

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, UPDATING THE OLYMPIA MUNICIPAL CODE TO ALIGN WITH CURRENT LAW AND ADMINISTRATION, AMENDING TITLE 1 GENERAL PROVISIONS, TITLE 2 ADMINISTRATION AND PERSONNEL, AND TITLE 3 REVENUE AND FINANCE**

**WHEREAS**, the City Manager recognizes that the community of Olympia has grown in recent years and, with that growth, certain laws have changed, and priorities of its citizens have evolved; and

**WHEREAS**, the organizational structure of staff has been updated, which will best utilize resources to address issues of primary importance; and

**WHEREAS**, the City Manager has completed an organizational update and directed staff to draft City of Olympia Municipal Code (OMC) amendments that reflect updated law and the new staffing structure, titles, duties and references; and

**WHEREAS**, to bring the entire OMC up to date in a single ordinance editing staff organizational structure, titles, duties, and references would be too cumbersome and, as a result, draft updates to the OMC are presented to City Council incrementally, updating a few titles in each ordinance until such time as the entire OMC is updated; and

**WHEREAS**, this Ordinance updates Titles 1, 2, and 3 with respect to staff organizational structure, titles, duties, references and aligns the code with current law and administration;

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

**Section 1. Amendment of Title 1.** Olympia Municipal Code Title 1, GENERAL PROVISIONS, is hereby amended to read as follows:

Title 1  
GENERAL PROVISIONS

**Chapters:**

- 1.01 Code Adoption**
- 1.04 General Provisions**
- 1.08 City Classification**
- 1.12 City Seal**
- 1.16 Initiative and Referendum**
- 1.20 Prisoners**
- 1.24 Discrimination in Delivery of City Services or Resources**

# Chapter 1.01 CODE ADOPTION

## 1.01.000 Chapter Contents

### Sections:

- 1.01.010 Adoption.
- 1.01.020 Title--Citation--Reference.
- 1.01.030 Codification authority.
- 1.01.040 Ordinances passed prior to adoption of the code.
- 1.01.050 Reference applies to all amendments.
- 1.01.060 Title, chapter and section headings.
- 1.01.070 Reference to specific ordinances.
- 1.01.080 Effect of code on past actions and obligations.
- 1.01.090 Effective date.
- 1.01.100 Constitutionality.

### **1.01.010 Adoption**

Pursuant to the provisions of Sections 35.21.500 through 35.21.570 of the RCW, there is adopted the "Olympia Municipal Code," as compiled, edited and published by ~~Book-Code~~ Publishing Company, Seattle, Washington; except that Sections 8.12.010(4), 8.12.080 and 8.12.090 of the previous ~~city~~-City code, although not codified herein, shall be retained and included in subsequent supplements thereto.

### **1.01.020 Title--Citation--Reference**

This code shall be known as the "Olympia Municipal Code" and it shall be sufficient to refer to said code as the "municipal code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting, or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Olympia Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Olympia Municipal Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code.

### **1.01.030 Codification authority**

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the ~~city~~-City of Olympia, Washington, codified pursuant to the provisions of Sections 35.21.500 through 35.21.570 of the Revised Code of Washington.

### **1.01.040 Ordinances passed prior to adoption of the code**

The last ordinance included in the initial code is Ordinance 4266, passed February 3, 1981. The following ordinances, passed subsequent to Ordinance 4266, but prior to adoption of this code, are adopted and made a part of this code: Ordinances 4267 through 4343, inclusive insofar as same are, by their terms made a party of this or the previous municipal code.

#### **1.01.050 Reference applies to all amendments**

Whenever a reference is made to this code as the "Olympia Municipal Code," or to any portion thereof, or to any ordinance of the ~~city~~City of Olympia, Washington, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

#### **1.01.060 Title, chapter and section headings**

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

#### **1.01.070 Reference to specific ordinances**

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

#### **1.01.080 Effect of code on past actions and obligations**

Neither the adoption of this code nor the repeal or amendment of any ordinance or part or portion of any ordinance of the ~~city~~City of Olympia shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at the effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

#### **1.01.090 Effective date**

This code shall become effective on the date the ordinance adopting this code as the "Olympia Municipal Code" shall become effective.

#### **1.01.100 Constitutionality**

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The ~~council~~City Council declares that it would have passed this ~~code~~Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this ~~code~~Code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

## Chapter 1.04 GENERAL PROVISIONS

### 1.04.000 Chapter Contents

#### Sections:

1.04.010 Definitions.

#### **1.04.010 Definitions**

The following words and phrases, whenever used in the ordinances of the City of Olympia, shall be construed as defined in this section, unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- A. "City" means the City of Olympia or the area within the limits of the City of Olympia, and such area outside the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. "Council" means the City Council of the City of Olympia. "All its members" or "all commissioners" means the total number of ~~councilmembers~~ Councilmembers holding office.
- C. "City Council" means the City Council of the City of Olympia. "All its members" or "all ~~councilmembers~~ Councilmembers" means the total number of ~~councilmembers~~ Councilmembers holding office.
- D. "County" means the county of Thurston.
- E. "Law" denotes applicable federal law, the Constitution and statutes of the state of Washington, the ordinances of the City of Olympia, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- F. "Master Meter" means a common meter which provides water service to a community or number of individual users.
- G. "May" is permissive.
- H. "Month" means a calendar month.
- I. "Must" and "shall" are each mandatory.
- J. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- K. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety of the whole or a part of such building or land.

- L. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- M. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- N. "Preceding" and "following" mean next before and next after, respectively.
- O. "Property" includes real and personal property.
- P. "Real property" includes lands, tenements and hereditaments.
- Q. "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.
- R. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
- S. "State" means the state of Washington.
- T. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- U. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.
- V. "Written" includes printed, typewritten, mimeographed, multi-graphed, or otherwise reproduced in permanent visible form.
- W. "Year" means a calendar year.

## Chapter 1.08 CITY CLASSIFICATION

### 1.08.000 Chapter Contents

#### Sections:

- 1.08.010 Classification Adopted.
- 1.08.020 Plan of Government.

### **1.08.010 Classification Adopted**

There is adopted for the ~~city~~City of Olympia, Washington, the classification of noncharter code city, pursuant to the provisions of RCW 35A.02.030.

### **1.08.020 Plan of Government**

The plan of government under which the ~~city~~City is presently operating, is the council-manager form of government, as organized under RCW Chapter 35A.13.

## Chapter 1.12 CITY SEAL

### 1.12.000 Chapter Contents

Sections:

1.12.010 Design of seal.

### **1.12.010 Design of seal**

The following design, as described, the original of which is on file ~~in the office of the city clerk-treasurer with~~ the City Clerk, is adopted as the seal of the ~~city~~City of Olympia, Washington: The dome of the Legislative Building, two fir trees, a ship and port facilities, a fish and academic cap and scroll, and 1859, the outer edge of the seal bearing the inscription "City of Olympia, Washington."

## Chapter 1.16 INITIATIVE AND REFERENDUM

### 1.16.000 Chapter Contents

Sections:

1.16.010 Retention of powers--Statutory provisions.

### **1.16.010 Retention of powers--Statutory provisions**

A. The ~~city council~~City Council elects to retain the powers of initiative and referendum for the qualified electors of the ~~city~~City for purposes of RCW 35A.11.080.

B. The powers of initiative and referendum shall, when exercised, be done so in the manner set forth for the commission form of government in RCW 35.17.240 through 35.17.360, as modified by RCW 35A.11.100.

## Chapter 1.20 PRISONERS

### 1.20.000 Chapter Contents

#### Sections:

1.20.010 Confinement in ~~city~~-City jail.

1.20.020 Jail facilities.

#### **1.20.010 Confinement in ~~city~~-City jail**

A. Any person hereafter convicted and sentenced to any term in the ~~city~~-City jail, or to pay a fine and costs, for violation of any ~~city~~-City ordinance, shall, upon willful failure to pay such fine or cost after being given a hearing thereon, be confined in the ~~city~~-City jail until such term has been served or such fine and costs have been resolved.

B. Any such prisoner shall be allowed for the prisoner's time served in the ~~city~~-City jail, to be applied on the payments of such fine and costs, at the rate of ten dollars per day.

#### **1.20.020 Jail facilities**

The following chapters and sections of the Washington Administrative Code which pertain to thirty-day "holding facilities," as defined therein, which are not classified as advisory, including all future amendments thereto, are adopted by reference pursuant to the requirements of RCW Chapter 70.48, as amended by Chapter 462, Section 17, Laws of 1987:

- A. WAC Chapter 289-02, Introduction and Definitions;
- B. WAC Chapter 289-14, Administration;
- C. WAC Chapter 289-15, Safety;
- D. WAC Chapter 289-16, Operations;
- E. WAC Chapter 289-18, Security;
- F. WAC Chapter 289-19, Prisoner Conduct;
- G. WAC Chapter 289-20, Health and Welfare;
- H. WAC Chapter 289-22, Services and Programs;
- I. WAC Chapter 289-24, Communications.

## Chapter 1.24 DISCRIMINATION IN DELIVERY OF CITY SERVICES OR RESOURCES

1.24.000 Chapter Contents

Sections:

1.24.010 Prohibited.

### 1.24.010 Prohibited

No officer, official, employee, agent or contractor of the ~~city~~ City shall in the rendering or delivery of city services or resources, discriminate against any person(s), firm or organization because of age, sex, race, creed, color, sexual orientation or national origin, or the presence of any physical, mental or sensory disability, or because of any other status protected from discrimination by law; provided, that this section shall not affect any other provision in law, ordinance, resolution or rule which grants special consideration, benefit or rights to any person(s), firm or organization based on the above classifications.

**Section 2. Amendment of Title 2.** Olympia Municipal Code Title 2, ADMINISTRATION AND PERSONNEL, is hereby amended to read as follows:

## Title 2 ADMINISTRATION AND PERSONNEL

### Chapters:

- 2.04 City Council**
- 2.05 Independent Salary Commission**
- 2.06 Council Committees**
- 2.08 City Manager**
- 2.12 Officers**
- 2.14 Municipal Court**
- 2.24 Department of Emergency Management**
- 2.28 Fire Department**
- 2.32 Fire Protection Agreements**
- 2.36 Police Department**
- 2.38 Police Auditor**
- 2.40 Police Reserve Force**
- 2.44 Civil Service Commission**
- 2.64 Officers' Compensation**
- 2.68 City Office Hours**
- 2.70 Legal Defense for Acts or Omissions**
- 2.72 Defense of Elected Officials in Recall Proceedings**
- 2.74 Miscellaneous, Administration**
- 2.82 Domestic Partnership Registry Program**
- 2.100 Citizen-Member Boards, Commissions and Advisory Committees**



## Chapter 2.04 CITY COUNCIL

### 2.04.000 Chapter Contents

#### Sections:

- 2.04.010 Composition.
- 2.04.020 Powers.
- 2.04.030 Forfeiture of office.
- 2.04.040 Vacancies--Filling.
- 2.04.050 Meetings.
- 2.04.060 Mayor--Powers and duties--Election--Term.
- 2.04.070 Mayor ~~pro-tem~~ Pro Tem --Designation--Alternate appointments.
- 2.04.100 Compensation.

#### **2.04.010 Composition**

The ~~city council~~ City Council, under the council/manager plan of government, shall be composed of seven ~~councilmembers~~ Councilmembers, all of whom shall be elected by a majority vote from the city-at-large. The ~~councilmembers~~ Councilmembers elected to positions one, two and three at the first election of ~~councilmembers~~ Councilmembers on November 2, 1982, shall serve for one-year terms. The ~~councilmembers~~ Councilmembers elected to positions four, five, six and seven at the first election of ~~councilmembers~~ Councilmembers on November 2, 1982, shall serve for three-year terms. The ~~councilmembers~~ Councilmembers elected in subsequent elections shall serve four-year terms.

#### **2.04.020 Powers**

The ~~council~~ City Council shall be the legislative body of the ~~city~~ City and have all powers to conduct the affairs of the ~~city~~ City as are allowed under the Constitution of the state of Washington and RCW Chapter 35A, which are not specifically denied to the ~~council~~ City Council or reserved to the ~~city manager~~ City Manager by law.

#### **2.04.030 Forfeiture of office**

A ~~councilmember~~ Councilmember shall forfeit the ~~councilmember's~~ Councilmember's office if the ~~councilmember~~ Councilmember is absent for three consecutive regular meetings of the ~~council~~ Council without being excused by the ~~council~~ Council, or if the ~~councilmember~~ Councilmember ceases to have the qualifications prescribed for such office by law or ordinance, or if the ~~councilmember~~ Councilmember is convicted of a crime involving moral turpitude or an offense involving a violation of the ~~councilmember's~~ Councilmember's oath of office.

#### **2.04.040 Vacancies--Filling**

In the event of the extended excused absence or disability of a ~~councilmember~~ Councilmember, the remaining members by majority vote may appoint a ~~councilmember pro-tempore~~ Councilmember Pro Tempore to serve during the ~~councilmember's~~ Councilmember's absence or disability. In the event of an absence resulting from death, resignation or removal of a ~~councilmember~~ Councilmember from office, the remaining members by majority vote shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If thirty (30) days pass after the occurrence of the vacancy and the ~~council~~

Council is unable to agree upon a person to be appointed to fill a vacancy in the ~~council~~ Council, the ~~mayor~~ Mayor may make the appointment from among the persons nominated by members of the ~~council~~ Council. If the vacant position is the ~~mayor's~~ Mayor's position, the ~~deputy mayor~~ Mayor Pro-Tem shall make the appointment from among those persons nominated by the ~~council~~ Council, within thirty (30) days after the occurrence of the vacancy if the ~~council~~ Council is unable to agree.

#### **2.04.050 Meetings**

A. Regular Meetings. Regular meetings of the City Council will be held on Tuesdays at the hour of seven p.m. in the City Council Chambers, City Hall, Olympia, Washington, or at other locations as determined by the Mayor. The Olympia City Council may establish its yearly meeting calendar at its annual retreat and generally does not schedule meetings on the fifth Tuesday of any month. The City Council's meeting calendar will be posted on the City's website and will identify those weeks when no meeting is scheduled. When any of the above scheduled ~~council~~ Council meetings occur on a legal holiday, the next business day shall be the date of the regular meeting.

B. Special Meetings. Special meetings of the City Council may be called at any time by the Mayor or by a majority of Council and notice will be provided as required by law.

#### **2.04.060 Mayor –Powers and duties –Election –Term**

A. In addition to the powers conferred upon the person elected ~~mayor~~ Mayor, the individual shall continue to have all rights, privileges and immunities of a ~~councilmember~~ Councilmember. The ~~mayor~~ Mayor shall be recognized as the head of the ~~city~~ City for ceremonial purposes and by the Governor for purposes of military law. The ~~mayor~~ Mayor shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by ordinance, shall take command of the police, maintain law and enforce order.

B. Commencing with the November, 1991 election, the person elected by the voters of Olympia to Position One of the Olympia ~~city council~~ City Council shall be the ~~mayor~~ Mayor, with the powers and duties set forth in subsection A of this section and by general ~~city~~ City ordinance.

C. The term of the office of ~~mayor~~ Mayor shall be four years to run concurrently with the term for Position One of the ~~council~~ Council, with the initial term commencing January 1, 1992.

#### **2.04.070 Mayor ~~pro tem~~ Pro Tem–Designation –Alternate appointments**

Biennially at the first meeting of a new ~~council~~ Council, or periodically, the ~~councilmembers~~ Councilmembers may designate one of their number as ~~mayor pro tem~~ Mayor Pro Tem for the period specified by the ~~council~~ Council, to serve in the absence of the ~~mayor~~ Mayor. In lieu of such a designation, the ~~council~~ Council may appoint any qualified person as ~~mayor pro tempore~~ Mayor Pro Tem in the absence or temporary disability of the ~~mayor~~ Mayor. In the absence of both the ~~mayor~~ Mayor and the ~~mayor pro tem~~ Mayor Pro Tem, the ~~council~~ Council shall, by majority vote, elect a chairperson to preside over the meeting(s) of the ~~council~~ Council.

