the total appropriation is available.

Attachments:

Ordinance

Ordinance No.

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO THE CAPITAL FACILITIES PLAN FOR THE YEARS 2017-2022 AND AMENDING ORDINANCE NO. 7098.

WHEREAS, the Olympia City Council adopted the "Capital Facilities Plan" (CFP) for years 2017 through 2022 by passing Ordinance No. 7057 on December 13, 2016; and

WHEREAS, the CFP is periodically amended to recognize additional revenue and/or appropriations, as provided for in RCW 36.70A.130(2)(a)(iv); and

WHEREAS, Ordinance No. 7057 was amended on April 11, 2017, by passage of Ordinance No. 7071; and

WHEREAS, Ordinance No. 7071 was amended on June 20, 2017, by passage of Ordinance No. 7086; and

WHEREAS, Ordinance No. 7086 was amended on October 3, 2017 by passage of Ordinance No. 7098; and

WHEREAS, the following amendments need to be made to Ordinance No. 7098;

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

Section 1. That certain document entitled the "Capital Facilities Plan," covering the years 2017 through 2022, a copy of which will be on file with the Office of the Director of Administrative Services and available on the City's web site, is hereby adopted as the Capital Facilities Plan for the City of Olympia and is incorporated herein as though fully set forth.

Section 2. Upon appropriation by the City Council of funds therefor, the City Manager shall be authorized to prepare plans and specifications, to take bids, and to make expenditures for the projects set forth in the CFP during the year for which said projects are scheduled; provided, however, that any award of bids and execution of contracts for construction shall be approved as provided in OMC Chapter 3.16.

Section 3. It is anticipated that the funding source and the construction schedule for projects identified in the CFP may be changed over the next year. Such changes shall not constitute an amendment to the Comprehensive Plan for purposes of RCW 36.70A.130.

Section 4. The Director of Administrative Services is hereby authorized to bring forward into fiscal year 2017 all appropriations and allocations not otherwise closed, completed, or deleted from prior fiscal years' capital budgets.

Section 5. The following appropriations are hereby made:

FUND	APPROP. FUND BALANCE	ESTIMATED REVENUE	APPROP.	ADDITIONS TO FUND BALANCE
Impact Fee Fund	\$5,083,238 \$5,105,435	\$800,000	\$5,883,238 \$5,905,435	\$-
SEPA Mitigation Fee Fund	147,360	-	147,360	-

FUND	APPROP. FUND BALANCE	ESTIMATED REVENUE	APPROP.	ADDITIONS TO FUND BALANCE
Parks & Recreational Sidewalk, Utility Tax Fund	-	3,020,000	3,020,000	-
Real Estate Excise Tax Fund	831,800	1,200,000	2,031,800	-
Capital Improvement Fund	6,650	18,900,546 <u>19,022,743</u>	18,907,196 <u>19,029,393</u>	-
City Hall Construction Fund	499,913		499,913	-
Water CIP Fund	1,300,000	4,866,500	6,166,500	-
Sewer CIP Fund	1,429,699	771,301	2,201,000	-
Storm Water CIP Fund	-	2,512,600 <u>2,628,364</u>	2,512,600 <u>2,628,364</u>	-
TOTALS	\$9,298,660 \$9,320,857	\$32,070,947 \$32,308,908	\$41,369,607 \$41,629,765	\$0

Section 6. 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 7. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 8. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 9. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Approval of an Amendment to Ordinance 7099 Related to Special Funds

Agenda Date: 12/19/2017
Agenda Item Number: 4.L
File Number: 17-1216

Type: ordinance **Version:** 2 **Status:** 2d Reading-Consent

Title

Approval of an Amendment to Ordinance 7099 Related to Special Funds

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve amending ordinance on second reading.

Report

Issue:

Whether to approve the amendment to Ordinance 7099.

Staff Contact:

Bill Sampson, Acting Fiscal Services Director, Administrative Services Department, 360.753.8473

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Background and analysis has not changed from first to second reading.

To change the budget the Council must approve an ordinance amending the budget. Generally, budgetary amendments are made quarterly. On occasion a budget change is made between the quarterly updates with separate ordinances approved by the Council. These ordinances do not officially amend the budget ordinance, but does provide authorization to expend funds. The attached ordinance reflects ordinances which may have been adopted relating to the budget since the last quarterly update, and other proposed changes to the budget.

There was one ordinance passed since the adoption of ordinance 7099 relating to the Special Funds Budget. Ordinance 7105 adopted by Council on June 25, 2017 appropriated the following:

Support for the Washington Center's Development Director position	\$200,000
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Budget Items not previously presented to the Council:

1. Appropriation of \$100,000 to return seed money for Section 108 loans to General Fund.
Funding is from fund balance.

Neighborhood/Community Interests (if known):

None noted.

Options:

- 1) Approve ordinance amending ordinance 7099.
- 2) Do not approve the amending ordinance.

Financial Impact:

Total appropriation increase of \$300,000, funding noted above.

Attachments:

Ordinance

Ordinance No.

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, APPROPRIATING FUNDS WITHIN VARIOUS SPECIAL FUNDS AND AMENDING ORDINANCE NO. 7099

WHEREAS, the Olympia City Council passed Ordinance No. 7058 on December 13, 2016, appropriating funds within various special funds; and

WHEREAS, the Olympia City Council amended Ordinance No. 7058 by passage of Ordinance No. 7085 on June 20, 2017; and

WHEREAS, the Olympia City Council amended Ordinance No. 7085 by passage of Ordinance No. 7099 on October 3, 2017; and

WHEREAS, the following amendments need to be made to Ordinance No. 7099:

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

Section 1. The following appropriations are hereby made:

FUND	APPROP. FUND BALANCE	ESTIMATED REVENUE	APPROP.	ADDITIONS TO FUND BALANCE
HUD Fund	\$- \$100,000	\$490,892	\$490,892 \$590,892	\$-
Fire Equipment Replacement Fund	5,000		5,000	
Lodging Tax Fund	-	735,000	631,100	103,900
Parking Business Improvement Area Fund	20,000	100,000	120,000	-
Hands On Children's Museum	75,623	722,700	760,331	37,992
Equipment Rental Replacement Reserve Fund	-	1,658,700	1,394,526	264,174
Unemployment Compensation Fund	14,400	227,300	241,700	-
Insurance Trust Fund	124,500	1,722,500	1,847,000	-
Workers Compensation Fund	65,100	1,569,400	1,634,500	-
Washington Center Endowment Fund	- 200,000	5,100	5,100 205,100	-
TOTALS	\$304,623 \$604,623	\$7,231,592	\$7,130,149 \$7,430,149	\$406,066

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. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances, shall be 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 five (5) days after publication as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED



City Council

Approval of an Ordinance Amending Olympia School District Impact Fees

Agenda Date: 12/19/2017
Agenda Item Number: 4.M
File Number: 17-1228

Type: ordinance **Version:** 2 **Status:** 2d Reading-Consent

Title

Approval of an Ordinance Amending Olympia School District Impact Fees

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the ordinance amending the Olympia School District Impact Fees on second reading.

Report

Issue:

Whether to approve the ordinance amending the Olympia School District Impact Fees on second reading.

Staff Contact:

Debbie Sullivan, Deputy Administrative Services Director, 360.753-8499

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

Background and analysis has not changed from first to second reading.

The proposed update to the Olympia School District (OSD) Impact fees is based on the adoption by the School Board of the District's 2018-2023 Capital Facilities Plan (CFP). The Assistant Superintendent presented their CFP and proposed impact fee changes to the Council on November 21.

The impact fee rates are calculated based, in part, on the projects identified in the District's CFP that are needed to address future growth. School impact fees are charged only to residential projects inside Olympia city limits. The City collects the fees on behalf of the school district and remits the fees with interest to them on a monthly basis. Based on the school districts approved CFP, the fees

are as follows:

	2017	2018
Single Family	\$5,298	\$5,350 (\$52 increase over 2017)
Multi-Family	\$2,510	\$2,621 (\$101 increase over 2017)

City Council can only adopt the changes proposed in the 2018-2023 Capital Facilities Plan adopted by the OSD Board of Directors. The City has no basis for changing the calculations for the school impact fees.

Neighborhood/Community Interests (if known):

The Council held a public hearing on November 21 that included the OSD 2018-2023 Capital Facilities Plan.

Options:

1. Approve the Ordinance Amending the Olympia School District Impact Fees on second reading.
2. Do not approve the Ordinance Amending the Olympia School District Impact Fees.

Financial Impact:

Varies based on the number of new single-family or multi-family residential permits issued in 2018.

Attachments:

Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING SCHOOL IMPACT FEES, AND AMENDING SECTION 15.16.030 OF THE OLYMPIA MUNICIPAL CODE.

WHEREAS, RCW 82.02.050 - .090 authorizes the City of Olympia to adopt an ordinance imposing impact fees; and

WHEREAS, in Ordinance Nos. 5490 and 6164, the City of Olympia did adopt such impact fees, to include "School Impact Fees"; and

WHEREAS, the Olympia School District has updated its capital facility plan and revised its proposed impact fees as reflected in the School District's adopted 2018-2023 Capital Facility Plan; and

WHEREAS, the City Council has called for an annual review of impact fees, concurrent with the annual review of the Capital Facilities Plan (CFP) element of the City's Comprehensive Plan, to consider adjustments to the fees; and

WHEREAS, following said review of the 2018-2023 CFP, the Olympia City Council desires to revise School Impact Fees as adopted in the Olympia School District's 2018-2023 Capital Facility Plan; and

WHEREAS, this Ordinance is adopted pursuant to Article 11, Section 11, of the Washington State Constitution; and

WHEREAS, this Ordinance is supported by the staff report, attachments, and documents on file with the Department of Administrative Services;

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

Section 1. Amendment of OMC 15.16.030. Section 15.16.030 of the Olympia Municipal Code is hereby amended to read as follows:

15.16.030 - Schedule C, School Impact Fees

For complete building permit applications submitted after the effective date of this title, the following schedule shall apply:

(Applies to residential development only)

Housing Type:	
Single Family - detached (including manufactured homes on individual lots)	\$5,298 <u>\$5,350</u>
Multifamily per unit (including townhouses)	\$2,520 <u>\$2,621</u>
Downtown Multi Family per units (including townhouses)	\$0

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. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances, shall be 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 be in force and effect on January 1, 2018, after its passage by the Olympia City Council and publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Approval of an Ordinance Adopting the 2018 Operating Budget

Agenda Date: 12/19/2017
Agenda Item Number: 4.N
File Number: 17-1244

Type: ordinance **Version:** 2 **Status:** 2d Reading-Consent

Title

Approval of an Ordinance Adopting the 2018 Operating Budget

Recommended Action

Committee Recommendation:

The Finance Committee has reviewed various parts of the budget throughout the year.

City Manager Recommendation:

Move to approve the ordinance adopting the 2018 operating budget on second reading.

Report

Issue:

Whether to approve the ordinance adopting the 2018 operating budget on second reading.

Staff Contact:

Dean Walz, Administrative Services Director, 360.753-8465

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

Background and analysis has not changed from first to second reading.

State law requires the City Manager to prepare a balanced operating budget each year. The Council held two public hearings and a study session to review the budget. In addition, the Finance Committee reviewed various aspects of the budget throughout the year.

Since the preliminary 2018 Operating Budget was presented, the following changes were made to the final document.

1. Increase of General Fund Revenues of \$537,324. This is a result of updated revenue projections and expenses. This excludes the projected revenues of \$2.8 million from the levy lid lift approved by the voters on November 7.

2. Increase of expenses, approved by Council on November 28 in the amount of \$537,324.
3. Increase of revenues in addition to the \$537,324 of \$2.8 million. This is the result of the levy lid lift for Public Safety Levy which was approved by the voters on November 7.
4. Increase of expenses related the Public Safety Levy (see attached)
5. Includes City Council's direction to implement the Utility Advisory rate recommendation. This resulted in additional revenue for the Waste ReSources Utility of \$351,400.

By State law the budget must be adopted no later than December 31.

Neighborhood/Community Interests (if known):

The Council held a public hearing on November 21 to take testimony on the 2018 preliminary Operating Budget.

Options:

1. Approve the Ordinance Adopting the 2018 Operating Budget on second reading.
2. Direct staff to make additional changes to the 2018 Operating Budget.

Financial Impact:

The total 2018 expenditures are \$150,016,018.

Attachments:

Ordinance
Budget Balancing Decision

Ordinance No.

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO BUDGETS, FINANCE, AND SALARIES, AND ADOPTING THE 2018 CALENDAR YEAR BUDGET

WHEREAS, the tax estimates and budget for the City of Olympia, Washington, for the 2018 calendar year have been prepared and filed as provided by the laws of the State of Washington; and

WHEREAS, the preliminary budget was printed for distribution and notice published in the official paper of the City of Olympia, setting the time and place for hearing on the budget and stating that all taxpayers requesting a copy from the City Clerk would be furnished a copy of the preliminary budget to review; and

WHEREAS, the Olympia City Council held a public hearing on the preliminary budget on November 21, 2018, as required by law, and has considered the public testimony presented;

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

Section 1. 2018 Budget. The budget for the calendar year 2018 is hereby adopted in the amounts and for the purposes as shown below; and the following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the monies in the several funds in the City Treasury hereinafter named.

FUND	APPROP. FUND BALANCE	ESTIMATED REVENUE	APPROP.	ADDITIONS TO FUND BALANCE
General, Regular Operations	\$212,571	\$78,184,682	\$78,397,253	\$-
General, Special Sub-Funds				
Special Accounts	75,860	908,813	984,673	-
Development Fee Revenue	-	3,756,900	3,756,900	-
Parking	-	1,560,200	1,296,691	263,509
Post Employment Benefits	399,000	1,133,000	1,532,000	-
Washington Center	5,000	455,976	460,976	-
Municipal Arts	-	55,800	55,800	-
Equip & Facilities Reserve	-	1,511,873	1,149,775	362,098
Total General Fund	692,431	87,567,244	87,634,068	625,607
4 th /5 th Avenue Corridor Bridge Loan	3	548,035	548,038	-
UTGO Bond Fund – 2009 Fire	-	1,195,930	1,191,156	4,774
City Hall Debt Fund – 2009	2,272	2,416,446	2,418,718	-
2010 LTGO Bond – Street Projects	-	435,617	435,613	4
L.O.C.A.L. Debt Fund – 2010	-	178,282	178,281	1
2010B LTGO Bonds - HOCM	10,290	425,098	435,388	-
2013 LTGO Bond Fund	-	675,275	675,275	-
2016 LTGO Parks BAN	-	125,000	125,000	-
Water Utility O&M	100,760	13,983,920	14,084,680	-
Sewer Utility O&M	3,661	20,254,540	20,258,201	-
Solid Waste Utility	-	12,159,668	12,108,571	51,097
Stormwater Utility	10,870	5,396,612	5,407,482	-

Water/Sewer Bonds	-	2,041,982	2,032,448	9,534
Stormwater Debt Fund	1	123,648	123,649	-
Equipment Rental	-	2,371,022	2,359,540	11,482
TOTALS	\$820,288	\$149,898,319	\$150,016,108	\$702,499

Section 2. Administration. The City Manager shall administer the budget, and in doing so may authorize adjustments within the funds set forth in Section 1 above, to the extent that such adjustments are consistent with the budget approved in Section 1.

Section 3. Salaries and Compensation. The salaries and compensation for the City of Olympia employees for the calendar year 2018 shall be as set forth in the "Supplementary Information" section of the 2018 Adopted Operating Budget document, or as the same may be amended by the City Manager as part of his administration of the budget pursuant to Section 2 above.

Section 4. Benefit Cost Sharing. The City Manager is authorized to modify and establish benefit cost sharing for City employees; and such programs may be based, in part, on an employee's start date with the City.

Section 5. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 6. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 7. Effective Date. This Ordinance shall take effect January 1, 2018.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

General Fund, Post Preliminary Changes

Revenues:

Revised General Revenues	\$153,099
Public Defense Grant, additional amount	47,600
Engineering charges to projects	124,054
Unexpended 2017 Policy Budget	100,000
Unexpended 2017 Council Goals Budget	112,571
	<hr/>
Total Revenue	\$537,324

Expenses:

Administrative Adjustments, post preliminary adjustments	
General Administrative Adjustments	(\$202,871)
Final balancing adjustment	(342)
Artesian Well Host & Ranger	25,054
Special February Election, additional funding	35,000
Committee on Diversity & Equity	5,000
Public Defense funded from grant increase	47,600
Engineering, funding vacant position 1.0 FTE	124,054
	<hr/>
Total Administrative Changes	\$33,495

Council adjustments	
Council Policy Analyst	\$100,000
Code Enforcement Abatement	74,000
Climate Action Plan	80,000
Fire SCBA Gear	60,000
Winter Shelter	50,000
Election Pamphlet and Fact Sheet	10,000
Probation Software	20,000
Ambassador/Clean Team	109,829
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	\$503,829

Total Expense Adjustments	\$537,324
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City Council

Approval of an Ordinance Adopting the 2018-2023 Capital Facilities Plan and Appropriating Funds for 2018

Agenda Date: 12/19/2017
Agenda Item Number: 4.O
File Number: 17-1245

Type: ordinance **Version:** 2 **Status:** 2d Reading-Consent

Title

Approval of an Ordinance Adopting the 2018-2023 Capital Facilities Plan and Appropriating Funds for 2018

Recommended Action

Committee Recommendation:

The Planning Commission, Utilities Advisory Committee, Bicycle and Pedestrian Advisory Committee, and Parks and Recreation Advisory Committee have reviewed the plan.