#### **2.04.100 Compensation**

Effective upon the commencement of terms January 1, 2008 and following election and qualification, the annual salary of the ~~mayor~~ Mayor of the ~~city~~ City shall be Nineteen Thousand Nine Hundred Sixty-Eight and no/100 Dollars (\$19,968); the annual salary of the ~~mayor pro tem~~ Mayor Pro Tem shall be Eighteen Thousand Three Hundred Four and no/100 Dollars (\$18,304); the annual salary of ~~councilmember~~ Councilmember

positions two and three shall be Sixteen Thousand Six Hundred Forty and no/100 Dollars (\$16,640) unless a ~~councilmember~~ Councilmember serves in either of said positions is the ~~mayor pro tem~~ Mayor Pro Tem, in which case the salary shall be as provided for the ~~mayor pro tem~~ Mayor Pro Tem. The annual salary of the remaining ~~councilmember~~ Councilmember positions shall be increased to Sixteen Thousand Six Hundred Forty and no/100 Dollars (\$16,640) upon commencement of the terms January 1, 2010, following election and qualification.

Notwithstanding the foregoing, this section shall not be applicable to any individual ~~councilmember~~ Councilmember to the extent that the salaries provided for above are deemed by a court of competent jurisdiction to be an increase of compensation after a ~~councilmember's~~ Councilmember's election contrary to RCW 35A.13.040, Article II, §25, and/or Article XI, §8 of the Washington State Constitution.

Effective from and after passage and publication of an ordinance creating an independent salary commission, the salaries for ~~city~~ City elected officials shall be set by the independent salary commission in accordance with § 1, Article XXX of the Washington State Constitution, RCW 35.21.015 and OMC Chapter 2.05.

## Chapter 2.05 INDEPENDENT SALARY COMMISSION

### 2.05.000 Chapter Contents

#### Sections:

- 2.05.010 Established.
- 2.05.020 Purpose – Function.
- 2.05.030 Membership.
- 2.05.040 Qualifications.
- 2.05.050 Operation.
- 2.05.060 Responsibilities and Duties.
- 2.05.070 Vacancies.
- 2.05.080 Removal.
- 2.05.090 Effective Date – Salaries.

#### **2.05.010 Established.**

There is created and established an independent salary commission.

#### **2.05.020 Purpose – Function.**

The independent salary commission shall review and establish the salaries of the ~~mayor, mayor pro tem, and the council members~~ Mayor, Mayor Pro Tem, and the Councilmembers and exercise the powers and perform the duties established by RCW 35.21.015, as now existing or hereafter amended.

#### **2.05.030 Membership.**

A. The independent salary commission shall consist of five members appointed by the ~~mayor~~ Mayor and approved by the ~~city council~~ City Council.

B. The independent salary commission shall serve without compensation.

C. Each member of the independent salary commission shall serve a term of two (2) years commencing upon appointment and terminating 24 months thereafter.

D. No member of the commission shall be appointed to more than two terms.

#### **2.05.040 Qualifications.**

A. No person shall be appointed to serve as a member of the independent salary commission unless that person is a citizen of the United States, a resident of the ~~city~~ City for at least one year immediately preceding such appointment, and an elector of Thurston County.

B. No ~~city~~ officer, official, or employee of the ~~city~~ City or any of their immediate family members may serve on the commission. "Immediate family member" as used in this subsection means the parents, spouse, siblings, children, or dependent relatives of an officer, official, or employee, whether or not living in the household of the officer, official, or employee.

#### **2.05.050 Operation.**

A. The ~~city manager~~ City Manager will appoint appropriate city staff to assist the independent salary commission for clerical and support purposes.

B. The independent salary commission shall keep a written record of its proceedings, which shall be a public record in accordance with state law.

C. All meetings of the commission shall be open to the public pursuant to the Open Public Meetings Act, Chapter 42.30 RCW. The commission shall actively solicit public comment at all meetings, either verbally or in writing.

D. The independent salary commission shall meet as often as necessary in 2017 in order to file a salary schedule with the ~~city clerk~~ City Clerk on or before October 1, 2017. Once a salary schedule has been filed, the commission will not meet again until at least one year following the date of filing. Thereafter, the commission shall meet no less that one time per year, during the months of June or July.

E. Three members of the commission shall constitute a quorum and the votes of three members shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the independent salary commission.

#### **2.05.060 Responsibilities and Duties.**

The independent salary commission shall have the following responsibilities:

A. To study the relationship of salaries to the duties of the ~~mayor, mayor pro tem, and the city council~~ Mayor, Mayor Pro-Tem, and the City Council, and to study the costs personally incurred by ~~council members~~ Councilmembers in performing such duties;

B. To study the relationship of Olympia City Councilmembers' salaries and benefits to those salaries and benefits of ~~council members~~ Councilmembers in other city jurisdictions of a comparable nature and other current market conditions.

C. To establish salary and benefits by either increasing or decreasing the existing salary and benefits for each position of ~~mayor, mayor pro-tem, and council members~~ Mayor, Mayor Pro-Tem, and Councilmembers by an affirmative vote of not less than three (3) members.

D. To review and file a salary and compensation schedule with the ~~city clerk~~ City Clerk not later than October 1, 2017, and when a salary commission is convened thereafter, by October 1 in any subsequent year.

#### **2.05.070 Vacancies.**

In the event of a vacancy in the independent salary commission due to resignation or removal, the Mayor shall appoint, subject to approval of the ~~city council~~ City Council, a person to serve the unexpired portion of the term of the former commissioner's position.

#### **2.05.080 Removal.**

A member of the independent salary commission shall only be removed from office for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of residence.

#### **2.05.090 Effective Date – Salaries.**

A. The ~~city clerk~~ City Clerk will publish the salary commission's schedule of salary and compensation which shall not become effective until thirty (30) days after publication. Such salary schedule shall be subject to referendum petition filed in accord with OMC Chapter 1.16 within thirty (30) days after filing of the salary schedule. In the event of the filing of a valid referendum petition, the salary increase or decrease shall not go into effect until approved by a vote of the people. Referendum measures shall be submitted to the voters of the ~~city~~ City at the next following general or municipal election occurring thirty (30) days or more after the referendum petition is filed and shall be governed by the provisions of the state Constitution or laws generally applicable to referendum measures.

B. Any salary increase or decrease shall become effective and incorporated into the ~~city~~ City budget without further action of the ~~city council~~ City Council or salary commission.

C. Salary increases established by the commission shall be effective as to all members of the ~~city council~~ City Council, regardless of their terms of office.

D. Salary decreases established by the salary commission shall not be effective as to incumbent ~~city council members~~ City Councilmembers until commencement of their next term of office.

E. Any adjustment of salary by the commission shall supersede any ~~city~~ City ordinance related to the budget or fixing of salaries, but only to the extent there is a conflict.

F. Existing salaries for the ~~mayor, mayor pro-tem, and council members~~ Mayor, Mayor Pro-Tem, and Councilmembers established by ~~city~~ City ordinance shall remain in effect unless and until changed in accordance with the provisions of this chapter.

## Chapter 2.06 COUNCIL COMMITTEES

### 2.06.000 Chapter Contents

#### Sections:

- 2.06.010 Created.
- 2.06.020 Performance of tasks.
- 2.06.030 Assignment of members – Chairperson.
- 2.06.050 Recommendation of advisory board and commission members.
- 2.06.060 Council appointment to interlocal or interjurisdictional boards and commissions.
- 2.06.070 Terms--Vacancy filling.

#### **2.06.010 Created**

There are created the following committees of the City Council along with a general description of topics for their consideration:

- A. General Government Committee: Public safety, operational policy, economic development, housing, general government issues, boards and commissions;
- B. Land Use and Environment Committee: Planning, transportation, environment, utilities, parks, community development, neighborhoods;
- C. Finance Committee: finance/budget.

#### **2.06.020 Performance of tasks**

The committees created in this chapter shall perform such tasks in line with the subjects described in Section 2.06.010, or as may be referred to them by the City Council.

#### **2.06.030 Assignment of members – Chairperson**

~~Councilmembers~~Councilmembers shall be assigned to a committee as determined by the City Council after each Council election. A chairperson for each committee shall be selected by the Council to preside over committee meetings. If necessary, each committee shall meet at least once a month or more, depending on the committee's agenda, at date(s) and time(s) available to committee members.

#### **2.06.050 Recommendation of advisory board and commission members**

Repealed. Reference OMC 2.100.040.

#### **2.06.060 Council appointment to interlocal or interjurisdictional boards and commissions**

The City Council shall determine the Councilmember(s) to be appointed to the various boards and committees created by interlocal agreement or for interjurisdictional committees, commissions or boards.

## 2.06.070 Terms –Vacancy filling

The terms shall be for two-year periods, commencing on January 1st, of each even-numbered year. The terms for members of the Committee of the Chairs shall be co-extensive with the terms for members of the committees set forth in OMC Section 2.06.010. Vacancies occurring prior to the expiration of these terms shall be filled in the same manner as set forth in this chapter for regular appointments.

## Chapter 2.08 CITY MANAGER

### 2.08.000 Chapter Contents

#### Sections:

- 2.08.010 Appointment--Powers and duties.
- 2.08.020 Council interference restricted.
- 2.08.030 Removal.
- 2.08.040 Filling vacancy.

### 2.08.010 Appointment –Powers and duties

The ~~council~~Council shall appoint a ~~city manager~~City Manager for an indefinite term or for any term set by the ~~council~~Council. The ~~city manager~~City Manager shall be the general supervisor over the administrative affairs of the ~~city~~City, under the direction and authority of the ~~council~~Council . The ~~city manager~~City Manager shall have the following specific duties, powers and responsibilities:

- A. To appoint and remove at any time all department heads, officers and employees of the ~~city~~City without interference by ~~council members~~Councilmembers, subject to any applicable law, rule or regulation relating to civil service or public employment;
- B. To attend all meetings of the ~~city council~~City Council at which the ~~city manager's~~City Manager's attendance may be required by that body;
- C. To see that all laws and ordinances are faithfully executed, subject to the authority which the ~~council~~Council may grant to the ~~mayor~~Mayor to maintain law and order in times of emergency;
- D. To keep the ~~council~~Council fully advised of the ~~city's~~City's financial condition and future needs;
- E. To prepare and submit to the ~~council~~Council a proposed budget for the fiscal year, as required by RCW Chapter 35A.33, and to be responsible for its administration upon adoption;
- F. To recommend for adoption by ~~council~~Council such measures as the ~~city manager~~City Manager may deem necessary and expedient;
- G. To submit reports as required by the ~~council~~Council, or as the ~~city manager~~City Manager may deem it advisable to submit;
- H. To perform such other duties as the ~~council~~Council may determine by ordinance or resolution.

### **2.08.020 Council interference restricted**

The ~~council~~ Council, or any of its committees or members, shall not direct the appointment of any person to, or the person's removal from, office by the ~~city manager~~ City Manager or any of the ~~city manager's~~ City Manager's subordinates. The ~~council~~ Council and its members shall deal with the administrative service solely through the ~~manager~~ City Manager and neither the ~~council~~ Council nor any committee or member thereof is to give orders to any subordinate of the ~~city manager~~ City Manager, either publicly or privately, except for the purpose of inquiry, and as provided in RCW 35A.13.080.

### **2.08.030 Removal**

The ~~city manager~~ City Manager may be removed by a majority vote of the ~~council~~ Council. The ~~council~~ Council shall, at least thirty (30) days prior to the effective date of removal, submit to the ~~city manager~~ City Manager a formal statement in the form of a resolution passed by a majority of the ~~council~~ Council stating the ~~council's~~ Council's intention to remove that ~~city manager~~ City Manager and the reasons therefor. Upon passage of the resolution, the ~~council~~ Council, by a majority vote, may suspend that ~~city manager~~ City Manager from duty. If the ~~city manager~~ City Manager responds in writing within thirty (30) days after receipt of the resolution, the ~~council~~ Council shall schedule a hearing upon the question of the ~~manager's~~ City Manager's removal. In the event no reply is timely filed, the resolution shall, upon the thirty first (31st) day from the date of such service, constitute the final resolution removing the ~~city manager~~ City Manager, and the ~~city manager's~~ City Manager's services shall terminate on that day.

### **2.08.040 Filling vacancy**

The ~~city council~~ City Council may designate a qualified administrative officer to perform the duties of ~~city manager~~ City Manager during the absence, disability or suspension of the ~~city manager~~ City Manager.

## Chapter 2.12 OFFICERS

### 2.12.000 Chapter Contents

#### Sections:

- 2.12.010 Designated.
- 2.12.020 Appointment--Removal.
- 2.12.030 City Clerk ~~-treasurer~~--Duties.
- 2.12.040 City attorney--Duties.
- 2.12.060 Director of ~~public works~~ Public Works--Powers and duties.

### **2.12.010 Designated**

The officers of the ~~city~~ City, besides the ~~city manager~~ City Manager, ~~mayor~~ Mayor and ~~councilmembers~~ Councilmembers, shall be as follows: a ~~clerk~~ City Clerk, a ~~city attorney~~ City Attorney, a ~~municipal judge~~ Municipal Judge, a ~~chief of police~~ Chief of Police, a ~~chief of the fire department~~ Chief of the Fire Department, and a ~~director of public works~~ Director of Public Works. Additional offices and employment shall be created in the budgetary process as the ~~council~~ Council finds necessary or advisable, and the ~~council~~ Council shall determine the powers and duties of each office.



## 2.12.020 Appointment –Removal

Each officer shall be appointed by and shall serve at the pleasure of the City Manager, except that the Municipal Court Judge shall be elected pursuant to RCW 3.50. Removal of officers by the City Manager is subject to the provisions of any applicable law, rule or regulation relating to civil service and public employment and the city's ~~City's~~ personnel regulations. ~~Removal of officers by the City Manager is subject to the provisions of any applicable law, rule or regulation relating to civil service and public employment and the city's personnel regulations.~~

## 2.12.030 ~~Clerk-treasurer~~ City Clerk–Duties

A.— It shall be the duty of the ~~city clerk-treasurer~~ City Clerk to ~~keep-retain on file in accordance with state law the corporate seal on all papers and documents belonging to the city City; and to file same within the city clerk-treasurer's office under appropriate heads; to attend the meetings of the city council and to keep a record of its City Council meetings and~~ proceedings, resolutions and ordinances; ~~to perform all clerical work of the department of finance and to perform all other duties required by law or by the ordinances of the city City.~~

B.— It shall further be the duty of the ~~city clerk-treasurer~~ to receive and safely keep all moneys belonging to the city from whatever source derived; replace the same to the credit of the different funds to which they properly belong; to disburse the money by the direction of the city council and in accordance with the law; to make a report monthly to the city council of the condition of the treasury; and to perform all of the duties required of that city clerk-treasurer by law.

## 2.12.040 City ~~attorney~~ Attorney–Duties

The ~~city attorney~~ City Attorney shall be the legal advisor of the ~~city council~~ City Council and of all the other officers of the ~~city~~ City in relation to matters pertaining to their respective offices. The ~~city attorney~~ City Attorney or their designee shall represent the ~~city~~ City in all litigation in all courts in which the ~~city~~ City is a party or directly interested and shall prosecute all violations of the ~~city~~ City ordinances, and shall act generally as the attorney for the ~~city~~ City and the several departments of the ~~city~~ City government and shall perform such other duties as the ~~city council~~ City Council may direct. The ~~city council~~ City Council or City Manager may hire special counsel from time to time for any purpose deemed necessary.

## 2.12.060 Director of ~~public works~~ Public Works–Powers and duties

The ~~director of public works~~ Director of Public Works shall be responsible for and in charge of the ~~department of public works~~ Department of Public Works. The ~~director of public works~~ Director of Public Works shall have general responsibility for the ~~departments of engineering, utilities, street~~ transportation, fleet, facilities, equipment rental and inspection and maintenance and other assigned operations and maintenance programs.

## Chapter 2.14 MUNICIPAL COURT

### 2.14.000 Chapter Contents

#### Sections:

- [2.14.010](#) Established.
- [2.14.020](#) Powers and duties--Jurisdiction.
- [2.14.030](#) Olympia Municipal Court Judge's salary.