City Manager Recommendation:

Move to approve the ordinance adopting the 2018-2023 Capital Facilities Plan and appropriating funds for 2018 on second reading.

Report

Issue:

Whether to approve on second reading the ordinance adopting the 2018-2023 Capital Facilities Plan and appropriating funds for 2018.

Staff Contact:

Debbie Sullivan, Deputy Administrative Services Director, 360.753.8499

Presenter(s):

None - Consent calendar item

Background and Analysis:

Background and analysis has not changed from first to second reading.

The budget process for the 2018-2023 Capital Facilities Plan started in July 2017. Since that time the Planning Commission reviewed the plan in detail, held a public hearing, and provided Council with comments. Comments were also received from the Utility Advisory Committee, Bicycle and Pedestrian Advisory Committee, Parks and Recreation Committee, and several members of the public. The Council also held two public hearings.

Since the preliminary CFP was presented, three changes were made to the final document.

1. \$365,000 will be allocated to site and construct a permanent restroom in Downtown Olympia. Funding for this project will come from existing Wastewater Utility appropriations.
2. If the State Legislature does not adopt a Capital Budget in 2018, \$175,000 currently identified as grant match for a second sprayground project, will be used to complete a sprayground project at Woodruff Park in 2018.
3. The Olympia School District's 2018-2023 CFP has been incorporated into the final document.

State law requires the capital budget to be adopted no later than December 31.

Neighborhood/Community Interests (if known):

The Planning Commission and City Council held public hearings to provide interested individuals and groups to share comments on the City's CFP. One of the hearings was held on November 21 which included the Olympia School District's 2018-2023 Capital Facilities Plan.

Options:

1. Approve the 2018-2023 Capital Facilities Plan and appropriate funds for 2018 on second reading.
2. Direct staff to make additional changes to the 2018 Capital Budget and approve the 2018-2023 CFP.

Financial Impact:

The 2018 portion of the plan totals \$23,838,466; and the entire 2018-2023, six-year CFP is \$147,404,126.

Attachments:

Ordinance

Ordinance No.

AN ORDINANCE ADOPTING THE CITY OF OLYMPIA'S CAPITAL FACILITIES PLAN FOR THE YEARS 2018-2023 AND APPROPRIATING FUNDS FOR THE 2018 PORTION OF SAID CAPITAL FACILITIES PLAN.

WHEREAS, the Olympia City Manager submitted to the City Council a recommended "Capital Facilities Plan," herein referred to as "CFP," for the fiscal years 2018 through 2023; and

WHEREAS, the CFP projects the proposed locations and capacities of expanded or new capital facilities needed to serve growth projected in the City's comprehensive plan, along with a six-year plan that will finance such capital facilities and the anticipated capital expenditures required to construct them for said period; and

WHEREAS, the Olympia School District's Capital Facilities Plan is being incorporated as a component of the City's CFP to allow for the collection of school impact fees; and

WHEREAS, the CFP element of the Comprehensive Plan Goals and Policies is included in the CFP; and

WHEREAS, the City Council has held public hearings and reviewed the recommended CFP along with the CFP Goals and Policies and has made revisions thereto; and

WHEREAS, the revisions made by the City Council have been incorporated into the recommended CFP; and

WHEREAS, the CFP meets the requirements of the Washington State Growth Management Act, including RCW 36.70A.070(3); and

WHEREAS, the CFP is supported by the staff report, attachments and documents on file with the City;

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

Section 1. That certain document entitled the "Capital Facilities Plan," covering the years 2018 through 2023, a copy of which will be on file with the Office of the Director of Administrative Services and available on the City's web site, is hereby adopted as the Capital Facilities Plan for the City of Olympia and is incorporated herein as though fully set forth.

Section 2. Upon appropriation by the City Council of funds therefor, the City Manager shall be authorized to prepare plans and specifications, to take bids, and to make expenditures for the projects set forth in the CFP during the year for which said projects are scheduled; provided, however, that any award of bids and execution of contracts for construction shall be approved as provided in OMC Chapter 3.16.

Section 3. It is anticipated that the funding source and the construction schedule for projects identified in the CFP may be changed over the next year. Such changes shall not constitute an amendment to the Comprehensive Plan for purposes of RCW 36.70A.130.

Section 4. The Director of Administrative Services is hereby authorized to bring forward into fiscal year 2017 all appropriations and allocations not otherwise closed, completed, or deleted from prior fiscal years' capital budgets.

Section 5. The following appropriations are hereby made:

FUND	APPROP. FUND BALANCE	ESTIMATED REVENUE	APPROP.	ADDITIONS TO FUND BALANCE
Impact Fee Fund	\$4,045,966	-	\$4,045,966	\$-
SEPA Mitigation Fee Fund	23,800	-	23,800	-
Parks & Recreational Sidewalk, Utility Tax Fund	-	2,900,000	2,900,000	-
Real Estate Excise Tax Fund	-	1,200,000	1,200,000	-
Capital Improvement Fund	-	13,757,153	13,757,153	-
Water CIP Fund	485,000	5,066,000	5,551,000	-
Sewer CIP Fund	1,215,699	741,301	1,957,000	-
Storm Water CIP Fund	1,237,010	687,690	1,924,700	-
Storm Drainage Mitigation Fund	533,941		533,941	
TOTALS	\$7,541,416	\$24,352,144	\$31,893,560	\$0

Section 6. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 7. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 8. Effective Date. This Ordinance shall take effect January 1, 2018.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Approval of an Ordinance Appropriating 2018 Special Funds

Agenda Date: 12/19/2017
Agenda Item Number: 4.P
File Number: 17-1247

Type: ordinance **Version:** 2 **Status:** 2d Reading-Consent

Title

Approval of an Ordinance Appropriating 2018 Special Funds

Recommended Action

Committee Recommendation:

Not referred to a Committee

City Manager Recommendation:

Move to approve the ordinance appropriating 2018 special funds on second reading.

Report

Issue:

Whether to approve an ordinance to appropriate various Special Funds.

Staff Contact:

Bill Sampson, Acting Fiscal Services Director, Administrative Services Department 360.753.8473

Presenter(s):

None - Consent calendar item.

Background and Analysis:

Background and analysis has not changed from first to second reading.

The City has several special Funds that are not part of the regular Operating or Capital Budgets. These Funds have been established for administrative purposes and/or to segregate funds for special purposes. Special Fund Budget information is listed separately in the attached Ordinance.

Neighborhood/Community Interests (if known):

None

Options:

- 1) Approve the ordinance as presented. The ordinance provides authority to expend funds for various purposes.
- 2) Approve the ordinance with different amounts.

Financial Impact:

Appropriations of Funding:

\$ 7,011,347	To various Special Funds.
\$ 1,968,501	Revenue from external sources
\$ 5,721,487	Revenue from internal sources
\$ 678,641	Net gain to fund balances

Attachments:

Ordinance

Ordinance No.

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, APPROPRIATING FUNDS WITHIN VARIOUS SPECIAL FUNDS

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

Section 1. The following appropriations are hereby made:

FUND	APPROP. FUND BALANCE	ESTIMATED REVENUE	APPROP.	ADDITIONS TO FUND BALANCE
HUD Fund	\$-	\$484,441	\$274,040	\$210,401
Lodging Tax Fund	-	800,000	773,527	26,473
Parking Business Improvement Area Fund	-	115,000	110,000	5,000
Hands On Children's Museum	-	500,000	439,998	60,002
Fire Equipment Replacement Fund	60,016	530,000	590,016	-
Equipment Rental Replacement Reserve Fund	-	1,768,077	1,302,000	466,077
Unemployment Compensation Fund	-	93,900	68,200	25,700
Insurance Trust Fund	-	1,841,070	1,837,066	4,004
Workers Compensation Fund	59,000	1,546,000	1,605,000	-
Washington Center Endowment Fund	-	11,500	11,500	-
TOTALS	\$119,016	\$7,689,988	\$7,011,347	\$797,657

Section 2. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances, shall be unaffected.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 4. Effective Date. This Ordinance shall take effect January 1, 2018.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Approval of an Ordinance Adopting 2018 Park Impact Fee Rate Adjustment

Agenda Date: 12/19/2017
Agenda Item Number: 4.Q
File Number: 17-1259

Type: ordinance **Version:** 2 **Status:** 2d Reading-Consent

Title

Approval of an Ordinance Adopting 2018 Park Impact Fee Rate Adjustment

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve an ordinance amending Olympia Municipal Code Section 15.16.101, Park Impact Fee Rates, resulting in a 2.49 percent increase in Park Impact Fee rates, on second reading.