#### **2.14.010 Established**

The Olympia ~~police court is reconstituted as the~~ municipal court of Olympia ~~operates~~ pursuant to RCW Chapter [3.50](#) ~~as amended by the Court Improvement Act of 1984, Chapter 258, Laws of 1984. All of the duties and functions of the present police court, together with all cases pending thereunder, are transferred to the reconstituted municipal court.~~

#### **2.14.020 Powers and duties –Jurisdiction**

The municipal court shall possess such jurisdiction and shall exercise such power and duties as are set forth in RCW Chapter [3.50](#) ~~as amended by Chapter 258, Laws of 1984.~~

#### **2.14.030 Olympia Municipal Court Judge's salary**

- A. The salary for the Olympia Municipal Court Judge position shall be set at 95% of a district court judge's annual salary.
- B. The Olympia Municipal Court Judge's salary shall automatically be adjusted on the same date and to an amount equal to 95% of the salary of district court judges as set by the Washington Citizens' Commission on Salaries for Elected Officials, which was established pursuant to the authority granted in Article 28 of the Washington State Constitution, RCW [43.03.300](#), RCW [43.03.305](#), and RCW [43.03.310](#).

## Chapter 2.24 DEPARTMENT OF EMERGENCY MANAGEMENT

### 2.24.000 Chapter Contents

#### Sections:

- [2.24.010](#) Purpose.
- [2.24.020](#) Emergency management policy.
- [2.24.030](#) Definitions.
- [2.24.040](#) Emergency Management Plan.
- [2.24.050](#) Emergency Management Committee created-membership.
- [2.24.060](#) Emergency Management Committee duties.
- [2.24.070](#) Adoption of Emergency Management Plan
- [2.24.075](#) Adoption of state statutes by reference.
- [2.24.080](#) Continuity of government.
- [2.24.090](#) Effect of chapter on other rules and regulations.

- 2.24.100 Interpretation of chapter.
- 2.24.110 Nonliability of ~~city~~City and complying agents.
- 2.24.120 Violation –Penalty.

#### **2.24.010 Purpose**

The declared purposes of this chapter are to provide for the preparation and carrying out of the plans for mitigation, preparedness, response and recovery for persons and property within the City of Olympia in the event of an emergency or disaster, and to provide for the coordination of emergency functions and services of this city with other affected public agencies and private persons, corporations and organizations. Any expenditures made in connection with such emergency management activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City of Olympia.

#### **2.24.020 Emergency management policy**

It is the policy of the ~~city~~City to make effective preparation and use of staff/volunteers, resources, and facilities for dealing with any emergency or disaster that may occur. Disasters and emergencies, by their very nature, may disrupt or destroy existing systems and the capability of the ~~city~~City to respond to protect life, public health and public property. Therefore, citizens should be prepared to be on their own for at least 72 hours should an emergency or disaster occur.

#### **2.24.030 Definitions**

- A. Continuity of government. Continuity of government shall mean city government's ability to carry out essential processes and services under the threat of or occurrence of an emergency or disaster.
- B. Disaster. Disaster as used in this chapter shall mean an event or set of circumstances which:
  - 1. Reaches or soon shall reach such a dimension or degree of destructiveness as to exceed the scope of local resources, warranting the declaration of a disaster by the City Council, requesting the need of specific state assistance, or
  - 2. Results in the Governor declaring a state of emergency in accordance with state statutes.
- C. Emergency. Emergency as used in this chapter shall mean an event or set of circumstances which:
  - 1. Demands immediate action to preserve public health, protect life, protect public property or provide relief to any stricken neighborhood overtaken by such occurrences, and
  - 2. Reaches such a dimension or degree of destructiveness as to warrant the City Manager or Emergency Management Director proclaiming the existence of an emergency, with such action subject to prompt confirmation of the City Council by adoption of a resolution or ordinance at a special or regular meeting, authorizing and directing all city personnel, services and facilities to be assigned to the emergency response and recovery effort.
- D. Emergency management. Emergency management shall mean the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to

mitigate, prepare for, respond to and recover from emergencies and disasters, and to aid victims suffering from injury or damage resulting from disasters caused by all hazards, whether natural or human caused, and to provide support for search and rescue operations for persons and property in distress.

E. ~~Emergency management director~~ Management Director. ~~Emergency management director~~ Management Director shall mean the person responsible for the administration and operation of the emergency management plan for the City of Olympia. This person shall be appointed by the City Manager.

F. ~~Unavailable~~. ~~Unavailable~~ shall mean for "members of the ~~city council~~ City Council" that an apparent temporary vacancy has occurred due to illness, injury, absence, or other inability to exercise the powers and duties of the office, and that the temporary vacancy is declared by a majority of the ~~council members~~ Councilmembers present and voting in emergency session. ~~Unavailable~~ shall mean for "appointive offices" that the City Manager has determined that a vacancy has occurred due to illness, injury, temporary absence from duty, or other temporary inability to act.

#### **2.24.040 Emergency Management Plan**

The emergency management plan, prepared by the Emergency Management Director, and promulgated by the Mayor and City Council is the official emergency management plan of the City of Olympia. The Emergency Management Director shall file a copy of this plan ~~in the office of~~ with the City Clerk, and distribute copies of said plan to appropriate city departments.

#### **2.24.050 Emergency Management Committee created-membership**

There is created the Olympia Emergency Management Committee which shall consist of such department heads and/or their designees, or other personnel as deemed appropriate by the City Manager.

#### **2.24.060 Emergency Management Committee duties**

The Emergency Management Committee shall perform the following duties:

- A. The Emergency Management Director ~~of emergency management~~ shall act as chairperson of the committee.
- B. Each member shall serve as a liaison to the Department of Emergency Management in order to coordinate the emergency management plan so that the citizens of Olympia may benefit from a workable plan.
- C. Each member shall report to the emergency operations center (EOC) when requested by the ~~Director of~~ Emergency Management Director in order to coordinate response activities.
- D. Each member shall create an emergency management organization within the member's department to guide the employees of the City during disasters and give employees a clear understanding of the emergency management plan and its principles.
- E. Each member shall guide the emergency organization of the member's department in writing disaster operating guidelines and/or including emergency/disaster provisions in the regular operating guidelines.

F. The Committee, as a whole, shall assist departments not represented on the Committee in development of an emergency management organization and written disaster operating guidelines.

**2.24.070 Adoption of Emergency Management Plan**

There is adopted for the City of Olympia a Comprehensive Emergency Management Plan dated January 2016, including appendices and its Annex A--Counter Terrorism, one (1) copy of which is on file in the office of the City Clerk and available for public inspection insofar as permitted by law. This plan is adopted by reference as though fully set forth herein. The emergency support function (ESF) of said plan, pertaining to operational matters, may be amended from time to time by the City Manager to reflect changed conditions or different standards applicable to Olympia.

**2.24.075 Adoption of state statutes by reference**

The following statutes set forth in the Revised Code of Washington (RCW) are hereby adopted by reference as if fully set forth herein:

<b>Statute</b>	<b>Summary of Content*</b>
RCW <a href="#">38.52.010</a>	Definitions applicable to Chapter <a href="#">38.52</a> RCW, Emergency Management
RCW <a href="#">38.52.020</a>	Declaration of policy and purpose of Chapter <a href="#">38.52</a> RCW
RCW <a href="#">38.52.070</a>	Local organizations and joint local organizations authorized—Establishment, operation—Emergency powers, procedures—Communication plans
RCW <a href="#">38.52.080</a>	Outside aid—Rights and liabilities—Claims
RCW <a href="#">38.52.091</a>	Mutual aid and interlocal agreements—Requirements
RCW <a href="#">38.52.100</a>	Appropriations—Acceptance of funds, services, etc
RCW <a href="#">38.52.110</a>	Use of existing services and facilities—Impressment of citizenry—First informer broadcasters
RCW <a href="#">38.52.115</a>	Liability of federal, state, and local agencies, and employees—Facilitation of access of first informer broadcaster
RCW <a href="#">38.52.120</a>	Political activity prohibited
RCW <a href="#">38.52.140</a>	Status of civil service employee preserved
RCW <a href="#">38.52.150</a>	Orders, rules, regulations—Enforcement—Availability—Penalty
RCW <a href="#">43.06.220</a>	State of emergency—Powers of governor pursuant to proclamation—Penalty
RCW <a href="#">43.06.250</a>	State of emergency—Refusing to leave public way or property when ordered—Penalty

*\*Summary of Content column in the table above is for informational purposes only*

## **2.24.080 Continuity of government**

In the event of an emergency or disaster as defined in OMC Section 2.24.030 affecting the City of Olympia, the following policy is hereby established to provide for continuity of city government.

CITY COUNCIL: In the event the emergency or disaster results in one or more ~~council members~~ Councilmembers being unavailable after a reasonable attempt at notice to convene by the Mayor, City Manager or ~~Director of Emergency Management~~ Director, those ~~council members~~ Councilmembers available for duty shall constitute the City Council, and shall have full power to act by majority vote of those present for the purpose of meeting temporary immediate and emergency needs brought on by the emergency or disaster.

CITY MANAGER: In the event that the City Manager and Assistant City Manager(s) are unavailable by reason of an emergency or disaster, the City Council shall by majority vote of those present select an emergency interim city manager to exercise and discharge the duties of that office.

DEPARTMENT HEADS: In the event that a department director is unavailable by reason of an emergency or disaster, the City Manager shall appoint an emergency interim director.

COUNCIL MEETINGS AT OTHER THAN USUAL PLACES: In the event of a declared emergency or disaster which demands immediate action to preserve public health, protect life, protect public property, or to provide relief to the City of Olympia which may be overtaken by such occurrences, or which reaches such a dimension or degree of destructiveness as to warrant the Governor proclaiming a state of emergency pursuant to RCW 43.06.010, or as provided in the state Emergency Management Act (RCW Chapter 38.52), the Council will make available a speakerphone, conference call-in number or video streaming available at a location in Olympia City Hall or other city meeting location where the public can attend, except when in person attendance is otherwise prohibited by Order of the Governor, and listen to the City Council business or committee meeting. A request to change the location of Council meetings may be made on the call of the Mayor or any two Councilmembers.

## **2.24.090 Effect of chapter on other rules and regulations**

At all times when the orders and regulations made and promulgated pursuant to this chapter are in effect, they shall supersede all existing ordinances, orders and regulations insofar as the latter may be inconsistent therewith.

## **2.24.100 Interpretation of chapter**

This chapter shall be construed so as not to conflict with any state or federal statute or with any military rule or regulation.

## **2.24.110 Nonliability of ~~city~~ City and complying agents**

This chapter is an exercise by the ~~city~~ City of its governmental functions for the protection of the public peace, health and safety and neither the ~~city~~ City, the agents and representatives of the ~~city~~ City, nor an individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to person or property as the result of such activity. No individual, firm, association, corporation or other party owning, maintaining or controlling any

building or premises who voluntarily and without compensation grants to the ~~city~~ City a license or privilege or otherwise permits the ~~city~~ City to inspect, designate and use for the purpose of sheltering persons during a mock, impending or actual natural or human caused disaster, or their successors in interest, or the agents or employees of any of them, shall be subject to liability for injuries sustained by any person while in or upon the building or premises or as a result of the condition of the building or premises or as a result of any act or omission in connection with the upkeep or maintenance thereof (except willful act of misconduct), when such person has entered or gone into or upon such building or premises for the purpose of seeking refuge therein or thereupon during an actual, impending, or mock, natural or human caused disaster.

**2.24.120 Violation –Penalty**

A. Penalties for violation of the following RCW's are as indicated in the table below:

<b>Statute</b>	<b>Summary of Content*</b>	<b>Penalty for Violation</b>
RCW <u>38.52.150</u>	Orders, rules, regulations—Enforcement—Availability—Penalty.	1st Offense – Misdemeanor 2nd Offense - Gross Misdemeanor
RCW <u>43.06.220</u>	State of emergency—Powers of governor pursuant to proclamation—Penalty.	Gross Misdemeanor
RCW <u>43.06.250</u>	State of emergency—Refusing to leave public way or public property when ordered—Penalty.	Misdemeanor

*\*Summary of Content column in the table above is for informational purposes only*

B. Except as provided in (A) of this subsection, every violation of any rule, regulation, proclamation or order issued in a disaster or emergency under the authority of this chapter by the City Manager, the Mayor, or the ~~Director of Emergency Management~~ Director is a misdemeanor. Where no penalty is otherwise specified for a violation of this chapter, the penalty is a misdemeanor.

C. The penalties for a misdemeanor and gross misdemeanor are as follows:

(1) Misdemeanor. Every person convicted of a misdemeanor shall be punished by imprisonment for a maximum term fixed by the court of not more than ninety (90) days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine.

(2) Gross misdemeanor. Every person convicted of a gross misdemeanor shall be punished by imprisonment for a maximum term fixed by the court of up to three hundred sixty-four (364) days, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine.

## Chapter 2.28 FIRE DEPARTMENT

### 2.28.000 Chapter Contents

#### Sections:

- 2.28.010 Personnel.
- 2.28.020 Appointments.
- 2.28.030 Management.

#### **2.28.010 Personnel**

There shall be a ~~fire department~~ Fire Department which shall consist of a ~~chief of the fire department~~ Chief of the Fire Department, and such other firefighters and employees as shall be deemed necessary.

#### **2.28.020 Appointments**

The ~~city manager~~ City Manager shall appoint the ~~chief of the fire department~~ Chief of the Fire Department and all personnel within the ~~fire department~~ Fire Department. The ~~city manager~~ City Manager shall appoint all other in accord with civil service rules.

#### **2.28.030 Management**

The ~~fire department~~ Fire Department shall be under the management of the ~~chief of the fire department~~ Chief of the Fire Department, except as otherwise provided by law.

## Chapter 2.32 FIRE PROTECTION AGREEMENTS

### 2.32.000 Chapter Contents

#### Sections:

- 2.32.010 Agreements--Authorized.
- 2.32.020 Agreements--Conditions.
- 2.32.030 Service outside of city limits--Permitted.
- 2.32.040 Service outside of city limits--Conditions.
- 2.32.050 Disposition of revenue from contracts or agreements.

#### **2.32.010 Agreements –Authorized**

The ~~city council~~ City Council is authorized to execute agreements with other municipalities, agencies or districts pursuant to RCW Chapter 39.34 or with other nongovernmental institutions or agencies for mutual aid in fire control or protection or for paramedic services. Such agreement shall be executed and formalized in the manner required by law.



### **2.32.020 Agreements –Conditions**

The agreement authorized in Section 2.32.010 shall indicate such conditions of service as are deemed appropriate by the ~~city council~~ City Council, but shall not jeopardize adequate fire protection and control within the ~~city~~ City.

### **2.32.030 Service outside of city limits –Permitted**

Whenever a firefighter engages in any duty outside the limits of the ~~city~~ City pursuant to an agreement provided for in Section 2.32.010, such duties shall be considered as part of the firefighter's duty as firefighter for the ~~city~~ City, and the firefighter shall be entitled to the same benefits that the firefighter or the firefighter's family would be entitled to receive had the firefighter been engaged in any duty within the ~~city~~ City.

### **2.32.040 Service outside of city limits –Conditions**

The ~~fire department~~ Fire Department shall not respond to any call for aid or service from outside the ~~city~~ City limits to any person or persons or community with which the ~~city~~ City has not entered into an agreement as provided for in Section 2.32.010 unless approved by the ~~chief of the fire department~~ Chief of the Fire Department.

### **2.32.050 Disposition of revenue from contracts or agreements**

All revenue collected by the ~~city~~ City pursuant to contracts or agreements described in Section 2.32.010 shall be credited to the ~~general fund~~ General Fund of the ~~city~~ City.

## Chapter 2.36 POLICE DEPARTMENT

### 2.36.000 Chapter Contents

#### Sections:

- 2.36.010 Personnel.
- 2.36.020 Appointments.
- 2.36.030 Management.
- 2.36.040 Removal of members.
- 2.36.050 Report to ~~council~~ City Council.
- 2.36.060 Compensation.
- 2.36.070 Chief of ~~police~~ Police--Powers and duties generally.
- 2.36.080 Chief of ~~police~~ Police--Duties designated.
- 2.36.085 Appointment of Officers: Authority to Grant General and Limited Commissions
- 2.36.090 Duties of police officers.
- 2.36.100 Unclaimed property.
- 2.36.110 Fixing bail.
- 2.36.120 Traffic school established--Purpose--Operation.

### **2.36.010 Personnel**

A. The personnel of the ~~police department~~ Police Department of the ~~city~~ City shall consist of the following:

1. Chief;
2. Deputy Chief;
2. ~~Commander~~ Lieutenant;
3. Sergeant;
4. Police officer; and
5. Any other positions or rank created by the ~~city council~~ City Council.

B. Personnel appointed to positions or ranks provided for in this chapter shall be considered "City Police Officers" within the meaning of RCW 41.26.030(3).