Report

Issue:

Whether to amend the Park Impact Fee ordinance to update the rates based on changes in park land acquisition and development costs.

Staff Contact:

Larua Keehan, Parks Planning & Design Manager, Parks, Arts and Recreation, 360.570.5855

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Background and analysis has not changed from first to second reading.

In 2008, Council implemented a Park Impact Fee rate adjustment mechanism to ensure that Park Impact Fees accurately reflect the current costs of park land, design, and development. The adjustment mechanism adjusts each of these three components annually.

The land component is adjusted by the Thurston County Assessor's Office median change in residential values for residential vacant land in Thurston County for assessment year 2017. This represents the change from 1/1/16 - 1/1/17. For assessment year 2017, there was a 2.55 percent increase.

The design component represents staff time for design, permitting, contracting, and construction oversight. This is based on the City of Olympia Cost of Living Adjustment (COLA). There was a 4 percent COLA in 2017.

The construction component uses the Seattle Construction Cost Index (CCI) published by the Engineering News Record. The Seattle CCI during the period 1/1/16-1/1/17 was a 2.2 percent increase.

Following is the adjustment formula that is applied separately for each of Olympia's three park types; community parks, neighborhood parks and open space:

$FTCA = (DS*(1+COLA)) + (DV*(1+CCI)) + (LD*(1+PV))$, where:

FTCA = Facility Type Cost per Acre

DS - Current Year Design Cost

DV = Current Year Development Cost

LD = Current Year Land Cost

COLA = Cost of Living Adjustment Percent

CCI = Construction Cost Index (Seattle) Percent

PV = Property Value Change Percent

Neighborhood/Community Interests (if known):

Updating Park Impact Fees reflects inflationary increases or decreases in project costs and ensures that new developments pay their fair share of project costs.

Options:

1. Move to approve an ordinance amending Olympia Municipal Code Section 15.16.010, Park Impact Fee Rates, resulting in a 2.49 percent increase in the Park Impact Fee rates.

Implications

- a. Park Impact Fee rate would increase 2.49 percent. This would result in an increase of \$135 per single family residence, from \$5,446 to \$5,581.
- b. Park Impact Fee rate would more closely reflect actual costs of park acquisition and development.

2. Do not approve an ordinance amending Olympia Municipal Code Section 15.16.010, Park Impact Fee Rates, resulting in an increase in the Park Impact Fee rate of 2.49 percent.

Implications

- a. The Park Impact Fee rate on new residential development would remain unchanged.
- b. Park Impact Fees collected on new residential development would be less than the actual cost of park land acquisition, design and development needed to serve the occupants of the new residential development.

Financial Impact:

The proposed change would result in a Park Impact Fee rate 2.49 percent higher in 2018 than in 2017.

Attachments:

Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, ADJUSTING PARK IMPACT FEES AND AMENDING SECTION 15.16.010 OF THE OLYMPIA MUNICIPAL CODE

WHEREAS, RCW 82.02.050 - .090 authorizes the City of Olympia to adopt an ordinance imposing impact fees; and

WHEREAS, in Ordinance Nos. 5490 and 6164, the City of Olympia did adopt such impact fees, to include "Park Impact Fees"; and

WHEREAS, in 2008, the City Council approved an annual adjustment mechanism for Park Impact Fees based on land, design, and development costs; and

WHEREAS, the City Council has called for an annual review of impact fees, concurrent with the annual review of the Capital Facilities Plan (CFP) element of the City's Comprehensive Plan, to consider adjustments to the fees; and

WHEREAS, following said review of the 2018-2023 CFP, the Olympia City Council desires to amend Park Impact Fees to account for costs of labor, construction materials, and real property; and

WHEREAS, this Ordinance is adopted pursuant to Article 11, Section 11, of the Washington Constitution; and

WHEREAS, this Ordinance is supported by the staff report, attachments, and documents on file with the Olympia Parks, Arts and Recreation Department;

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

Section 1. Amendment of OMC 15.16.010. Olympia Municipal Code Section 15.16.010 Schedule A is hereby amended to read as follows:

15.16.010 Schedule A, park impact fee

For complete building permit applications, the following schedule shall apply to residential development:
Housing Type:

TYPE OF DWELLING UNIT	Neighborhood Park	Community Park	Open Space	TOTALS
Single Family including Manufactured Homes on individual lots	\$869	\$3,301	\$1,276	\$5,446
	\$890	\$3,383	1,308	\$5,581
Duplex (per unit)	\$591	\$2,245	\$868	\$3,704
	\$605	\$2,301	\$890	\$3,796
Multi Family (including Townhouses)	\$591	\$2,245	\$868	\$3,704
	\$605	\$2,301	\$890	\$3,796
Units in Senior Housing Developments (including single family units)	\$591	\$2,245	\$868	\$3,704
	\$605	\$2,301	\$890	\$3,796

TYPE OF DWELLING UNIT	Neighborhood Park	Community Park	Open Space	TOTALS
Mobile Home in Mobile Home Parks	\$591	\$2,245	\$868	\$3,704
	\$605	\$2,301	\$890	\$3,796
Accessory Dwelling Units (separate structure)	\$348	\$1,320	\$511	\$2,179
	\$356	\$1,353	\$524	\$2,233
Single Room Occupancy Units	\$348	\$1,320	\$511	\$2,179
	\$356	\$1,353	\$524	\$2,233
Downtown Multi Family (including Townhouses)	\$452	\$1,716	\$664	\$2,832
	\$463	\$1,759	\$680	\$2,902

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. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be 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 be in force and effect on January 1, 2018, after its passage by the Olympia City Council and publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Approval of an Ordinance Related to Extreme Risk Protection Orders and Amending Olympia Municipal Code Section 9.48.170

Agenda Date: 12/19/2017
Agenda Item Number: 4.R
File Number: 17-1270

Type: ordinance **Version:** 2 **Status:** 2d Reading-Consent

Title

Approval of an Ordinance Related to Extreme Risk Protection Orders and Amending Olympia Municipal Code Section 9.48.170

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve on second reading an ordinance related to Extreme Risk Protection Orders and amending Olympia Municipal Code Section 9.48.170.

Report

Issue:

Whether to approve an ordinance related to Extreme Risk Protection Orders and amending Olympia Municipal Code Section 9.48.170.

Staff Contact:

R. Tye Graham, Olympia Assistant Prosecutor II, 360.753.8449

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Background and analysis has not changed from first to second reading.

Earlier this year, the Washington State Legislature enacted the Extreme Risk Protection Order Act, Chapter 7.94 RCW (the Act). The Act was designed to temporarily prevent individuals who are at a high risk of harming themselves or others from accessing firearms by allowing family, household members, and police to obtain a court order when there is demonstrated evidence that the person poses a significant danger, including danger as a result of a dangerous mental health crises or violent behavior. The purpose and intent of the Act is to reduce gun deaths and injuries, which have increased across the country, while respecting constitutional rights. Court orders issued under RCW

7.94 are intended to be limited to situations in which the person poses a significant danger of harming themselves or others by possessing a firearm and include standards and safeguards to protect the rights of respondents and due process of law.

RCW 7.94 makes the first violation of an Extreme Risk Protection Order a gross misdemeanor, which would be prosecuted in Olympia Municipal Court, and creates a felony penalty for those convicted of a second or further offense. The City's adoption by reference of RCW 7.94.120 will allow the prosecution of violations of an Extreme Risk Protection Order.

Neighborhood/Community Interests (if known):

There is an inherent interest in protecting the public's safety.

Options:

1. Approve the ordinance.
2. Do not approve the ordinance, which would not allow a violation of an extreme risk protection order to be prosecuted in municipal court.

Financial Impact:

N/A

Attachments:

Ordinance

Chapter 7.94 RCW: Extreme Risk Protection Order Act

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATED TO THE EXTREME RISK PROTECTION ORDERS AND AMENDING OLYMPIA MUNICIPAL CODE SECTION 9.48.170.