#### **2.36.020 Appointments**

The ~~city manager~~ City Manager shall appoint the ~~chief of police~~ Chief of Police and all ~~city~~ City police officers, in accord with civil service rules.

#### **2.36.030 Management**

The ~~police department~~ Police Department shall be under the management of the ~~chief of police~~ Chief of Police, except as otherwise provided by law.

#### **2.36.040 Removal of members**

The ~~city manager~~ City Manager may remove any member of the ~~police department~~ Police Department in accord with all civil service regulations.

#### **2.36.050 Report to ~~council~~ City Council**

The ~~chief of police~~ Chief of Police will annually or as often as required by the ~~city council~~ City Council make a report of any municipal legislation deemed necessary by that ~~chief of police~~ Chief of Police to improve the efficiency of the ~~police department~~ Police Department. The ~~chief of police~~ Chief of Police shall also report annually the business and condition of the ~~police department~~ Police Department during the ~~chief of police's~~ Chief of Police's term of office, the number of arrests made during the year, the causes thereof, together with other general and special information as to the peace and good order of the ~~city~~ City. The ~~chief of police~~ Chief of Police shall also, when required by the ~~city council~~ City Council, submit an estimate of the amount of money that will be required to pay salaries and expenses of the ~~police department~~ Police Department for the ensuing fiscal year specifying in detail for what each sum shall be required.

#### **2.36.060 Compensation**

The compensation of all members of the ~~police department~~ Police Department shall be fixed in the annual budget process by the ~~City council~~ City Council.

### **2.36.070 Chief of ~~police~~ Police –Powers and duties generally**

The ~~chief of police~~ Chief of Police shall have general charge and control of the police force, subject to the direction and control of the ~~city manager~~ City Manager; the ~~chief of police~~ Chief of Police shall enforce the criminal ordinances of the ~~city~~ City and the ~~chief of police~~ Chief of Police shall have such other and further powers and be charged with such other and further duties as are or may hereafter be prescribed by law or by the ordinances of the ~~city~~ City or by resolution of the ~~city council~~ City Council.

### **2.36.080 Chief of ~~police~~ Police –Duties designated**

The ~~chief of police~~ Chief of Police shall be the chief peace officer of the ~~city~~ City and all processes issued by the police magistrate or by any justice of the peace in the ~~city~~ City, under authority of any ordinance of the ~~city~~ City, shall be directed to that ~~chief of police~~ Chief of Police for service and shall be served by that ~~chief of police~~ Chief of Police or by any member of the ~~police department~~ Police Department whom the ~~chief of police~~ Chief of Police may select, which officer shall make a return of such service. The ~~chief of police~~ Chief of Police shall exercise vigilant control over the ~~police department~~ Police Department and shall be the keeper of the ~~city~~ City jail and shall perform such other duties and have such other power as may be imposed upon that ~~chief of police~~ Chief of Police by ordinance. The ~~chief of police~~ Chief of Police shall also keep a correct record of all arrests made by that ~~chief of police~~ Chief of Police and by other members of the ~~police department~~ Police Department, showing the time and cause of each arrest, with the list and description of all property and money taken from each person arrested and a statement of the disposition of the same and shall make a full report thereof in writing to the ~~city council~~ City Council when required. The ~~chief of police~~ Chief of Police shall report monthly all sums collected by that ~~chief of police~~ Chief of Police and by the ~~police department~~ Police Department on behalf of the ~~city~~ City.

### **2.36.085 Appointment of Officers: Authority to Grant General and Limited Commissions**

The ~~chief of police~~ Chief of Police may appoint, with the consent of the ~~city manager~~ City Manager, subject to any applicable civil service provisions, deputies and other public officers for the purpose of enforcing ~~city~~ City laws and codes or for engaging in any enforcement functions on behalf of the ~~city~~ City that require commissioned authority. Officers so appointed shall be subject to defined limits of authority and shall have such powers as are deemed appropriate and necessary for the proper performance of the duties of their office as authorized by the ~~chief of police~~ Chief of Police and permitted by law. Upon such appointment, the ~~chief of police~~ Chief of Police shall issue to the appointee a general or limited commission card as the case may be, and may authorize the appointee to carry an appropriate identifying badge. Appointments shall continue until the appointee is either permanently terminated from ~~city~~ City employment or volunteer service or the commission is otherwise modified by the ~~chief of police~~ Chief of Police. Any commission authorized hereunder may be modified or revoked at any time by the ~~chief of police~~ Chief of Police or the ~~city manager~~ City Manager, subject to any applicable civil service provisions.

### **2.36.090 Duties of police officers**

The duties of the other members of the ~~police department~~ Police Department, both regular and special police officers, shall be such as may be provided from time to time by ordinance and by rules established by the ~~chief of police~~ Chief of Police in addition to the duties prescribed in this chapter.

### **2.36.100 Unclaimed property**

The ~~chief of police~~ Chief of Police is authorized, under the supervision of the ~~city manager~~ City Manager, to accept, maintain and dispose of all lost and/or unclaimed property as may come into the possession of the ~~city police department~~ City Police Department. The ~~chief~~ Chief of Police shall be governed by the provisions and procedures set forth in RCW Chapter 63.21 for lost and found property and in RCW Chapter 63.32 for unclaimed property.

### **2.36.110 Fixing bail**

The ~~chief of police~~ Chief of Police or, in the ~~chief of police's~~ Chief of Police's absence, any police officer of the ~~city~~ City, is authorized to fix and accept bail from persons arrested for violation of the ~~city~~ City ordinances, and such bail shall be fixed in accordance with general practice and rules according to the schedule fixed by the police judge and filed with the ~~police department~~ Police Department.

### **2.36.120 Traffic school established –Purpose –Operation**

A. There is established within the Olympia ~~police department~~ Police Department a traffic school to be used in conjunction with the ~~city's~~ City's traffic first offender diversion program. The traffic school shall consist of eight (8) hours of instruction and shall run during the period of the traffic grant. The school shall be taught by members of the metro traffic services unit.

B. The ~~judge of the Olympia police court~~ Municipal Court Judge may, at the ~~judge's~~ Judge's discretion, order persons convicted of a traffic offense to attend the traffic school hereby created in lieu of a monetary fine or imprisonment.

C. It is contemplated that the traffic school shall be operated in cooperation with the cities of Lacey and Tumwater on such terms and conditions as may be established.

## Chapter 2.38 POLICE AUDITOR

### 2.38.000 Chapter Contents

#### Sections:

- 2.38.010 Police Auditor.
- 2.38.020 Purpose.
- 2.38.030 Selection and compensation.
- 2.38.040 Term of service.
- 2.38.050 Termination of service.
- 2.38.060 Qualifications.
- 2.38.070 Duties and Responsibilities.
- 2.38.080 Reporting.
- 2.38.090 Confidentiality.
- 2.38.100 Independence of the Police Auditor.

### **2.38.010 Police Auditor**

The City Council may, by contract, retain the services of a Police Auditor. The Police Auditor shall be totally independent from the Police Department and shall report to the City Council.

### **2.38.020 Purpose**

The purpose of retaining a Police Auditor is to provide an independent review and audit of investigations of complaints about the Police Department and/or its employees. The specific goal is to increase public trust and confidence in the professional accountability systems of the Police Department.

### **2.38.030 Selection and Compensation**

The Police Auditor shall be selected by the City Council. The Police Auditor may be retained under a professional service contract for the term specified in this Chapter, under conditions and for compensation determined appropriate by the City Council.

### **2.38.040 Term of Service**

The term of the Police Auditor professional service contract shall be one year. The Police Auditor may be retained for further one-year terms as determined appropriate by the City Council.

### **2.38.050 Termination of Service**

The professional services contract of the Police Auditor may be terminated under the conditions set forth by the Council in the contract.

### **2.38.060 Qualifications**

The Police Auditor shall have the following minimum qualifications:

- A. A history of exemplary personal and professional conduct and integrity;
- B. The ability to establish a broad base of credibility in the community;
- C. A law degree or an advanced degree in a relevant social science;
- D. Knowledge of and experience with contemporary investigative techniques;
- E. Knowledge of labor law as applied to public safety employees;
- F. Excellent written and oral communications skills; and
- G. Facility with basic social science statistical analysis techniques.

### **2.38.070 Duties and Responsibilities**

The Police Auditor shall have duties and responsibilities set forth in this Section, as follows:

- A. The Police Auditor shall review police professional standards investigations relating to complaints about the Police Department or its employees to determine if the investigations meet the standard of being complete, thorough, objective, and fair.
- B. The number of complaint cases to be reviewed annually shall include all complaints about police employees which allege the use of excessive or unnecessary force, civil rights violations, or bias and any other cases described in the contract.
- C. Each investigative audit conducted by the Police Auditor is intended to be an impartial review of the Police Department's internal investigative process and a verification of the Department's compliance with established policy and procedure. Investigative audits shall not duplicate or interfere with any internal investigation. Materials utilized by the Police Auditor in investigative audits are confidential and anonymous, containing the name of no employee, complainant, or witness.
- D. The Police Auditor shall make a written request to the Chief of Police for further investigation whenever the Police Auditor concludes that further work is needed for an investigation to meet the established standard. The Chief of Police may respond to such requests from the Police Auditor either by providing the additional investigation or by providing the Police Auditor with a written explanation indicating the reasons why the requested investigation is not being completed. The City Manager shall be provided with a copy of the written response in all cases where the Chief of Police elects not to conduct additional investigation requested by the Police Auditor.

**2.38.080 Reporting**

At a minimum, the Police Auditor shall file a mid-year and an annual report with the City Council, and shall provide the City Manager with a copy thereof. The reports shall include, but not be limited to:

- A. A listing of each complaint case audited during the reporting period, indicating the following:
  - 1. The complaint type;
  - 2. Whether additional investigation was requested, and, if so, the type of response provided (i.e., compliance with the request or receipt of a written explanation);
  - 3. A finding on each case audited indicating either:
    - a. That the case met the established investigative standard or
    - b. After response to a request for further investigation, the case failed to meet the investigative standard;
- B. An analysis of key trends and patterns; and
- C. Recommendations for revisions to process, policy, procedure or training stemming from the audit process.

### **2.38.090 Confidentiality**

The Police Auditor shall be bound by and shall comply with all state and federal laws relating to access to and confidentiality of law enforcement records and information, and to the privacy rights of individuals. The Police Auditor shall not produce any report which contains the name of any individual police employee, complainant, or witness unless required by state law.

### **2.38.100 Independence of the Police Auditor**

At all times, the Police Auditor shall be totally independent and findings, requests for further investigations, recommendations, and reports shall reflect the views of the Police Auditor alone. No person shall attempt to undermine the independence of the Police Auditor in the performance of the duties and responsibilities set forth in 2.38.070.

## Chapter 2.40 POLICE RESERVE FORCE

### **2.40.000 Chapter Contents**

#### Sections:

- 2.40.010 Established--Appointments and supervision.
- 2.40.020 Duties.
- 2.40.030 Membership--Qualifications--Revocation.
- 2.40.040 Commanding officer--Duties.
- 2.40.050 Powers of members.
- 2.40.060 Firearms.
- 2.40.070 Compensation.

### **2.40.010 Established –Appointments and supervision**

There is created and established a police reserve force of up to thirty ~~(30)~~ members. Each member shall be appointed by the ~~chief of police~~ Chief of Police, with the approval of the ~~city manager~~ City Manager. The police reserve force shall function under the supervision of the ~~chief of police~~ Chief of Police.

### **2.40.020 Duties**

The duties of the police reserve force are to supplement the regular police force in the protection of life, property, and preservation of peace and order.

### **2.40.030 Membership –Qualifications –Revocation**

A. To be eligible for membership in the police reserve force, each applicant must file application with the ~~chief of police~~ Chief of Police, indicate the applicant's willingness to serve an average minimum of sixteen ~~(16)~~ hours per month in the public service, meet the qualifications and requirements prescribed for membership in the police reserve force, complete the training program, be appointed by the ~~chief of police~~ Chief of Police, take oath of office and be sworn in.

B. Members of the police reserve force shall:

1. Be a citizen of the United States;
2. Be trustworthy and of good moral character; and
3. Not have been convicted of a felony or any offense involving moral turpitude.

C. The ~~chief of police~~ Chief of Police is authorized to furnish each member of the police reserve force with a membership identification card and the reserve police officer is authorized to wear the prescribed uniform.

D. Membership of any person in the police reserve may be revoked at any time by the ~~chief of police~~ Chief of Police. Any member of the police reserve may resign upon notification to the ~~chief of police~~ Chief of Police. Upon separation from the organization, all equipment issued to that member by the ~~city~~ City must be turned in immediately.

#### **2.40.040 Commanding officer –Duties**

The ~~chief of police~~ Chief of Police is the commanding officer of the police reserve force. The ~~chief of police~~ Chief of Police shall be responsible for establishing a training program, promulgating rules and regulations for their conduct, prescribing their uniform, and supervising their performance of duty. The ~~chief of police~~ Chief of Police selects and appoints persons to the police reserve force and may appoint such subordinate officers as the ~~chief of police~~ Chief of Police deems suitable and necessary.

No member of the police reserve force shall be regarded as a ~~city~~ City employee for any purpose, subject to civil service rules and regulations, nor entitled to the benefits of the ~~police pension fund~~ Police Pension Fund Act (RCW Chapter 41.20) or the LEOFF Act (RCW Chapter 41.26).

#### **2.40.050 Powers of members**

Members of the police reserve force shall have all those powers vested in them by the ~~chief of police~~ Chief of Police while in the performance of officially authorized duties, but under no circumstances shall the reserve police officer exercise any power while not in the performance of duties ordered by the ~~chief of police~~ Chief of Police or the ~~chief of police's~~ Chief of Police's authorized representative.

#### **2.40.060 Firearms**

No member of the police reserve force shall carry a firearm until the member has received from the ~~chief of police~~ Chief of Police a certificate showing that the member is qualified in the use of such firearms and unless the member is on an assignment of duty in which the ~~chief of police~~ Chief of Police considers a firearm necessary.

#### **2.40.070 Compensation**

Members of the police reserve force serve without compensation, but the ~~city council~~ City Council may, in its discretion, pay all or part of the cost of furnishing uniforms and equipment and false arrest insurance when the appropriation therefor has been indicated as an item in the ~~city~~ City budget.



## Chapter 2.44 CIVIL SERVICE COMMISSION

### 2.44.000 Chapter Contents

#### Sections:

- 2.44.010 Definitions.
- 2.44.020 Created--Membership.
- 2.44.030 Organization and duties.
- 2.44.040 Coverage--Promotion and discharge.
- 2.44.050 Retroactive effect.
- 2.44.060 Qualifications for a position under civil service.
- 2.44.070 Reasons for discharge.
- 2.44.080 Procedure upon removal or demotion.
- 2.44.090 Cooperation of city officers.
- 2.44.100 Vacancy filling.
- 2.44.110 Power of ~~city council~~ City Council.
- 2.44.120 Certificate of commission required on payroll, estimate or account.
- 2.44.130 Leave of absence.
- 2.44.140 Civil suits for enforcement of chapter.
- 2.44.150 Obstruction of procedure prohibited.
- 2.44.160 Administration by commission.
- 2.44.170 Accommodations and clerical assistance.
- 2.44.180 Appropriation.
- 2.44.190 Violation--Penalty.

#### **2.44.010 Definitions**

As used in this chapter, the following terms shall have the following described meanings:

- A. "Appointing power" means the ~~city manager~~ City Manager.
- B. "Appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.
- C. "Commission" means the civil service commission created in this chapter, and "commissioner" means any one of the three commissioners of that commission.
- D. "Full-paid fire department" means that the officers and firefighters employed in such are paid regularly by the ~~city~~ City and devote their whole time to fire fighting.

#### **2.44.020 Created –Membership**

- A. There is created in the ~~city~~ City a civil service commission, which shall be composed of three persons.
- B. The members of such commission shall be appointed by the ~~city manager~~ City Manager. The members of such commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of the ~~city~~ City immediately preceding such

appointment, and an elector of Thurston County, Washington. The term of office of such commissioners shall be for six years, except that the first three members of such commission shall be appointed to different terms, as follows: one to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of such commission may be removed from office for incompetency, failure to reside in the City, incompatibility or dereliction of duty, or malfeasance in office, or other good cause; provided, however, that no members of the commission shall be removed until charges have been preferred in writing, due notice and a full hearing had. The members of such commission shall devote due time and attention to the performance of the duties specified and imposed upon them by this chapter. Two members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this chapter. At the time of any appointment not more than two commissioners shall be adherents of the same political party.

#### **2.44.030 Organization and duties**

A. Immediately after appointment the commission shall organize by electing one of its members chairperson and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

B. They shall appoint a secretary and chief examiner, who shall keep the records of the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

C. The secretary and chief examiner shall be appointed as a result of competitive examination, which examination may be either original and open to all properly qualified citizens of the ~~city~~ City, or promotional and limited to persons already in the service of the ~~fire department~~ Fire Department and ~~police department~~ Police Department or of the ~~fire department and police department~~ Fire Department and Police Department and other departments of the ~~city~~ City, as the commission may decide. The secretary and chief examiner may be subject to suspension, reduction or discharge in the same manner and subject to the same limitation as are provided in the case of members of the ~~fire department and police department~~ Fire Department and Police Department. It shall be the duty of the civil service commission:

1. To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions, and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed or multi-graphed for free public distribution. Such rules and regulations may be changed from time to time.

2. All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill.

3. The rules and regulations adopted by the commission shall provide for a credit of ten percent in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the Armed Forces of the United States, have served in and been honorably discharged from the Armed

Forces of the United States, including the Army, Navy and Marine Corps and the American Red Cross. These credits apply to entrance examinations only.

4. The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employment's affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as mentioned above, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the Superior Court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a Superior Court judge in the Superior Court judge's judicial capacity: and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such.

5. All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner, shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission; provided, however, that no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

6. To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the commission.

7. Establish and maintain in card or other suitable form a roster of officers and employees.

8. Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that persons laid off because of curtailment of expenditures, reduction in force and for like cause head the list in the order of their seniority, to the end that they shall be the first to be re-employed. All promotional examinations shall consist of at least written and oral tests, and employee performance evaluation if applicable.

9. When a vacant position is to be filled, to certify to the appointing authority, on written request, the names of those highest on the eligible list for the class, and the list shall contain a number of names equal to the number of vacancies to be filled, plus two. If there are no such lists, to authorize a

provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

10. Keep such records as may be necessary for the proper administration of this chapter.

#### **2.44.040 Coverage –Promotion and discharge**

The classified civil service and the provisions of this chapter shall include all full-paid employees of the ~~fire department and police department~~ Fire Department and the Police Department of the ~~city~~ City, excluding the ~~police chief, and the fire chief~~ Chief of Police and the Chief of Fire. All appointments to and promotions in such departments shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person shall be reinstated in, or transferred, suspended or discharged from any such place, position or employment contrary to the provisions of this chapter.

#### **2.44.050 Retroactive effect**

For the benefit of the public service and to prevent delay, injury or interruption therein by reason of the enactment of this chapter, all persons holding a position in the ~~fire department and police department~~ Fire Department and Police Department of the ~~city~~ City, including the chiefs thereof, when this chapter takes effect, who have served in such position for a period of at least six months last past continuously, are declared, eligible for permanent appointment under civil service to the offices, places, positions or employment which they shall then hold respectively, without examination or other act on their part, and not on probation. Every such person is automatically adopted and inducted permanently into civil service, into such office, place, position or employment which such person then holds as completely and effectually to all intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation.

#### **2.44.060 Qualifications for a position under civil service**

An applicant for a position of any kind under civil service must be a citizen of the United States of America, or, in the case of positions in the ~~fire department~~ Fire Department, a permanent resident alien under the United States Immigration and Naturalization Act, who can read and write the English language. An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

#### **2.44.070 Reasons for discharge**

The tenure of everyone holding an office, place, position or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

A. Incompetency, inefficiency or inattention to or dereliction of duty;

- B. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct that employee; or any willful violation of the provisions of this chapter or the rules and regulations to be adopted under this chapter;
- C. Mental or physical unfitness for the position which the employee holds;
- D. Dishonest, disgraceful, immoral or prejudicial conduct;
- E. Drunkenness or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the functions and duties of any position under civil service;
- F. Conviction of a felony, or a misdemeanor, involving moral turpitude;
- G. Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

**2.44.080 Procedure upon removal or demotion**

No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter, shall be removed, suspended, demoted or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, demoted or discharged may, within ten (10) days from the time of the person's removal, suspension, demotion or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith or cause. After such investigation the commission may affirm the removal, or if it finds that the removal, suspension or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The commission, upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge, may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade or pay. The findings of the commission shall be certified, in writing, to the appointing power, and shall be enforced by such officer.

All investigations made by the commission pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting the person's defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may appeal therefrom to the court of original and unlimited jurisdiction in civil suits of Thurston County, Washington. Such appeal shall be taken by serving the commission, within thirty (30) days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof and demanding that a certified transcript of the

record and of all papers on file in the office of the commission affecting or relating to such judgment or order be filed by the commission with such court. The commission shall, within ten (10) days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner; provided, however, that such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commissioners was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

#### **2.44.090 Cooperation of city officers**

It shall be the duty of all officers and employees of the ~~city~~ City to aid in the proper ways of carrying out the provisions of this chapter and such rules and regulations as may, from time to time, be prescribed by the commission under this chapter, and to afford the commission, its members and employees all reasonable facilities and assistance to inspect all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions and employment's, subject to civil service, and also to produce such books, papers, documents and accounts, and attend and testify, whenever required to do so by the commission or any commissioner.

#### **2.44.100 Vacancy filling**

A. Whenever a position in a classified service becomes vacant, the appointing power, if the appointing power desires to fill the vacancy, shall make requisition upon the commission for the names and addresses of persons eligible for appointment thereto. The commission shall certify the names of those highest on the list for the class, the list shall contain a number of names equal to the number of vacancies to be filled, plus two. The commission shall likewise certify that all of the persons on the list are willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the names of the same number of people standing highest upon a list appropriate for such class. The appointing authority shall appoint one of the certified persons to each such vacant position.

B. Whenever requisition is to be made or whenever a position is held by a temporary appointee and an eligible list of persons for the class exists, the commission shall certify the names of those highest on the list for the class. The list shall contain a number of names equal to the number of vacancies to be filled, plus two. The appointing power shall appoint one of the persons so certified to each vacant position. No person so certified shall be laid off, suspended or given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the commission, and then only with its consent and approval.

C. To enable the appointing power to exercise additional choice in the filling of positions, no appointment, employment or promotion in any position in the classified service shall be determined complete until after the expiration of a period of six months to one year probationary service, as may be provided in the rules of the civil service commission, during which the appointing power may terminate the employment of the person certified and previously appointed by that appointing power if during the performance test thus afforded upon observation or consideration of the performance of duty the appointing power deems that person unfit or unsatisfactory for service in the department, whereupon the appointing power shall designate one of the other persons certified and such person shall likewise enter upon such duties until some person is found who is fit for appointment, employment or promotion for the probationary period provided therefor, whereupon the appointment, employment or promotion shall be deemed to be complete.

#### **2.44.110 Power of ~~city council~~ City Council**

All offices, places, positions and employment's coming within the purview of this chapter shall be created by the ~~city council~~ City Council, and nothing contained in this chapter shall infringe upon the power and authority of the ~~city council~~ City Council to fix the salaries and compensation of all employees employed under this chapter.

#### **2.44.120 Certificate of commission required on payroll, estimate or account**

No treasurer, auditor, comptroller or other officer or employee of the city shall approve the payment of or be in any manner concerned in paying, auditing or approving any salary, wage or other compensation for services to any person subject to the jurisdiction and scope of this chapter, unless a payroll, estimate or account for such salary, wage or other compensation, containing the names of the persons to be paid, the amount to be paid to each such person, the services on account of which same is paid and any other information which, in the judgment of the civil service commission, should be furnished on the payroll, bears the certificate of the civil service commission, or of its secretary or other duly authorized agent, that the persons named in such payroll, estimate or account have been appointed or employed in compliance with the terms of this chapter and with the rules of the commission, and that the payroll, estimate or account is, so far as known to the commission, a true and accurate statement. The commission shall refuse to certify the pay of any public officer or employee whom it finds to be illegally or improperly appointed, and may further refuse to certify the pay of any public officer or employee who willfully or through culpable negligence violates or fails to comply with this chapter or with the rules of the commission.

#### **2.44.130 Leave of absence**

Leave of absence, without pay, may be granted by the appointing power to any person under civil service; provided, that such appointing power shall give notice of such leave to the commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service.

#### **2.44.140 Civil suits for enforcement of chapter**

It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter and of the rules of the commission. The commission shall be represented in such suits by the chief legal officer of the ~~city~~ City, but the commission may in any case be represented by special counsel appointed.

#### **2.44.150 Obstruction of procedure prohibited**

No commissioner or any other persons shall, by themselves or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect to the person's right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified, or persuade any other person, or permit or aid in any manner any other person to personate that person, in connection with any examination or registration or application or request to be examined or registered.

#### **2.44.160 Administration by commission**

It shall be the duty of the commission appointed subject to the provisions of this chapter to immediately organize and see to it that the provisions thereon are carried into effect, and to this end to make suitable rules and regulations not inconsistent with the purpose of this chapter, for the purpose of carrying the provisions thereof into effect; and the failure upon the part of the commission, or any individual member thereof, to do so shall be deemed a violation of this chapter and shall be punishable as such.

#### **2.44.170 Accommodations and clerical assistance**

The ~~city~~ City shall provide the commission with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the commission and with such clerical assistance as may be necessary, all of which is to be commensurate with the number of persons in the ~~city~~ City coming within the purview of this chapter; and the failure upon the part of the duly constituted authorities to do so shall be considered a violation of this chapter, and shall be punishable as such.

#### **2.44.180 Appropriation**

For the purpose of carrying out the provisions of this chapter, the ~~city~~ City is authorized to appropriate from the ~~general fund~~ General Fund not to exceed four-tenths of one percent of the total payroll of those included under the jurisdiction and scope of the chapter; provided, however, that if the ~~city council~~ City Council makes an appropriation for the support of the commission equal to or more than the continuing appropriation in any year, this section shall not be operative for said year, but otherwise shall be in full force and effect.

#### **2.44.190 Violation –Penalty**

Any person who willfully violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars and by imprisonment in the ~~county~~ County jail for not longer than thirty (30) days, or by both such fine and imprisonment. The court of original and unlimited jurisdiction in civil suits shall have jurisdiction of all such offenses defined by this chapter.

## Chapter 2.64 OFFICERS' COMPENSATION

### 2.64.000 Chapter Contents

Sections:

2.64.010 Appointive officers--Salary.

#### **2.64.010 Appointive officers –Salary**

The salaries of the appointive officers of the ~~city~~ City shall be determined annually by the ~~city council~~ City Council as deemed appropriate in the budget process.



## Chapter 2.68 CITY OFFICE HOURS

### 2.68.000 Chapter Contents

#### Sections:

2.68.010 Designated.

### **2.68.010 Designated**

The offices of the ~~city~~City shall be kept open for the transaction of business during weekdays from eight a.m. until five p.m.; provided, however, said offices shall remain closed during such holidays as may be prescribed by state law and/or ~~city~~City ordinance.

## Chapter 2.70 LEGAL DEFENSE FOR ACTS OR OMISSIONS

### 2.70.000 Chapter Contents

#### Sections:

- 2.70.010 Circumstances where City will defend.
- 2.70.020 Determination of acts covered by this chapter.
- 2.70.030 Payment of any settlement or judgment.
- 2.70.040 Definitions.
- 2.70.050 Insurance coverage.
- 2.70.060 Bargaining unit contract.
- 2.70.070 Punitive damages.

### **2.70.010 Circumstances where City will defend**

The City of Olympia shall at the request of any City officer, employee or volunteer defend at the City's expense said officer, employee or volunteer in any claim and/or litigation arising from any conduct, acts or omissions of such officers, employees or volunteers, under the following circumstances:

- A. If the acts or omissions were in good faith intended to be within the scope of the officer's, employee's or volunteer's official duties with the City of Olympia, as determined under Section 2.70.020 below;
- B. If and when a claim for damages is filed with the City, the officer, employee or volunteer, as soon as practicable, gives the City Manager's office a report on the incident involved, identifying the officers, employees or volunteers involved, giving information with respect to time, place and circumstances relative thereto and the names and addresses of witnesses or any other person with knowledge of the incident;
- C. If throughout the proceeding, the officer, employee or volunteer cooperates with the City Manager's office, City Attorney's office or any representative of an insurance adjustment firm or insurance authority or company retained by the City, or to which the City is a member, in the handling of any such claim and/or litigation by attending meetings, giving interviews, depositions, attending hearings and trials and assisting in securing and giving evidence and obtaining the attendance of witnesses;

D. If the officer, employee or volunteer has not or does not voluntarily, without authority from the City, assume any obligation, or commit to any responsibility arising out of the incident involved which gives rise to any loss or damage, except at the personal expense and cost of the officer or employee.

#### **2.70.020 Determination of acts covered by this chapter**

The determination whether the officer, employee or volunteer was acting in good faith within the scope of the officer's, employee's or volunteer's official duty with the City shall be made by the City Manager's office in consultation with the City Attorney. This determination shall be based on an investigation of the acts and circumstances surrounding the incident and shall be made as early in the proceedings as is reasonably possible. Once the determination is made, the officer, employee or volunteer involved shall be notified by the City Manager in writing. If the employee involved is the City Manager, the determination shall be made by the City Council. Any determination made under this section shall not be subject to appeal.

If the investigation reveals that the claim or action arose from any dishonest, fraudulent, criminal or malicious acts or omissions of the officer, employee or volunteer, such acts or omissions shall in no event be deemed within the scope of the officer's, employee's or volunteer's official duties for purposes of this chapter.

#### **2.70.030 Payment of any settlement or judgment**

Should it be determined pursuant to this chapter that an officer, employee or volunteer acted in good faith within the scope of the officer's, employee's or volunteer's official duties, any settlement, award or judgment against said officer, employee or volunteer shall be paid by the City or by its insurance carrier as provided below; provided, that if during the course of further investigation, trial discovery or trial it is found that any officer, employee or volunteer in fact did not act in good faith within the scope of the officer's, employee's or volunteer's official duties, any obligation of the City hereunder to defend and/or pay any monetary settlement, award or judgments may in the discretion of the City Manager be discontinued. If the officer or employee is the City Manager, the latter determination shall be made by the City Council.

#### **2.70.040 Definitions**

For purposes of this chapter, the term "officers" or "employees" shall mean all paid employees of the City, whether full-time or part-time, temporary or permanent. A person shall not be deemed an officer or employee simply because the person receives reimbursement for travel or other similar payments incident to some activity performed on behalf of the City. The term "officers" shall for purposes of this ordinance include members of the City Council.

The term "volunteer" shall mean any person performing services on behalf of and at the request of the City and who receives no compensation for such services. The fact that the person receives reimbursement for out of pocket expenses incident to such services, is covered by the City for worker's compensation or is covered under the City's liability insurance plan shall not affect the person's status as a volunteer.

#### **2.70.050 Insurance coverage**

Nothing contained in this chapter shall be construed to modify or amend any provision of any insurance coverage either through the Washington Cities Insurance Authority or another carrier, wherein the City or any officer, employee or volunteer is the named insured. In the event that any conflict exists between this chapter and the provisions of any such policy of insurance or coverage, the policy or coverage provision shall be controlling; provided, however, that nothing contained in this section shall be deemed to limit or restrict any

employee's, officer's or volunteer's rights to full coverage pursuant to this chapter, it being the intention of this chapter to provide, if necessary, complete coverage outside and beyond insurance policies or coverage which may be in effect while not compromising the terms and conditions of such policies or coverage by any conflicting provision contained in this chapter. Nothing in this chapter shall preclude the City from undertaking an officer's, employee's or volunteer's defense under a reservation of rights.

#### **2.70.060 Bargaining unit contract**

If a bargaining unit contract covers any of the provisions of this chapter, all employees under such contract shall be governed by the provisions thereof, rather than by the provisions of this chapter, and where any conflict exists between the provisions of any such contract in this chapter, the contract shall control.