WHEREAS, the Washington State Legislature in 2017 enacted the Extreme Risk Protection Order Act, Chapter 7.94 RCW (the Act); and

WHEREAS, the Act was designed to temporarily prevent individuals who are at a high risk of harming themselves or others from accessing firearms by allowing family, household members, and police to obtain a court order when there is demonstrated evidence that the person poses a significant danger, including danger as a result of a dangerous mental health crises or violent behavior; and

WHEREAS, the purpose and intent of the Act is to reduce gun deaths and injuries, which have increased across the country, while respecting constitutional rights; and

WHEREAS, RCW 7.94 makes the first violation of an Extreme Risk Protection Order a gross misdemeanor, which would be prosecuted in Olympia Municipal Court, and creates a felony penalty for those convicted of a second or further offense; and

WHEREAS, the City's adoption by reference of RCW 7.94.120 will allow the City to prosecute violations of an Extreme Risk Protection Order; and

WHEREAS, the Olympia City Council has determined it to be in the best interest of the City of Olympia to adopt RCW 7.94.120; and

WHEREAS, this Ordinance is adopted pursuant to Article 11, Section 11, of the Washington State Constitution and any other applicable authority;

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

Section 1. Amendment of OMC 9.48.170. Section 9.48.170 of the Olympia Municipal Code is hereby amended to read as follows:

9.48.170 State statutes adopted by reference

The following sections of RCW Chapters 7.94 and 9.41, as now or hereafter amended, relating to firearms and dangerous weapons, defining crimes and prescribing penalties, are hereby adopted by reference as though fully set forth in this chapter:

RCW 7.94	RCW 9.41		
7.94.120	9.41.010	9.41.094	9.41.240
	9.41.050	9.41.0975	9.41.250
	9.41.060	9.41.098	9.41.260
	9.41.070	9.41.110	9.41.270
	9.41.075	9.41.120	9.41.280
	9.41.090	9.41.140	9.41.300
	9.41.010	9.41.230	9.41.800

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 publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:


 DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

Chapter 7.94 RCW

EXTREME RISK PROTECTION ORDER ACT

Chapter Listing

Sections

7.94.010	Purpose—Intent.
7.94.020	Definitions.
7.94.030	Petition for order.
7.94.040	Hearings on petition—Grounds for order issuance.
7.94.050	Ex parte orders.
7.94.060	Service of orders.
7.94.070	Service by publication or mail.
7.94.080	Termination and renewal of orders.
7.94.090	Firearms—Surrender.
7.94.100	Firearms—Return—Disposal.
7.94.110	Reporting of orders.
7.94.120	Penalties.
7.94.130	Other authority retained.
7.94.140	Liability.
7.94.150	Instructional and informational material.
7.94.900	Short title—2017 c 3 (Initiative Measure No. 1491).

7.94.010

Purpose—Intent.

(1) Chapter 3, Laws of 2017 is designed to temporarily prevent individuals who are at high risk of harming themselves or others from accessing firearms by allowing family, household members, and police to obtain a court order when there is demonstrated evidence that the person poses a significant danger, including danger as a result of a dangerous mental health crisis or violent behavior.

(2) Every year, over one hundred thousand people are victims of gunshot wounds and more than thirty thousand of those victims lose their lives. Over the last five years for which data is available, one hundred sixty-four thousand eight hundred twenty-one people in America were killed with firearms—an average of ninety-one deaths each day.

(3) Studies show that individuals who engage in certain dangerous behaviors are significantly more likely to commit violence toward themselves or others in the near future. These behaviors, which can include other acts or threats of violence, self-harm, or the abuse of drugs or alcohol, are warning signs that the person may soon commit an act of violence.

(4) Individuals who pose a danger to themselves or others often exhibit signs that alert family, household members, or law enforcement to the threat. Many mass shooters displayed warning signs prior to their killings, but federal and state laws provided no clear legal process to suspend the shooters' access to guns, even temporarily.

(5) In enacting this initiative [chapter 3, Laws of 2017], it is the purpose and intent of the people to reduce gun deaths and injuries, while respecting constitutional rights, by providing a

court procedure for family, household members, and law enforcement to obtain an order temporarily restricting a person's access to firearms. Court orders are intended to be limited to situations in which the person poses a significant danger of harming themselves or others by possessing a firearm and include standards and safeguards to protect the rights of respondents and due process of law.

[2017 c 3 § 1 (Initiative Measure No. 1491, approved November 8, 2016).]

7.94.020

Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Extreme risk protection order" means an ex parte temporary order or a final order granted under this chapter.

(2) "Family or household member" means, with respect to a respondent, any: (a) Person related by blood, marriage, or adoption to the respondent; (b) dating partners of the respondent; (c) person who has a child in common with the respondent, regardless of whether such person has been married to the respondent or has lived together with the respondent at any time; (d) person who resides or has resided with the respondent within the past year; (e) domestic partner of the respondent; (f) person who has a biological or legal parent-child relationship with the respondent, including stepparents and stepchildren and grandparents and grandchildren; and (g) person who is acting or has acted as the respondent's legal guardian.

(3) "Petitioner" means the person who petitions for an order under this chapter.

(4) "Respondent" means the person who is identified as the respondent in a petition filed under this chapter.

[2017 c 3 § 3 (Initiative Measure No. 1491, approved November 8, 2016).]

7.94.030

Petition for order.

There shall exist an action known as a petition for an extreme risk protection order.

(1) A petition for an extreme risk protection order may be filed by (a) a family or household member of the respondent or (b) a law enforcement officer or agency.

(2) An action under this chapter must be filed in the county where the petitioner resides or the county where the respondent resides.

(3) A petition must:

(a) Allege that the respondent poses a significant danger of causing personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm, and be accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by the respondent;

(b) Identify the number, types, and locations of any firearms the petitioner believes to be in the respondent's current ownership, possession, custody, or control;

(c) Identify whether there is a known existing protection order governing the respondent, under chapter **7.90**, 7.92, 10.14, 9A.46, 10.99, 26.50, or **26.52** RCW or under any other applicable statute; and

(d) Identify whether there is a pending lawsuit, complaint, petition, or other action between the parties to the petition under the laws of Washington.

(4) The court administrator shall verify the terms of any existing order governing the parties. The court may not delay granting relief because of the existence of a pending action between the parties or the necessity of verifying the terms of an existing order. A petition for an extreme risk protection order may be granted whether or not there is a pending action between the parties.

(5) If the petitioner is a law enforcement officer or agency, the petitioner shall make a good faith effort to provide notice to a family or household member of the respondent and to any known third party who may be at risk of violence. The notice must state that the petitioner intends to petition the court for an extreme risk protection order or has already done so, and include referrals to appropriate resources, including mental health, domestic violence, and counseling resources. The petitioner must attest in the petition to having provided such notice, or attest to the steps that will be taken to provide such notice.

(6) If the petition states that disclosure of the petitioner's address would risk harm to the petitioner or any member of the petitioner's family or household, the petitioner's address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner must designate an alternative address at which the respondent may serve notice of any motions. If the petitioner is a law enforcement officer or agency, the address of record must be that of the law enforcement agency.

(7) Within ninety days of receipt of the master copy from the administrative office of the courts, all court clerk's offices shall make available the standardized forms, instructions, and informational brochures required by RCW **7.94.150**. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(8) No fees for filing or service of process may be charged by a court or any public agency to petitioners seeking relief under this chapter. Petitioners shall be provided the necessary number of certified copies, forms, and instructional brochures free of charge.

(9) A person is not required to post a bond to obtain relief in any proceeding under this section.

(10) The superior courts of the state of Washington have jurisdiction over proceedings under this chapter. Additionally, district and municipal courts have limited jurisdiction over issuance and enforcement of ex parte extreme risk protection orders issued under RCW **7.94.050**. The district or municipal court shall set the full hearing provided for in RCW **7.94.040** in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court has concurrent jurisdiction with the superior court to extend the ex parte extreme risk protection order.

[2017 c 3 § 4 (Initiative Measure No. 1491, approved November 8, 2016).]

7.94.040

Hearings on petition—Grounds for order issuance.

(1) Upon receipt of the petition, the court shall order a hearing to be held not later than fourteen days from the date of the order and issue a notice of hearing to the respondent for the same.

(a) The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from potential harm. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing.

(b) The court clerk shall cause a copy of the notice of hearing and petition to be forwarded on or before the next judicial day to the appropriate law enforcement agency for service upon the respondent.

(c) Personal service of the notice of hearing and petition shall be made upon the respondent by a law enforcement officer not less than five court days prior to the hearing. Service issued under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication or mail as provided in RCW 7.94.070. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or mail after two attempts at obtaining personal service unless the petitioner requests additional time to attempt personal service. If the court issues an order permitting service by publication or mail, the court shall set the hearing date not later than twenty-four days from the date the order issues.

(d) The court may, as provided in RCW 7.94.050, issue an ex parte extreme risk protection order pending the hearing ordered under this subsection (1). Such ex parte order must be served concurrently with the notice of hearing and petition.

(2) Upon hearing the matter, if the court finds by a preponderance of the evidence that the respondent poses a significant danger of causing personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm, the court shall issue an extreme risk protection order for a period of one year.