#### **2.70.070 Punitive damages**

When an officer, employee or volunteer of the City has been represented in a claim and/or litigation by the City pursuant to this chapter and any judgment is rendered against such officer, employee or volunteer for punitive damages, the officer, employee or volunteer may make a request to the City Council that the City pay the award of punitive damages on behalf of the officer, employee or volunteer. Upon receiving a request made by or on behalf of a City officer, employee or volunteer to pay punitive damages, the City Council shall receive a report and recommendation from the City Manager. If the officer or employee is the City Manager or a City Councilmember, the City Council may retain the services of any person or agency to provide any report or information deemed necessary. Following receipt of the report and any recommendation, the City Council shall determine whether the best interest of the City and justice will be served by payment by the City of the award for punitive damages. There shall be no appeal from such determination. The Mayor shall communicate the Council's determination with respect to the officer's, employee's or volunteer's request for payment of punitive damages to said officer, employee or volunteer. Thereafter, the ~~Director of Administrative Services~~Finance Director shall authorize payment of punitive damages or decline to pay punitive damages in conformity with the Council's determination.

## Chapter 2.72 DEFENSE OF ELECTED OFFICIALS IN RECALL PROCEEDINGS

### 2.72.000 Chapter Contents

#### Sections:

- 2.72.010 Payment of defense expenses in recall judicial proceedings; authority.
- 2.72.020 Payment of defense expenses in recall judicial proceedings; procedure.
- 2.72.030 Payment of defense expenses in recall judicial proceedings; costs on appeal.
- 2.72.040 Payment of defense expenses in recall judicial proceedings; definitions.

#### **2.72.010 Payment of defense expenses in recall judicial proceedings; authority**

The City Council shall consider any request by an elected official of the City of Olympia to pay the necessary expenses of defending such officer in a judicial proceeding convened to determine the sufficiency of a recall charge. The decision of the Council shall be made by motion in open meeting. The ~~council~~Council shall approve the request if, upon considering all relevant and available information, it determines that reasonable evidence exists that the acts or omissions did not occur as alleged in the petition for recall.

The City Attorney shall likewise determine if any such request should be approved. The City Attorney shall approve the request if the City Attorney determines from the wording of the petition that a reasonable legal position can be established that the charge(s) is not "sufficient" for purposes of RCW 4.96.041.

#### **2.72.020 Payment of defense expenses in recall judicial proceedings; procedure**

Any request for payment by the City of recall defense costs must be made no later than ten (10) days after receipt of the petition. The request shall include a copy of the recall petition and may include any additional information deemed relevant by the elected official involved.

The City Council and City Attorney shall render their decision within fourteen (14) days of receipt of the request. The decision of the Council and City Attorney shall be made in writing and may not be appealed.

#### **2.72.030 Payment of defense expenses in recall judicial proceedings; costs on appeal**

Should the issue of sufficiency of the recall charge be appealed by either the petitioner or the elected official to the Supreme Court, the decision by the City Council and City Attorney as provided in this ordinance shall apply to the costs of such appeal.

#### **2.72.040 Payment of defense expenses in recall judicial proceedings; definitions**

A. Elected Official. For purposes of this ordinance, the term "elected official" shall include all members of the Olympia City Council and the Olympia Municipal Court Judge when the current term of the Municipal Court Judge expires and the position, if full-time, is filled by election.

B. Necessary expenses. For purposes of this ordinance, the term "necessary expenses" shall include all out-of-pocket expenses incurred in the judicial proceeding, including any applicable court costs, litigation costs and reasonable attorneys fees. Costs of any campaign with respect to a petition or recall election shall not be considered necessary expenses.

## Chapter 2.74 MISCELLANEOUS, ADMINISTRATION

### 2.74.000 Chapter Contents

#### Sections:

- 2.74.010 Credit cards, obligations to City.
- 2.74.020 Cashing of employee checks.
- 2.74.030 Membership of City Employees.

#### **2.74.010 Credit cards, obligations to City**

The ~~City Treasurer (Director of Administrative Services)~~ Finance Director is hereby authorized to establish procedures for the acceptance of credit cards for payment of City fees and charges, and fines and forfeitures. Costs associated with the use of credit cards may be assessed against the paying party, if allowed by the credit card issuing organization, or assumed as a cost of business or as a reduction of revenue as determined by the ~~City Treasurer~~ Finance Director.

#### **2.74.020 Cashing of employee checks**

The ~~City Treasurer (Director of Administrative Services)~~ Finance Director is hereby authorized to establish procedures for the exchange of cash for a payroll check, draft or warrant from a City officer or employee; expense check, draft or warrant from a City officer or employee; or personal check from a City officer or employee. At a minimum the following conditions shall be established:

- A. The check, warrant or draft must be drawn to the order of cash or bearer and be immediately payable by a drawee financial institution;
- B. The person presenting the check, draft or warrant to the City must produce photo identification;
- C. Any payroll check, draft or warrant or expense check, draft or warrant must have been issued by the City of Olympia; and
- D. Personal checks cashed pursuant to this authorization cannot exceed \$200.00.

#### **2.74.030 Membership of City Employees**

No person under the employment of the City of Olympia, whether permanent or temporary, shall, while so employed, be eligible to be a member of an Olympia City Council advisory board, commission, or committee.

## Chapter 2.82 DOMESTIC PARTNERSHIP REGISTRY

### 2.82.000 Chapter Contents

#### Sections:

- 2.82.010 Domestic Partnership Registry Program--Established.
- 2.82.020 Purpose.
- 2.82.030 Definitions.
- 2.82.040 Residency.
- 2.82.050 Implementation of Program.
- 2.82.060 Termination of Registration.

#### **2.82.010 Domestic Partnership Registry Program--Established**

There is hereby established for the City of Olympia a Domestic Partnership Registry Program. The fee for participation in the program shall be \$25 per partnership.

#### **2.82.020 Purpose**

The purpose of the Domestic Partnership Registration Program is to give unmarried couples in committed, ongoing family relationships the opportunity to document that relationship. By this means, the diversity of family configurations existing within our society is recognized.

### **2.82.030 Definitions**

For purposes of this ordinance, domestic partners shall consist of two people 18 years of age or older who share the same regular and permanent residence and neither of whom is married or related by blood in a manner that would bar their marriage in the State of Washington. It is intended that domestic partners be people who have a relationship of mutual support, caring, and commitment, and are each other's sole domestic partner.

### **2.82.040 Residency**

Neither domestic partner need be a resident of the City of Olympia.

### **2.82.050 Implementation of Program**

The City Manager shall promulgate necessary rules and regulations to implement the provisions of this ordinance. The registration forms and register shall be maintained by the City Clerk's office.

### **2.82.060 Termination of Registration**

At the request of either domestic partner, a domestic partnership shall be removed from the Domestic Partnership Register. A termination form must be signed by at least one of the partners as provided in the rules promulgated by the City Manager.

## Chapter 2.100 CITIZEN-MEMBER BOARDS, COMMISSIONS AND ADVISORY COMMITTEES

### 2.100.000 Chapter Contents

Sections:

#### Article I. CITIZEN-MEMBER BOARDS, COMMISSIONS AND ADVISORY COMMITTEES APPOINTED BY THE OLYMPIA CITY COUNCIL

- 2.100.010 Purpose.
- 2.100.020 Committees Established.
- 2.100.030 List - Citizen -Member Committees Appointed by the Olympia City Council.
- 2.100.040 Members.
- 2.100.050 Term of Office.
- 2.100.060 Vacancies.
- 2.100.070 Rules of Procedure and Bylaws.
- 2.100.080 Annual Work Plan.
- 2.100.090 Staff Liaison Support.

## Article II. ARTS COMMISSION

- 2.100.100 Established - Purpose.
- 2.100.110 Duties of Commission.
- 2.100.120 Budget.
- 2.100.130 Public Art –Purpose.
- 2.100.140 Public Art--Duties of Commission.
- 2.100.150 Public Art--Allocation of Municipal Funds.
- 2.100.160 Public Art--Definitions.
- 2.100.170 Public Art--Funds for Public Art.
- 2.100.180 Public Art--Municipal Art Fund.
- 2.100.190 Public Art--Administrative Guidelines –Public Art, Art Programs and Services.
- 2.100.200 Public Art--Maintenance and Conservation of Public Art.
- 2.100.210 Donations for Community Art Programs and Services; City Manager Authorized to Accept.
- 2.100.220 Donations for Community Art Programs and Services; Application of Ordinance.
- 2.100.230 Donations for Community Art Programs and Services; Community Arts Account Established.
- 2.100.240 Appropriation of Donations for Art Programs and Services.

## Article III. BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

- 2.100.250 Established -- Purpose.
- 2.100.270 Duties.

## Article IV. LODGING TAX ADVISORY COMMITTEE

- 2.100.280 Established--Purpose.
- 2.100.290 Membership--Appointment.
- 2.100.300 Duties.
- 2.100.310 Relationship between the Lodging Tax Advisory Committee and City Council.

## Article V. PARKS AND RECREATION ADVISORY COMMITTEE

- 2.100.320 Established--Purpose.
- 2.100.340 Duties.

## Article VI. PLANNING COMMISSION

- 2.100.350 Established – Membership – Purpose.
- 2.100.360 Duties.
- 2.100.370 Powers of City Council.
- 2.100.380 Use Districts –Development Plan.
- 2.100.390 Comprehensive Plan –Purpose and Preparation.
- 2.100.400 Comprehensive Plan –Public Hearing--Copy Filing.
- 2.100.410 Comprehensive Plan –Modification Procedure.

## Article VII. UTILITY ADVISORY COMMITTEE

- 2.100.420 Established –Purpose.
- 2.100.440 Powers and Duties.

Article VIII. CITIZEN REPRESENTATIVES FOR POLICE USE OF FORCE EVENTS

2.100.500 Established –Purpose.

2.100.520 Qualifications.

2.100.530 Duties

NOTE: See OMC Chapter 18.76 for Design Review Board and OMC Chapter 18.84 for Heritage Commission-Historic Preservation.

**Article I. CITIZEN-MEMBER BOARDS, COMMISSIONS AND ADVISORY COMMITTEES APPOINTED BY THE OLYMPIA CITY COUNCIL**

**2.100.010 Purpose**

The purpose of this chapter is to create specific citizen-member committees appointed by the City Council, and provide uniform policies for the committees enabled herein, to the extent possible.

**2.100.020 Committees Established**

All citizen-member committees appointed by the City Council shall be established by Ordinance of the City Council and which shall contain a statement of purpose and of duties. Except as may be otherwise provided by ordinance, the committees appointed by Council are advisory in nature.

**2.100.030 List - Citizen –Member Committees Appointed by the Olympia City Council**

The committees appointed by the City Council are:

- A. Arts Commission (See OMC 2.100.100 - 2.100.240)
- B. Bicycle and Pedestrian Advisory Committee (See OMC 2.100.250 - 2.100.270)
- C. Design Review Board (See OMC 18.76)
- D. Heritage Commission (See OMC 18.12)
- E. Lodging Tax Advisory Committee (See OMC 2.100.280 - 2.100.310)
- F. Parks and Recreation Advisory Committee (See OMC 2.100.320 - 2.100.340)
- G. Planning Commission (See OMC 2.100.350 - 2.100.410)
- H. Utility Advisory Committee (See OMC 2.100.420 - 2.100.440)
- I. Citizen Representatives for Police Use of Force Events (See OMC 2.100.500 – 2.100.520)

**2.100.040 Members**

A. Number of Members. Except as may be otherwise be provided in this chapter, each committee shall consist of nine (9) members appointed by the City Council.



B. Residency. Except as may be otherwise provided in the Olympia Municipal Code regarding a specific committee, the majority of members on each committee shall reside within the corporate limits of the City of Olympia or the City of Olympia Urban Growth Area.

1. This provision shall not apply to a committee member when there is a member vacancy during a term of office resulting in less than a majority of the remaining members residing within the corporate limits of the City of Olympia or the Urban Growth Area. In this case, the residency requirement may be suspended for the remainder of the term that was vacated.

C. Compensation. All committee members shall serve without compensation.

D. Appointment.

1. Members are appointed by majority vote of the Olympia City Council in an open public meeting.

2. Members serve at the discretion of the City Council, and may be removed from office for any reason by majority vote of the City Council in a public meeting.

3. City employees are not eligible for appointment to a committee during the term of their employment with the City.

E. Recruitment. The City Council's General Government Committee shall develop and implement a public process to recruit potential committee members.

F. Diversity. Given the applicant pool and qualifications at the time of member recruitment, the City Council shall strive, to the best of its ability, to achieve diversity in geographic residence within the City, gender, age, profession, and ethnicity on each committee. Except as may otherwise be provided by ordinance, no geographic, gender, age, profession, nor ethnicity restrictions shall be placed on applicant eligibility.

G. Non-Partisan. All positions are non-partisan.

#### **2.100.050 Term of Office**

A. The term of office for committee positions shall be three (3) years, and such terms shall commence on April 1.

B. The terms shall be staggered so that as near as possible one-third of each committee's membership shall expire each year.

C. Terms shall be limited to three (3) full terms, nine (9) years, on any one committee (except the Design Review Board, the Heritage Commission, and the Citizen Representatives for Police Use of Force Events). Partial terms will not be counted toward the number of terms considered. Citizens who have reached the term limit on any one committee remain eligible to apply and serve on a different committee. Upon a motion properly made and seconded, the City Council may waive a term limit restriction upon a vote of a majority of the City Council.

**2.100.060 Vacancies**

- A. Vacancies on committees occurring during the term of office shall be filled based upon on a timeline determined by the City Council’s General Government Committee.
- B. Any person appointed to fill a vacancy shall be appointed for the remainder of the unexpired term.

**2.100.070 Rules of Procedure and Bylaws**

The General Government Committee of the City Council shall establish Rules of Procedure and Bylaws for committees.

**2.100.080 Annual Work Plan**

Each committee, except the Design Review Board, and Citizen Representatives for Police Use of Force Events, shall present an annual work plan to the City Council for approval in a format and within parameters determined by the City Council’s General Government Committee. Substantive changes to the work plan after approval by the City Council shall be submitted to the General Government Committee for consideration and recommendation to the full Council.

**2.100.090 Staff Liaison Support**

The City Manager, or designee, shall appoint a primary staff liaison for each committee to ensure that meeting notifications and recordkeeping occurs consistent with applicable State laws; to provide professional guidance, issue analysis and recommendations; to assist the committee with research, report preparation, and correspondence in keeping with the committee’s Council-approved work plan; and to perform other committee liaison duties as may be assigned by the City Manager or designee.

**Article II. ARTS COMMISSION**

**2.100.100 Established--Purpose**

There is hereby established an Arts Commission (the Commission) to accomplish the following:

- A. To promote and encourage public programs to further the development and public awareness of, and interest in, the fine and performing arts and the cultural heritage of the area; and
- B. To advise the City Council in connection with the artistic and cultural development of the Olympia area; and
- C. To provide local artistic and cultural services to citizens of the Olympia area by making available to the City and its citizens expertise on the subject of visual and performing arts and cultural heritage; and
- D. To encourage donations, grants or other support to further expand artistic, cultural programs and services for the citizens of the Olympia area; and
- E. To reach out to and work with the governments, institutions and citizens of neighboring jurisdictions in connection with these purposes, and ultimately to include representatives of said jurisdictions on the commission.

### **2.100.110 Duties of Commission**

The Commission is empowered to take the following actions:

- A. To encourage, conduct, sponsor or cosponsor, on behalf of the City, public programs to further the development and public awareness of, and interest in, the fine and performing arts, and the area's cultural heritage;
- B. To provide recommendations to the City Council and other groups on cultural and artistic endeavors and projects in which the City becomes involved and to act as a representative of the community in such matters;
- C. To advise the City Council concerning the receipt of or purchase of works of art to be placed on municipal property;
- D. To encourage donations, grants and other support to further expand arts and cultural services and programs available to citizens of Olympia and the region;
- E. To encourage participation in local artistic and cultural events and programs by citizens and governments of neighboring jurisdictions;
- F. Review all proposed donations for art programs and services to ensure that such donations are consistent with the goals of the Commission and the authority of the City of Olympia. After such review, submit a recommendation on the proposed donation(s) to the ~~director~~Director of the Parks, Arts, and Recreation Department and the City Manager for formal acceptance or rejection provided the donation is under \$10,000 in value;
- G. Prepare and recommend to the City Council a plan that outlines the expenditures of donations received and held in the Community Art Account for art programs and services;
- H. To take such other actions as the City Council may direct from time to time.

### **2.100.120 Budget**

The Commission's programs and operating expenses shall be funded from the City ~~general fund~~General Fund and from grants, donations and other like sources. The City Manager shall include said budget within the annual operating budget of the City.

### **2.100.130 Public Art--Purpose**

The City wishes to expand experience with visual and performing art. Such art has enabled people in all societies to understand more clearly their communities and individual lives. Artists capable of creating art for public places must be encouraged and Olympia's standing as a regional leader in public art enhanced. A policy is therefore established to direct the inclusion of works of art in public works of the City and to explore means for encouraging artists to live and work in Olympia. When opportunities and funding allow, the City may also support performing art in public places when such performing art is consistent with the Municipal Art Plan.

### **2.100.140 Public Art--Duties of Commission**

To carry out its responsibilities hereunder, the Commission shall:

- A. Prepare and recommend to the City Council for approval a Municipal Art Plan and guidelines to carry out the City's Public Art Program, which shall include, but not be limited to:
  - 1. a method for the selection of artists or works of art and for placement of works of art at municipally owned, leased or rented property;
  - 2. support of performing art programs, if consistent with the Municipal Art Plan.
- B. Recommend purchase of works of art or commission the design, execution and/or placement of works of art. The arts program staff shall advise the department responsible for a particular construction project of the Arts Commission's recommendation regarding the design, execution and/or placement of a work of art in connection with such construction project.
- C. Review all proposed donation of works of art to the City, proposed donation of funds for the acquisition of works of art, if restricted or dedicated in any way, and proposed donation of sites for works of art to ensure that such donations are consistent with the goals of the Commission and the City.
- D. Promulgate rules and regulations consistent with Sections [2.100.130](#) through [2.100.170](#) to facilitate the implementation of the Arts Commission's responsibilities.

### **2.100.150 Public Art--Allocation of Municipal Funds**

Sections [2.100.130](#) through [2.100.170](#) of this chapter provide allocation of certain municipal funds for the purpose of selecting, acquisitioning and installing art works in public places and further provides that moneys collected be held in a "Municipal Art Fund" to be expended for projects and programs as prescribed in the "Municipal Art Plan" to be developed by the Arts Commission. All works of art purchased and commissioned under the Municipal Art Plan shall become a part of the City art collection developed, administered, and operated by the City Arts Program.

Moneys in the Municipal Art Fund may also be used for the following:

- 1. toward the creation of a live/work housing project for local artists;
- 2. toward the City's Public Art, as provided in the Municipal Art Plan.

### **2.100.160 Public Art--Definitions**

- A. "Commission" means the Olympia Arts Commission.
- B. "Conservation" means those activities required to conserve, repair, or preserve the integrity of the art work and setting within which the art work is located.

C. "Construction project" means any capital project paid for wholly or in part by the City to construct any building, structure, park, street, sidewalk, or parking facility, or any portion thereof, within the limits of the City.

D. "Municipal Art Plan" means a plan outlining the City expenditures of designated funds for Public Art projects for a one-year period.

E. "Public Art" includes visual and performing arts.

F. "Routine maintenance" means:

1. Those activities associated with keeping an art work and its setting clean and well-ordered; and
2. The removal of graffiti, if it can be accomplished employing effective, pre-approved methods.

#### **2.100.170 Public Art--Funds for Public Art**

Moneys for the Municipal Art Fund shall be secured through the following methods:

A. An annual amount equaling up to one dollar per capita may be appropriated from the City's ~~general fund~~ General fund for Public Art; and

B. All requests for appropriations from the ~~general fund~~ General Fund for new construction projects visible and usable by the public, and exceeding five hundred thousand dollars shall include an amount equal to one percent of the estimated construction cost of such project for Public Art.

C. The ~~arts program manager~~ Arts Program Manager, in consultation with ~~city~~ City management and department directors, may suggest to the City Council other appropriate funds on a project basis.

#### **2.100.180 Public Art--Municipal Art Fund**

There is established in the City treasury a special fund designated "Municipal Art Fund" into which shall be deposited funds appropriated as contemplated by Section 2.100.170, together with gifts or bequests to the City for such purpose, and other funds as the City Council shall appropriate for Public Art, and from which expenditures may be made for specific Public Art in accordance with the Plan specified in Section 2.100.140. Moneys in the Municipal Art Fund may also be used toward the creation of a live/work housing project for local artists. Separate accounts shall be established within the Municipal Art Fund to segregate receipts by source or, when so directed by the City Council, for specific works of art. A percentage of the Municipal Art Fund will be appropriated for administrative costs associated with the project. Arts program staff salaries will not be funded from the Municipal Art Fund, except where specifically provided for art conservation. Donations received for Public Art projects and purposes shall be administered pursuant to applicable policies adopted by the City.

The interest accruing in the Municipal Art Fund shall be segregated as an art conservation reserve. Moneys held in the art conservation reserve may be expended for staff time, professional services, supplies, and operating costs associated with the conservation, repair, restoration, or maintenance of works of Public Art as prescribed in an annual maintenance plan to be developed by the Arts Commission. In the event that excess funds are accumulated in the art conservation reserve, a percentage of reserve funds may be expended for special maintenance projects as recommended by the Arts Commission and approved by the City Council.

### **2.100.190 Administrative Guidelines--Public Art, Art Programs and Services**

The City Manager or designee is hereby authorized to promulgate administrative guidelines to carry out the provisions of Sections 2.100.130 through 2.100.240. Any major changes to said guidelines shall be submitted to the ~~council~~Council for review.

### **2.100.200 Public Art--Maintenance and Conservation of Public Art**

Routine maintenance of works of Public Art shall be performed by the Parks, Arts and Recreation Department consistent with the artist's specifications whenever possible. Minor routine costs shall be borne by the Parks, Arts and Recreation Department's budget. When routine maintenance costs exceed the resources of the Parks, Arts and Recreation Department, the Commission, in consultation with the arts program staff, may recommend the expenditure of art conservation reserve funds to support the cost of supplies and labor to perform routine maintenance.

Conservation, repair, and restoration of works of Public Art, once determined to be required by arts program staff and the Arts Commission, shall be performed by the artist or other contractor and the costs shall be fully born by the arts conservation reserve.

### **2.100.210 Donations for Community Art Programs and Services; City Manager Authorized to Accept**

The City Manager is hereby authorized to accept on behalf of the City of Olympia donations for community art programs and services valued at less than \$10,000 and to carry out any conditions of the donation, so long as such conditions are within the authority of the City. The City Manager will, for each donation, communicate an appropriate acknowledgment of acceptance on behalf of the City of Olympia and an expression of appreciation.

Prior to making the City Manager's determination whether to accept a donation or whether any condition thereof is within the authority of the City, the City Manager shall receive and review the recommendation of the Arts Commission and the Director of the Parks, Arts and Recreation Department.

### **2.100.220 Donations for Community Art Programs and Services; Application of Ordinance**

Sections 2.100.210, 2.100.230, 2.100.240 of this Chapter shall govern the receipt, holding and allocation of funds donated to the City only for the purpose of supporting community art programs and services.

### **2.100.230 Donations for Community Art Programs and Services; Community Arts Account Established**

There is a special revolving account designated the "Community Arts Account" within the Special Accounts Control Fund. Donated funds received for community art programs and services pursuant to Sections 2.100.210, 2.100.230, and 2.100.240 shall be deposited into the "Community Arts Account." Funds held within the Community Arts Account shall be expended upon appropriation for arts programs and services set forth in the Municipal Art Plan for such programs and services approved by the City Council.

### **2.100.240 Appropriation of Donations for Art Programs and Services**

Any donation given and received without conditions may be appropriated, pursuant to the Municipal Art Plan, for the enhancement or expansion of existing ~~city~~City art programs and services, or for the development of

new art programs or services. If an approved donation is conditional, it shall be deposited in the Community Arts Account and may be used only for purposes set forth in the condition. In either event, a proper credit shall be given to the fund source, such as "this program sponsored by the City of Olympia Arts Commission with support provided by the Community Arts Account." Enhanced or expanded art programs and services funded from the Community Arts Account will continue only if funds are available to continue such programs.

### **Article III. BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE**

#### **2.100.250 Established--Purpose**

There is hereby established a Bicycle and Pedestrian Advisory Committee of Olympia to advise the City Council on the encouragement and facilitation of the use of bicycles and walking as regular means of transportation or recreation, and provide for pedestrian and bicycle safety needs.

#### **2.100.270 Duties**

The Bicycle and Pedestrian Advisory Committee shall have the following duties:

- A. Oversee the development of a bicycling master plan for approval by the ~~council~~ Council and propose plan amendments as appropriate based on an annual review. Oversee the development of a pedestrian master plan for approval by the City Council and propose amendments as appropriate based on an annual review;
- B. Establish a list of recommended bicycle and pedestrian facility priorities for consideration during the City's annual review of capital improvement projects;
- C. Review preliminary plans for creating/enhancing bicycle and pedestrian facilities;
- D. Make recommendations on roadway design standards;
- E. Share information about existing and proposed bicycling and pedestrian programs with other community groups concerned with bicycle and pedestrian programs and safety;
- F. Make recommendations on any bicycle/pedestrian matters with an emphasis on policy and planning issues;
- G. Periodically review the results of implementation of City development standards and policies to ensure that the bicycle and pedestrian related goals in the Olympia Comprehensive Plan are being constructively addressed;
- H. Advise the City Council on citizen concerns on bicycle and pedestrian transportation matters;
- I. Other duties as appropriate.

**Article IV. LODGING TAX ADVISORY COMMITTEE**

**2.100.280 Established--Purpose**

There is hereby established a Lodging Tax Advisory Committee to advise the City Council on potential annual uses of the lodging tax imposed and collected by the City of Olympia.

**2.100.290 Membership--Appointment**

A. There shall be five (5) members of the Lodging Tax Advisory Committee, one (1) of whom shall be a member of the Olympia City Council, two (2) of whom shall be representatives of businesses required to collect the lodging tax, and two (2) of whom shall be persons involved in activities eligible to be funded by revenue received from the lodging tax.

B. The City Council representative shall serve as committee chair. The appointment of the City Council member will be determined annually by the City Council.

**2.100.300 Duties**

The Lodging Tax Advisory Committee shall have the following powers and duties:

A. Establish a process for and make recommendations to the City Council concerning potential uses for the lodging tax levied and collected by the City of Olympia within guidelines established by the City Council; and

B. Annually review and report to the City Council on the effectiveness of the use of the lodging tax in meeting the goals and parameters for the tax as adopted by the Olympia City Council.

**2.100.310 Relationship Between the Lodging Tax Advisory Committee and the Olympia City Council**

A. The annual recommendations of the Lodging Tax Advisory Committee on potential uses of that tax and the report on effectiveness of the lodging tax in meeting the goals adopted by the City Council shall be made to the Olympia City Council in a timely manner prior to or as part of ~~council~~Council consideration of the following year's ~~city~~City budget.

B. The Lodging Tax Advisory Committee shall inform citizens and groups that its work is advisory in nature only, and that the City Council decides how to use the lodging tax.

**Article V. PARKS AND RECREATION ADVISORY COMMITTEE**

**2.100.320 Established--Purpose**

There is hereby established a Parks and Recreation Advisory Committee to advise the City Council on recreation matters enumerated in this chapter.

**2.100.340 Duties**

The Parks and Recreation Advisory Committee shall have the following powers and duties:



- A. To make recommendations to the City Council concerning the future park, playground and other recreation resources of the City through the planning and development of a parks capital improvement plan;
- B. To update the Comprehensive Park Plan to comply with the Interagency Committee for Outdoor Recreation Grant in Aid programs;
- C. To make recommendations to the City Council regarding planning and development of public recreational facilities and programs;
- D. To cooperate with any departments and advisory bodies of the City and with public school authorities, Thurston County, the State of Washington, other cities and public and private entities in the furtherance of a well rounded parks and recreation program;
- E. To make recommendations to the City Council on rules and regulations regarding use of ~~city~~ City recreational facilities to best serve the interests of the public;
- F. To serve as liaison between citizens and the City Council on parks and recreation related matters;
- G. To make recommendations to the City Council regarding any matters affecting parks and recreation programs;
- H. If requested by the City Council or City Manager, to provide advice regarding the employment of parks and recreation personnel;
- I. To carry out other parks and recreation related subjects assigned by the City Council or by ordinance.

## **Article VI. PLANNING COMMISSION**

### **2.100.350 Established – Membership – Purpose**

There is hereby established in the City, pursuant to RCW [35A.63.020](#), a Planning Commission, consisting of nine (9) members, to advise the City Council on the long range growth and development of Olympia, including changes to the City's Comprehensive Land Use Plan and zoning ordinance.

### **2.100.360 Duties**

The Planning Commission is authorized and empowered to act as the research and fact-finding agency of the City. To that end, it may make surveys, provide analysis, undertake research, and make reports as generally authorized or requested by the City Council. The Planning Commission, upon such request or pursuant to such authority, may:

- A. Make inquiries, perform investigations and surveys concerning the resources of the City;
- B. Assemble and analyze any data obtained and formulate plans for the conservation of such resources and the systematic utilization and development thereof;
- C. Make recommendations from time to time as to the best methods of such conservation; utilization and development; and

D. Cooperate with other public agencies in such planning conservation and development.

#### **2.100.370 Powers of City Council**

The City Council is authorized and empowered to provide for the preparation by the Planning Commission and the adoption and enforcement of coordinated plans for the physical development of the City. For this purpose the City Council, as is deemed reasonably necessary or requisite in the interest of the health, safety, morals, and the general welfare, upon recommendation by its Planning Commission, by general ordinances of the City, may regulate and restrict the location and the uses of buildings and structures for residential, commercial, industrial and other purposes; the height, number of stories, size, construction and design of buildings and other structures; the size of yards, courts and other open spaces on the lot or tract; the density of population; the setback of buildings along highways, parks, or public water frontages; and the subdivision and development of land.

#### **2.100.380 Use Districts--Development Plan**

For any or all of such purposes the City Council, on recommendation of the Planning Commission, may divide the City or any portion thereof into districts of such size, shape and area, or may establish such official maps, or development plans for the whole or any portion of the area of the City as may be deemed best suited to carry out the purposes of this chapter; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

#### **2.100.390 Comprehensive Plan--Purpose and Preparation**

All such regulations shall be worked out as parts of a comprehensive plan which the Planning Commission shall prepare for the physical and other generally advantageous development of the City, and shall be designed, among other things, to encourage the most appropriate use of land throughout the City; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to facilitate the adequate provision of transportation, water, sewerage, and other public uses and requirements.

#### **2.100.400 Comprehensive Plan--Public Hearing--Copy Filing**

The Planning Commission may recommend to the City Council the plan so prepared as a whole, or may recommend parts of the plan by successive recommendations, said parts corresponding with geographic or political sections, divisions or subdivisions of the City, or with functional subdivisions of the subject matter of the plan; and may prepare and recommend any amendment or extension thereof or addition thereto. Before recommendation of the initial plan to the City, the Planning Commission shall hold at least one public hearing thereon, giving notice of the time and place by one publication in a newspaper of general circulation in the City and in the official gazette, if any, of the City. A copy of the ordinance or resolution adopting or embodying such plan or any part thereof or any amendment thereto, duly certified as a true copy by the City Clerk-Treasurer, shall be filed with the County Auditor. A like certified copy of any map or plat referred to or adopted by the ordinance or resolution shall likewise be filed with the ~~county auditor~~ County Auditor. The Auditor shall record the ordinance or resolution and keep on file the map or plat.

### **2.100.410 Comprehensive Plan--Modification Procedure**

Any ordinance or ordinances, resolution or resolutions, adopting any such plan or regulations, or any part thereof, may be amended, supplemented, changed or modified by subsequent ordinance or resolution adopted by the City Council upon recommendation of the Planning Commission.

## **Article VII. UTILITY ADVISORY COMMITTEE**

### **2.100.420 Established--Purpose**

There is hereby established a Utility Advisory Committee to act as a public advisor to the City Council, the City Manager's office and the Public Works Department on utility policy matters for the City's four public utilities: Water, Wastewater, Storm and Surface Water, and Waste ReSources. The Utility Advisory Committee shall also act to actively encourage broad public participation in the planning and construction of the utility infrastructure which sustains the community. In this advisory role the Committee shall:

- A. Develop an understanding of the range and depth of utility policy issues, the relationship utilities have in implementing the Comprehensive Plan, and the role the various utility master plans have in ~~city~~City development.
- B. Provide advice to the City Council, the City Manager's office, the Planning Commission, and the Public Works Department in developing the Capital Facility Plan.
- C. Provide policy advice and direction on the setting of utility rates.
- D. Review the variety of public involvement tools available to encourage community participation, and make recommendations to the City Council on what tools to use to ensure broad community involvement in the planning and the building of the utilities.