(3) In determining whether grounds for an extreme risk protection order exist, the court may consider any relevant evidence including, but not limited to, any of the following:

(a) A recent act or threat of violence by the respondent against self or others, whether or not such violence or threat of violence involves a firearm;

(b) A pattern of acts or threats of violence by the respondent within the past twelve months including, but not limited to, acts or threats of violence by the respondent against self or others;

(c) Any dangerous mental health issues of the respondent;

(d) A violation by the respondent of a protection order or a no-contact order issued under chapter 7.90, 7.92, 10.14, 9A.46, 10.99, 26.50, or 26.52 RCW;

(e) A previous or existing extreme risk protection order issued against the respondent;

(f) A violation of a previous or existing extreme risk protection order issued against the respondent;

(g) A conviction of the respondent for a crime that constitutes domestic violence as defined in RCW 10.99.020;

(h) The respondent's ownership, access to, or intent to possess firearms;

- (i) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;
 - (j) The history of use, attempted use, or threatened use of physical force by the respondent against another person, or the respondent's history of stalking another person;
 - (k) Any prior arrest of the respondent for a felony offense or violent crime;
 - (l) Corroborated evidence of the abuse of controlled substances or alcohol by the respondent; and
 - (m) Evidence of recent acquisition of firearms by the respondent.
- (4) The court may:
- (a) Examine under oath the petitioner, the respondent, and any witnesses they may produce, or, in lieu of examination, consider sworn affidavits of the petitioner, the respondent, and any witnesses they may produce; and
 - (b) Ensure that a reasonable search has been conducted for criminal history records related to the respondent.
- (5) In a hearing under this chapter, the rules of evidence apply to the same extent as in a domestic violence protection order proceeding under chapter **26.50** RCW.
- (6) During the hearing, the court shall consider whether a mental health evaluation or chemical dependency evaluation is appropriate, and may order such evaluation if appropriate.
- (7) An extreme risk protection order must include:
- (a) A statement of the grounds supporting the issuance of the order;
 - (b) The date and time the order was issued;
 - (c) The date and time the order expires;
 - (d) Whether a mental health evaluation or chemical dependency evaluation of the respondent is required;
 - (e) The address of the court in which any responsive pleading should be filed;
 - (f) A description of the requirements for relinquishment of firearms under RCW **7.94.090**;
- and
- (g) The following statement: "To the subject of this protection order: This order will last until the date and time noted above. If you have not done so already, you must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession and any concealed pistol license issued to you under RCW **9.41.070** immediately. You may not have in your custody or control, purchase, possess, receive, or attempt to purchase or receive, a firearm while this order is in effect. You have the right to request one hearing to terminate this order every twelve-month period that this order is in effect, starting from the date of this order and continuing through any renewals. You may seek the advice of an attorney as to any matter connected with this order."
- (8) When the court issues an extreme risk protection order, the court shall inform the respondent that he or she is entitled to request termination of the order in the manner prescribed by RCW **7.94.080**. The court shall provide the respondent with a form to request a termination hearing.
- (9) If the court declines to issue an extreme risk protection order, the court shall state the particular reasons for the court's denial.

[2017 c 3 § 5 (Initiative Measure No. 1491, approved November 8, 2016).]

7.94.050

Ex parte orders.

(1) A petitioner may request that an ex parte extreme risk protection order be issued before a hearing for an extreme risk protection order, without notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant danger of causing personal injury to self or others in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm.

(2) In considering whether to issue an ex parte extreme risk protection order under this section, the court shall consider all relevant evidence, including the evidence described in RCW 7.94.040(3).

(3) If a court finds there is reasonable cause to believe that the respondent poses a significant danger of causing personal injury to self or others in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm, the court shall issue an ex parte extreme risk protection order.

(4) The court shall hold an ex parte extreme risk protection order hearing in person or by telephone on the day the petition is filed or on the judicial day immediately following the day the petition is filed.

(5) In accordance with RCW 7.94.040(1), the court shall schedule a hearing within fourteen days of the issuance of an ex parte extreme risk protection order to determine if a one-year extreme risk protection order should be issued under this chapter.

(6) An ex parte extreme risk protection order shall include:

- (a) A statement of the grounds asserted for the order;
- (b) The date and time the order was issued;
- (c) The date and time the order expires;
- (d) The address of the court in which any responsive pleading should be filed;
- (e) The date and time of the scheduled hearing;
- (f) A description of the requirements for surrender of firearms under RCW 7.94.090; and
- (g) The following statement: "To the subject of this protection order: This order is valid until the date and time noted above. You are required to surrender all firearms in your custody, control, or possession. You may not have in your custody or control, purchase, possess, receive, or attempt to purchase or receive, a firearm while this order is in effect. You must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession and any concealed pistol license issued to you under RCW 9.41.070 immediately. A hearing will be held on the date and at the time noted above to determine if an extreme risk protection order should be issued. Failure to appear at that hearing may result in a court making an order against you that is valid for one year. You may seek the advice of an attorney as to any matter connected with this order."

(7) Any ex parte extreme risk protection order issued expires upon the hearing on the extreme risk protection order.

(8) An ex parte extreme risk protection order shall be served by a law enforcement officer in the same manner as provided for in RCW 7.94.040 for service of the notice of hearing and petition, and shall be served concurrently with the notice of hearing and petition.

(9) If the court declines to issue an ex parte extreme risk protection order, the court shall state the particular reasons for the court's denial.

[2017 c 3 § 6 (Initiative Measure No. 1491, approved November 8, 2016).]

7.94.060**Service of orders.**

(1) An extreme risk protection order issued under RCW **7.94.040** must be personally served upon the respondent, except as otherwise provided in this chapter.

(2) The law enforcement agency with jurisdiction in the area in which the respondent resides shall serve the respondent personally, unless the petitioner elects to have the respondent served by a private party.

(3) If service by a law enforcement agency is to be used, the clerk of the court shall cause a copy of the order issued under this chapter to be forwarded on or before the next judicial day to the law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter takes precedence over the service of other documents, unless the other documents are of a similar emergency nature.

(4) If the law enforcement agency cannot complete service upon the respondent within ten days, the law enforcement agency shall notify the petitioner. The petitioner shall provide information sufficient to permit such notification.

(5) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary.

(6) If the court previously entered an order allowing service of the notice of hearing and petition, or an ex parte extreme risk protection order, by publication or mail under RCW **7.94.070**, or if the court finds there are now grounds to allow such alternate service, the court may permit service by publication or mail of the extreme risk protection order issued under this chapter as provided in RCW **7.94.070**. The court order must state whether the court permitted service by publication or service by mail.

(7) Returns of service under this chapter must be made in accordance with the applicable court rules.

[2017 c 3 § 7 (Initiative Measure No. 1491, approved November 8, 2016).]

7.94.070**Service by publication or mail.**

(1) The court may order service by publication or service by mail under the circumstances permitted for such service in RCW **7.90.052**, **7.90.053**, **26.50.123**, or **26.50.085**, except any summons must be essentially in the following form:

In the court of the state of Washington for the county of

., Petitioner

vs. No.

., Respondent

The state of Washington to (respondent):

You are hereby summoned to appear on the day of, (year), at a.m./p.m., and respond to the petition. If you fail to respond, an extreme risk protection order may be issued against you pursuant to the provisions of the extreme risk protection order act, chapter **7.94** RCW, for one year from the date you are required to appear. (An ex parte extreme risk protection order has been issued against you, restraining you from having in your custody or control, purchasing, possessing, or receiving any firearms. You must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession and any concealed pistol license issued to you under RCW **9.41.070** within forty-eight hours. A copy of the notice of hearing, petition, and ex parte extreme risk protection order has been filed with the clerk of this court.) (A copy of the notice of hearing and petition has been filed with the clerk of this court.)

.

Petitioner

(2) If the court orders service by publication or mail for notice of an extreme risk protection order hearing, it shall also reissue the ex parte extreme risk protection order, if issued, to expire on the date of the extreme risk protection order hearing.

(3) Following completion of service by publication or by mail for notice of an extreme risk protection order hearing, if the respondent fails to appear at the hearing, the court may issue an extreme risk protection order as provided in RCW **7.94.040**.

[2017 c 3 § 8 (Initiative Measure No. 1491, approved November 8, 2016).]

7.94.080

Termination and renewal of orders.

(1) The respondent may submit one written request for a hearing to terminate an extreme risk protection order issued under this chapter every twelve-month period that the order is in effect, starting from the date of the order and continuing through any renewals.

(a) Upon receipt of the request for a hearing to terminate an extreme risk protection order, the court shall set a date for a hearing. Notice of the request must be served on the petitioner in accordance with RCW **4.28.080**. The hearing shall occur no sooner than fourteen days and no later than thirty days from the date of service of the request upon the petitioner.

(b) The respondent shall have the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of causing personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm. The court may consider any relevant evidence, including evidence of the considerations listed in RCW **7.94.040**(3).

(c) If the court finds after the hearing that the respondent has met his or her burden, the court shall terminate the order.

(2) The court must notify the petitioner of the impending expiration of an extreme risk protection order. Notice must be received by the petitioner one hundred five calendar days before the date the order expires.

(3) A family or household member of a respondent or a law enforcement officer or agency may by motion request a renewal of an extreme risk protection order at any time within one hundred five calendar days before the expiration of the order.

(a) Upon receipt of the motion to renew, the court shall order that a hearing be held not later than fourteen days from the date the order issues.

(i) The court may schedule a hearing by telephone in the manner prescribed by RCW **7.94.040(1)(a)**.

(ii) The respondent shall be personally served in the same manner prescribed by RCW **7.94.040(1)(b)** and (c).

(b) In determining whether to renew an extreme risk protection order issued under this section, the court shall consider all relevant evidence presented by the petitioner and follow the same procedure as provided in RCW **7.94.040**.

(c) If the court finds by a preponderance of the evidence that the requirements for issuance of an extreme risk protection order as provided in RCW **7.94.040** continue to be met, the court shall renew the order. However, if, after notice, the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal.

(d) The renewal of an extreme risk protection order has a duration of one year, subject to termination as provided in subsection (1) of this section or further renewal by order of the court.

[2017 c 3 § 9 (Initiative Measure No. 1491, approved November 8, 2016).]

7.94.090

Firearms—Surrender.

(1) Upon issuance of any extreme risk protection order under this chapter, including an ex parte extreme risk protection order, the court shall order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession and any concealed pistol license issued under RCW **9.41.070**.

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including an ex parte extreme risk protection order, shall request that the respondent immediately surrender all firearms in his or her custody, control, or possession and any concealed pistol license issued under RCW **9.41.070**, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. Alternatively, if personal service by a law enforcement officer is not possible, or not required because the respondent was present at the extreme risk protection order hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within forty-eight hours of being served with the order by alternate service or within forty-eight hours of the hearing at which the respondent was present.

(3) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within seventy-two hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in his or her possession, custody, or control. If probable cause exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and he or she is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm shall be returned to him or her, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession and the lawful owner agrees to store the firearm in a manner such that the respondent does not have access to or control of the firearm; and

(b) The firearm is not otherwise unlawfully possessed by the owner.

(6) Upon the issuance of a one-year extreme risk protection order, the court shall order a new hearing date and require the respondent to appear not later than three judicial days from the issuance of the order. The court shall require a showing that the person subject to the order has surrendered any firearms in his or her custody, control, or possession. The court may dismiss the hearing upon a satisfactory showing that the respondent is in compliance with the order.

(7) All law enforcement agencies must develop policies and procedures by June 1, 2017, regarding the acceptance, storage, and return of firearms required to be surrendered under this chapter.

[2017 c 3 § 10 (Initiative Measure No. 1491, approved November 8, 2016).]

7.94.100

Firearms—Return—Disposal.

(1) If an extreme risk protection order is terminated or expires without renewal, a law enforcement agency holding any firearm that has been surrendered pursuant to this chapter shall return any surrendered firearm requested by a respondent only after confirming, through a background check, that the respondent is currently eligible to own or possess firearms under federal and state law and after confirming with the court that the extreme risk protection order has terminated or has expired without renewal.

(2) A law enforcement agency must, if requested, provide prior notice of the return of a firearm to a respondent to family or household members of the respondent in the manner provided in RCW [9.41.340](#) and [9.41.345](#).

(3) Any firearm surrendered by a respondent pursuant to RCW [7.94.090](#) that remains unclaimed by the lawful owner shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

[2017 c 3 § 11 (Initiative Measure No. 1491, approved November 8, 2016).]

7.94.110

Reporting of orders.

(1) The clerk of the court shall enter any extreme risk protection order or ex parte extreme risk protection order issued under this chapter into a statewide judicial information system on the same day such order is issued.

(2) The clerk of the court shall forward a copy of an order issued under this chapter the same day such order is issued to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order into the national instant criminal background check system, any other federal or state computer-based systems used by law enforcement or others to identify prohibited purchasers of firearms, and any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order must remain in each system for the period stated in the order, and the law enforcement agency shall only expunge orders from the systems that have expired or terminated. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(3) The issuing court shall, within three judicial days after issuance of an extreme risk protection order or ex parte extreme risk protection order, forward a copy of the respondent's driver's license or identicard, or comparable information, along with the date of order issuance, to the department of licensing. Upon receipt of the information, the department of licensing shall determine if the respondent has a concealed pistol license. If the respondent does have a concealed pistol license, the department of licensing shall immediately notify the license issuing authority which, upon receipt of such notification, shall immediately revoke the license.

(4) If an extreme risk protection order is terminated before its expiration date, the clerk of the court shall forward the same day a copy of the termination order to the department of licensing and the appropriate law enforcement agency specified in the termination order. Upon receipt of the order, the law enforcement agency shall promptly remove the order from any computer-based system in which it was entered pursuant to subsection (2) of this section.

[2017 c 3 § 12 (Initiative Measure No. 1491, approved November 8, 2016).]

7.94.120

Penalties.

(1) Any person who files a petition under this chapter knowing the information in such petition to be materially false, or with intent to harass the respondent, is guilty of a gross misdemeanor.

(2) Any person who has in his or her custody or control, purchases, possesses, or receives a firearm with knowledge that he or she is prohibited from doing so by an order issued under this chapter is guilty of a gross misdemeanor, and further is prohibited from having in his or her custody or control, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm for a period of five years from the date the existing order expires. However, such person is guilty of a class C felony if the person has two or more previous convictions for violating an order issued under this chapter.

[2017 c 3 § 13 (Initiative Measure No. 1491, approved November 8, 2016).]

7.94.130

Other authority retained.

This chapter does not affect the ability of a law enforcement officer to remove a firearm or concealed pistol license from any person or conduct any search and seizure for firearms pursuant to other lawful authority.

[2017 c 3 § 14 (Initiative Measure No. 1491, approved November 8, 2016).]

7.94.140

Liability.

Except as provided in RCW **7.94.120**, this chapter does not impose criminal or civil liability on any person or entity for acts or omissions related to obtaining an extreme risk protection order or ex parte extreme risk protection [order] including, but not limited to, reporting, declining to report, investigating, declining to investigate, filing, or declining to file a petition under this chapter.

[2017 c 3 § 15 (Initiative Measure No. 1491, approved November 8, 2016).]

7.94.150

Instructional and informational material.

(1) The administrative office of the courts shall develop and prepare instructions and informational brochures, standard petitions and extreme risk protection order forms, and a court staff handbook on the extreme risk protection order process. The standard petition and order forms must be used after June 1, 2017, for all petitions filed and orders issued under this chapter. The instructions, brochures, forms, and handbook shall be prepared in consultation with interested persons, including representatives of gun violence prevention groups, judges, and law enforcement personnel. Materials must be based on best practices and available electronically online to the public.

(a) The instructions must be designed to assist petitioners in completing the petition, and must include a sample of a standard petition and order for protection forms.

(b) The instructions and standard petition must include a means for the petitioner to identify, with only lay knowledge, the firearms the respondent may own, possesses [possess], receive, or have in his or her custody or control. The instructions must provide pictures of types of firearms that the petitioner may choose from to identify the relevant firearms, or an equivalent means to allow petitioners to identify firearms without requiring specific or technical knowledge regarding the firearms.

(c) The informational brochure must describe the use of and the process for obtaining, modifying, and terminating an extreme risk protection order under this chapter, and provide relevant forms.

(d) The extreme risk protection order form must include, in a conspicuous location, notice of criminal penalties resulting from violation of the order, and the following statement: "You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court can change the order and only upon written application."

(e) The court staff handbook must allow for the addition of a community resource list by the court clerk.

(2) All court clerks may create a community resource list of crisis intervention, mental health, substance abuse, interpreter, counseling, and other relevant resources serving the county in which the court is located. The court may make the community resource list available as part of or in addition to the informational brochures described in subsection (1) of this section.

(3) The administrative office of the courts shall distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks and shall distribute a master copy of the petition and order forms to all superior, district, and municipal courts. Distribution of all documents shall, at a minimum, be in an electronic format or formats accessible to all courts and court clerks in the state.

(4) For purposes of this section, "court clerks" means court administrators in courts of limited jurisdiction and elected court clerks.

(5) The administrative office of the courts shall determine the significant non-English speaking or limited English speaking populations in the state. The administrator shall then arrange for translation of the instructions and informational brochures required by this section, which shall contain a sample of the standard petition and order for protection forms, into the languages spoken by those significant non-English speaking populations and shall distribute a master copy of the translated instructions and informational brochures to all court clerks by December 1, 2017.

(6) The administrative office of the courts shall update the instructions, brochures, standard petition and extreme risk protection order forms, and court staff handbook as necessary, including when changes in the law make an update necessary.

[2017 c 3 § 16 (Initiative Measure No. 1491, approved November 8, 2016).]

7.94.900

Short title—2017 c 3 (Initiative Measure No. 1491).

Chapter 3, Laws of 2017 may be known and cited as the extreme risk protection order act.

[2017 c 3 § 2 (Initiative Measure No. 1491, approved November 8, 2016).]



City Council

Approval of an Ordinance Amending Olympia Municipal Code Section 9.16.080, Pedestrian Interference

Agenda Date: 12/19/2017
Agenda Item Number: 4.S
File Number: 17-1272

Type: ordinance **Version:** 2 **Status:** 2d Reading-Consent

Title

Approval of an Ordinance Amending Olympia Municipal Code Section 9.16.080, Pedestrian Interference

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve on second reading the proposed ordinance amending Olympia Municipal Code Section 9.16.080, Pedestrian Interference.

Report

Issue:

Whether to amend Olympia Municipal Code (OMC) Section 9.16.080, Pedestrian Interference.

Staff Contact:

Annaliese Harksen, Deputy City Attorney/Police Legal Advisor, 360.753.8338
Rocio D. Ferguson, Chief Prosecutor, 360.753.8449

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Background and analysis has not changed from first to second reading.

The Washington Supreme Court issued an opinion in *City of Lakewood v. Willis*, No. 91827-9, invalidating as unconstitutional a portion of the Lakewood Municipal Code that restricts begging at on/off ramps and intersections. The Court held that Lakewood's ordinance prohibiting begging, which is defined as, "asking for money or goods as a charity, whether by words, bodily gestures, signs or other means," violates the First Amendment because it places a content-based speech restriction in a substantial number of traditional public forums. In its opinion, the Court distinguished between laws prohibiting general soliciting (not content-based) and those that focus the prohibition on solicitation

for charity (content-based).

Olympia's Pedestrian Interference Ordinance, found at OMC 9.16.180, specifically subsections (A)(2) and (3), prohibits panhandling, which is defined in part as, "any solicitation made in person, requesting an immediate donation of money or other thing of value. . ." This is problematic because of the *Lakewood* ruling given that our definition targets speech based on its content - a solicitation for a donation of money or thing of value - and prohibits that conduct in places historically recognized as a traditional public forum, such as sidewalks and other "public places."

The proposed ordinance updates OMC 9.16.180 by removing all references to panhandling.

Neighborhood/Community Interests (if known):

None known.

Options:

1. Approve the proposed ordinance amending OMC Section 9.16.180, Pedestrian Interference on second reading.
2. Direct staff to make different or additional amendments to OMC Section 9.16.180, Pedestrian Interference.
3. Decide not to approve the proposed ordinance. This option creates a potential liability risk for the City.

Financial Impact:

None

Attachments:

Ordinance

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE SECTION 9.16.080, PEDESTRIAN INTERFERENCE

WHEREAS, due to recent Washington State Supreme Court decisions, it is necessary to update Section 9.16.080 of the Olympia Municipal Code;

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

Section 1. Amendment of OMC 9.16.180. Olympia Municipal Code Section 9.16.180 is hereby amended to read as follows:

A. A person is guilty of pedestrian interference if, in a public place, he or she:

~~1. Obstructs pedestrian or vehicular traffic; or~~

~~2. Aggressively panhandles; or~~

~~3. Panhandles within twenty five (25) feet of an Automated Teller Machine (ATM) or parking pay station. The measurement shall be a straight line without regard to intervening structures or objects from the nearest part of the ATM or parking pay station.~~

B. The following definitions apply in this section:

~~1. "Aggressively panhandles" means to, in a public place, solicit anything of value and intentionally engage in conduct that would likely intimidate a reasonable person, including but not limited to touching, following, persistently soliciting anything of value after being refused, using violent or threatening language or gestures, or taking similar actions for the purpose of inducing another person into giving anything of value.~~

~~2. "Downtown Commercial Zone" means the area depicted in Figure 1, attached hereto and incorporated herein, showing the areas within the City of Olympia in which conduct is prohibited under subsections B.32.b and B.32.c of this section.~~

32. "Obstruct pedestrian or vehicular traffic" means to:

- a. In a public place, intentionally walk, stand, sit, lie, grasp a person, or place an object in such a manner as to obstruct or impede, or tending to obstruct or impede, the free passage of any person or vehicle, or to require another person or a driver of a vehicle to take action to avoid physical contact; or
- b. at any time vend on any sidewalk, street or alley within the Downtown Commercial Zone as depicted in Figure 1 of this section; or
- c. between the hours of 7 a.m. and 12 a.m., sit or lie on any sidewalk, street or alley within the Downtown Commercial Zone as depicted in Figure 1 of this section. A culpable mental state is not required, and need not be proven, for an offense as defined under this subsection. No person shall be cited under this subsection unless the person engages in conduct prohibited by this subsection after having been notified by a law enforcement officer that the conduct violates this subsection.

~~4. Acts committed as a valid exercise of one's constitutional rights, which incidentally minimally interfere with pedestrian or vehicular traffic in order to exercise that right, do not constitute obstruction of pedestrian or vehicular traffic. This provision does not create an element of any offense described in this section.~~

53. Affirmative Defenses. It is an affirmative defense under subsections B.23.b and B.23.c, that the defendant must prove by a preponderance of the evidence, that the defendant was:

- (i) Sitting or lying down on a publicly-owned sidewalk or alley due to a medical emergency;
- (ii) Utilizing, as the result of a disability, a wheelchair, walker, or similar device to move about on the publicly-owned sidewalk or alley;
- (iii) Operating or patronizing a commercial establishment conducted on any sidewalk, street or alley pursuant to a street use permit;
- (iv) Vending, sitting or lying down on any sidewalk, street or alley within any portion of the Downtown Commercial Zone where such conduct is approved by the City as part of participation in or attendance at a parade, festival, rally, or demonstration; provided, however, that this defense shall not be available to a defendant refusing to obey a reasonable request or order by a police officer to move to prevent obstruction of a public street, alley, sidewalk or building or entrance or doorway into or out of a building open to the public, or to maintain public safety by dispersing those gathered in dangerous proximity to a fire or hazard;
- (v) Sitting on a chair or bench supplied by a public agency or by the abutting private property owner or lessee for that purpose, pursuant to a temporary street use or other applicable permit or authorization if required;

(vi) Sitting or standing on a publicly-owned sidewalk within a bus stop zone while waiting for public or private transportation;

(vii) Waiting in a line to purchase tickets to or attend a performance or public event, or to gain entry to a business adjacent to the publicly-owned sidewalk or alley;

Provided, however, that nothing in any of these affirmative defenses shall be construed to permit any conduct which is prohibited by OMC 9.16.180.B.32.a.

65. "Public place" means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks, and streets open to the general public including places that serve food or drink or provide entertainment, in the doorways and entrances to buildings or dwellings and the grounds enclosing them.

76. "Sit or Lie" means to sit or lie directly upon a sidewalk, street, or alley, or to sit or lie down upon any blanket, sleeping bag, bedroll, tarpaulin, cardboard, or any other similar object placed upon the sidewalk, street or alley.

87. "Vend" means to offer for sale, whether orally or through the use of written or printed media, any item of value to another person.

9. ~~"Panhandling" is any solicitation made in person, requesting an immediate donation of money or other thing of value. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is, in substance, a donation, is a donation for the purpose of this chapter. Offers to work for food or other compensation, under circumstances where a reasonable person would understand that the compensation given is, in substance, a donation, is also a donation for the purposes of this chapter.~~

10. ~~"Automated Teller Machine (ATM)" means a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan documents.~~

11. ~~"Parking pay station" is a city owned pay kiosk for multiple parking spaces that issues a printed receipt. See OMC 10.16.095.~~

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 publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

2017 Year-End Highlights

Agenda Date: 12/19/2017
Agenda Item Number: 6.A
File Number: 17-1306

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

Title

2017 Year-End Highlights

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Receive a year-in-review presentation on 2017 highlights.

Report

Issue:

Whether to receive a presentation on 2017 accomplishments.

Staff Contact:

Jay Burney, Assistant City Manager, Executive Department, 360.753.8740

Presenter(s):

Jay Burney, Assistant City Manager

Background and Analysis:

Staff will provide an overview of our significant accomplishments for 2017.

Neighborhood/Community Interests (if known):

N/A

Options:

N/A

Financial Impact:

N/A

Attachments:

None



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City Council

Remarks from Outgoing Councilmembers

Agenda Date: 12/19/2017
Agenda Item Number: 6.B
File Number: 17-1309

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

Title
Remarks from Outgoing Councilmembers