### **2.100.440 Duties**

The Utility Advisory Committee is authorized and empowered to act as the principal policy advisor to the City Council, the City Manager's office, and the Public Works Department on utility matters.

- A. The Utility Advisory Committee may conduct research, perform analysis and prepare and develop reports and recommendations to the City regarding utility policy choices on issues such as utility rates, the utility related chapters of the Comprehensive Plan, the utility master plans, utility franchises, regulatory compliance with state and federal laws, levels of customer service and satisfaction, and the capital facilities of each of the City's four public utilities.
- B. The Utility Advisory Committee shall also foster opportunities for expanding the public's involvement in the planning and delivery of public utility services.
- C. In addition, the Utility Advisory Committee will provide advice to the City on management strategies to:
  - 1. Maintain the community's investment in its utility infrastructure;
  - 2. Respond to state and federal regulations;

3. Define the role the utilities play in managing and accommodating growth in the community; and
  4. Evaluate operations to ensure the utilities are operated in a sustainable manner which assures stewardship for our natural, business, material, and human resources.
- D. The Utility Advisory Committee shall present an annual work plan to the City Council for approval.
- E. The Utility Advisory Committee shall present an annual report to the City Council for approval on the state of the utilities and the other work of the Utility Advisory Committee, including recommendations to improve the operations of the committee.

**Article VIII. CITIZEN REPRESENTATIVES FOR POLICE USE OF FORCE EVENTS**

**2.100.500 Established--Purpose**

There is hereby established a pool of six citizen representatives to assist by monitoring certain independent investigations regarding police use of deadly force that results in substantial harm or great bodily harm to inform whether such use of force meets the good faith standard established in RCW [9A.16.040](#). For each use of deadly force event for which an independent investigation involving citizens is needed, two citizen representatives from this pool of six will be selected to serve.

**2.100.520 Qualifications**

The Citizen Representatives must meet the following requirements in order to serve as a citizen representative:

- A. Must be available to serve on a team that will independently investigate a police use of deadly force event;
- B. Must have the ability to serve fairly and impartially;
- C. Must be available to serve during non-traditional working hours;
- D. Must be willing and able to attend the City of Olympia Police Department Citizen’s Academy as well as other training relevant to participation on an investigative team;
- E. Must be able to pass a background check that meets Criminal Justice Information Service (CJIS) requirements, as established by the Federal Bureau of Investigation;
- F. Must not have an active arrest warrant and must not have been convicted in any state of:
  1. Any felony; or
  2. A gross misdemeanor or misdemeanor involving domestic violence; or
  3. Any other crime that could impact the ability of a citizen representative to impartially serve as part of an independent team of investigators on a police use of deadly force matter;

- G. Must not be a City of Olympia officer, official, or employee, or an immediate family member of an City of Olympia officer, official, or employee. "Immediate family member" means parents, spouse, siblings, children, or dependent relatives;
- H. Must reside within the city limits of Olympia;
- I. Must be able to serve for the duration of a three-year term without compensation and serve for one term only; and
- J. Must be willing to sign a confidentiality agreement at the inception of their service on an investigative team and maintain strict confidentiality through the end of any criminal trial and appeal period.

**2.100.530 Duties**

- A. When selected to do so, each Citizen Representative shall, fairly and impartially, monitor independent investigations regarding any police use of deadly force that results in substantial harm or great bodily harm to inform whether such use of force meets the good faith standard established in RCW 9A.16.040, as instructed by the lead investigator of such team.
- B. Each Citizen Representative must attend the City of Olympia Police Department Citizen’s Academy, as well as other training determined relevant to participation on an investigative team prior to assignment to an investigation;
- C. Each Citizen Representative must maintain strict confidentiality throughout any investigation to which they have been assigned until its end and the conclusion of any subsequent trial and appeal period.

**Section 3. Amendment of Title 3.** Olympia Municipal Code Title 3, REVENUE AND FINANCE, is hereby amended to read as follows:

Title 3  
REVENUE AND FINANCE

**Chapters:**

- 3.04 Funds**
- 3.08 Warrants**
- 3.12 ~~Damage-Contract~~ Claims**
- 3.14 Damage Claims**
- 3.16 Contracts**
- 3.18 Equal Benefits - City Contracts - Non-Discrimination in Benefits**
- 3.20 Local Improvement Districts**
- 3.22 Storm Drainage Utility**
- 3.24 Public Lands**
- 3.28 Franchise Application Fees**
- 3.32 Admission Tax**
- 3.36 Leasehold Excise Tax**
- 3.40 Lodging Tax**
- 3.44 Motor Vehicle Excise Tax**

- 3.48 Sales and Use Tax**
- 3.50 Additional Sales and Use Taxes**
- 3.52 Real Estate Excise Tax**
- 3.56 Donations**
- 3.60 Special Property Tax Valuation**
- 3.62 Parking and Business Improvement Area**

## Chapter 3.04 FUNDS

### 3.04.000 Chapter Contents

#### Sections:

- 3.04.001 General Fund – Current Operations.
- 3.04.003 Special Account Control Fund.
- 3.04.006 Development Fee Revenue Fund.
- 3.04.007 Parking Fund.
- 3.04.014 LEOFF 1 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 Fund.
- 3.04.026 Arts Fund.
- 3.04.029 Facilities Major Repairs Fund.
- 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 Parks and Recreational Sidewalks Utility Tax Fund.
- 3.04.135 Parking Business Improvement Area Fund.
- 3.04.136 Farmers Market Major Repair and 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.
- 3.04.142 Home Fund.
- 3.04.200 Debt Service Funds.
- 3.04.317 Capital Improvement Fund.
- 3.04.318 Home Fund Capital 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 Fund.
- 3.04.463 Waste Resources Capital Fund.
- 3.04.500 Equipment Rental Fund.
- 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~~ General Fund. All general revenues of the ~~city~~ City not otherwise accounted for shall be placed in the ~~general fund~~ General Fund.

B. Uses. Any general government expenditure not otherwise provided for shall be paid out of the ~~general fund~~ 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~~ Special Account Control Fund.

B. Uses. The ~~special account control fund~~ Special Account Control Fund shall be used as deemed necessary by the ~~director of administrative services (clerk/treasurer)~~ Finance Director 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~~ City Council. The ~~director of administrative services (clerk/treasurer)~~ Finance Director is authorized to transfer funds from the ~~general fund~~ General Fund or other funds which may have special accounts or funds to the ~~special account control fund~~ Special Account Control Fund as deemed necessary. Any special account or fund which may be designated as part of the ~~general fund~~ General Fund or other funds may be accounted for within the ~~special account control fund~~ Special Account Control Fund.

C. Following is a list of accounts within the ~~special account control fund~~ Special Account Control Fund:

1. Shared Leave (1703)

a. Created. There is created within the ~~special account control fund~~ Special Account Control Fund an account to be known as the ~~shared leave revolving account~~ Shared Leave Revolving Account.

b. Sources. There shall be deposited in said account moneys representing the value of vacation leave donated by ~~city~~ City employees pursuant to a shared leave program adopted by the ~~city manager~~ City Manager.

c. Uses. Moneys within the ~~shared leave revolving account~~ Shared Leave Revolving Account shall be used to provide assistance to ~~city~~ 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~~ 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~~ 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 account control fund~~ Special Account Control Fund, to be known as the ~~public, education, and government access television account~~ 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~~ 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 at the direction of the ~~city council~~ City Council.

(See also OMC 5.15 Cable Communications Franchises)

4. Health and Wellness Programs (1710)

a. Created. There is hereby created within the ~~special account control fund~~ Special Account Control Fund an account to be known as the ~~employee health and wellness account~~ Employee Health and Wellness Account.

b. Sources. There shall be deposited into this account funds returned to the ~~city~~ 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~~ 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 account control fund~~ Special Account Control Fund an account to be known as the ~~information systems account~~ 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.
  - c. 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~~ City Council.
  - d. Transfer. The ~~director of administrative services~~ Finance Director is authorized to transfer any remaining budget and related funding resources of the information system program within the ~~capital improvement fund~~ Capital Improvement Fund, to the ~~information system account~~ Information System Account, within the ~~special account control fund~~ Special Account Control Fund.
6. Building Demolition and Nuisance Abatement (4005)
- a. Created. There is hereby created within the ~~special account control fund~~ Special Account Control Fund an account to be known as the ~~building demolition and nuisance abatement revolving account~~ 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~~ City Council from time to time, from reimbursements for building demolition and nuisance abatement performed or contracted by the ~~city~~ City, and from fines, forfeitures, and penalties levied and collected by the courts or otherwise paid to the ~~city~~ 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~~ 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~~ City Council may by resolution close this account and transfer any remaining monies to the ~~general fund~~ 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 account control fund~~ Special Account Control Fund an account to be known as the ~~historic preservation account~~ Historic Preservation Account.
- b. Sources. There shall be deposited into this account funds as designated by the ~~city council~~ City Council.
- c. Uses. This account may be used for historic preservation programs as designated by the ~~city council~~ City Council.

11. Housing and Community Development Loan (4601)

- a. Created. There is hereby created within the ~~special account control fund~~ Special Account Contrul Fund an account to be known as the ~~low income housing loan account~~ Low Income Housing Loan Account.
- b. Sources. There shall be deposited in said fund moneys remaining in the 1989 ~~general fund~~ General Fund budget for downtown housing which may be unspent as of December 31, 1989, funds which may be appropriated by the ~~city council~~ 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~~ 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 account control fund~~ Special Account Control Fund an account to be known as the ~~community development rental rehabilitation revolving fund~~ 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 account control fund~~ Special Account Control Fund an account to be known as the ~~seizure and forfeiture account~~ Seizure and Forfeiture Account.

b. Sources. There shall be deposited into this account monies received by the ~~city~~ City from seized and forfeited property which by law or ~~council~~ Council direction is restricted in use, plus any other monies deemed appropriate by the ~~city council~~ 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~~ 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~~ City Council.

14. Scholarship Donations (7201)

a. Created. There is hereby created within the ~~special account control fund~~ Special Account Control fund an account to be known as the ~~recreation scholarship account~~ 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~~ 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, ~~and Recreation and Cultural Services~~ and Recreation and Cultural Services Department. Funds available in the ~~recreation scholarship account~~ 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 account control fund~~ Special Account Control Fund an account designated as the ~~aerial mapping account~~ Aerial Mapping Account.

b. Sources. There shall be transferred into the ~~aerial mapping account~~ 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~~ City designated for aerial mapping or other funds as may be designated by the ~~city council~~ City Council.

c. Uses. Funds within the ~~aerial mapping account~~ Aerial Mapping Account shall be used for updating the aerial mapping records of the ~~city~~ 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~~ Development Fee Revenue Fund.

B. Sources.

1. There shall be deposited into the ~~development fee revenue fund~~ 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~~ Development Fee Revenue Fund shall be fees collected for management of development.

C. Uses. Funds within the ~~development fee revenue fund~~ Development Fee Revenue Fund shall be used to reimburse costs in the ~~general fund~~ 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~~ 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~~ Development Fee Revenue Fund.

D. Processes. The ~~city manager~~ City Manager or designee shall establish processes to identify costs to be reimbursed by the ~~development fee revenue fund~~ 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~~ City Council shall establish a target fund balance for the ~~development fee revenue fund~~ Development Fee Revenue Fund. The ~~city council~~ 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~~ City Council closes or discontinues the ~~development fee revenue fund~~ Development Fee Revenue Fund, any remaining funds in the ~~development fee revenue fund~~ Development Fee Revenue Fund shall be transferred to the ~~general fund~~ General Fund of the ~~city~~ City.

### **3.04.007 Parking Fund**

A. Created. There is hereby created a fund to be known as the ~~parking fund~~ Parking Fund.

B. Sources. There shall be deposited into the ~~parking fund~~ Parking Fund revenues received from parking fines, revenue for parking on ~~city~~ City streets and other ~~city~~ City property, parking permits, parking meter

tokens, electric vehicle charging, other parking which may be managed by the ~~city~~ City, grants, debt proceeds related to capital or operation of the ~~parking fund~~ Parking Fund, and other monies which the City Council may direct to be deposited in the ~~parking fund~~ Parking Fund.

C. Uses. Funds within the ~~parking fund~~ 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~~ 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~~ City Council.

D. Transfer. If the ~~city council~~ City Council closes or discontinues the ~~parking fund~~ Parking Fund, any remaining funds in the ~~parking fund~~ Parking Fund shall be transferred to the ~~general fund~~ General Fund of the ~~city~~ 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~~ Trust Fund.

B. Sources. There shall be deposited into the LEOFF 1 OPEB ~~trust fund~~ Trust Fund such funds as may be designated by the City Council.

C. Uses. The LEOFF 1 OPEB ~~trust fund~~ 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 from 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~~ Trust Fund, any remaining funds shall be transferred to the General Fund of the City.

#### **3.04.021 The 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~~ 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~~ City for The Washington Center for the Performing Arts shall likewise be placed in the ~~endowment fund~~ Endowment Fund, unless otherwise designated by the donor.

C. Any interest or dividends accruing from moneys in the ~~endowment fund~~ Endowment Fund shall be retained in the fund.

D. All moneys within The Washington Center for the Performing Arts ~~endowment fund~~ 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~~ 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~~ Endowment Fund shall be made by appropriation of the ~~city council~~ 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~~ Operations and Maintenance (O&M) Fund.

B. Sources. There shall be deposited into The Washington Center O&M ~~fund~~ Fund, moneys appropriated within the ~~lodging tax fund~~ Lodging Tax Fund and The Washington Center ~~endowment fund~~ Endowment Fund for the purpose of supporting the operations and maintenance of The Washington Center for the Performing Arts, interest earnings of The Washington Center O&M ~~fund~~ Fund, donations received by the ~~city~~ City to support the operations and maintenance of The Washington Center for the Performing Arts, and other funds as determined by the ~~city council~~ City Council.

C. Uses. The Washington Center O&M ~~fund~~ 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~~ Equipment and Facilities Replacement Reserve Fund for the purpose of major replacement and/or repair of ~~city~~ City equipment and facilities, excluding equipment and facilities of the ~~city's~~ City's utilities and equipment rental funds.

B. Uses. The funds deposited in the ~~equipment and facilities replacement reserve fund~~ Equipment and Facilities Replacement Reserve Fund shall be used only for the above purposes as may be authorized by the ~~city council~~ City Council.

#### **3.04.107 HUD Fund**

A. Created. There is hereby created a fund to be known as the HUD ~~fund~~ Fund.

B. Sources. There shall be deposited into the HUD ~~fund~~ 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~~ City Council, and such funds shall be used exclusively for approved projects.

C. Uses. The HUD ~~fund~~ Fund may be used for any legal purpose as authorized by the ~~city council~~ 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~~ Finance Director shall transfer and adjust revenue estimates and appropriations as may be required for the administration of the HUD ~~fund~~ 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~~ Transportation Impact Fee Accounts (See OMC 15.04.100)
2. School ~~impact fee account~~ 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~~ 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~~ Mitigation Fund. (See also OMC 14.04.190)

C. Uses. Mitigation fees deposited in the SEPA ~~mitigation fund~~ Mitigation Fund shall be used only for the purposes for which the fees were collected, plus administrative fees as approved by the ~~city council~~ City Council. Funds may be transferred out of the SEPA ~~mitigation fund~~ 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~~ Lodging Tax Fund.

B. Uses. All taxes collected under OMC 3.40 shall be placed in the ~~lodging tax fund~~ 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 and 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~~ Parks and Recreational Sidewalks Utility Tax Fund.

B. Sources. There shall be deposited into the ~~parks and recreational sidewalks utility tax fund~~ 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~~ City Council.

C. Uses. Funds in the ~~parks and recreational sidewalks utility tax fund~~ 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~~ 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~~ Parking Business Improvement Area Fund.

B. Uses. All monies collected under OMC 3.62 shall be placed in ~~parking business improvement area fund~~ 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)

#### **3.04.136 Farmers Market Major Repair and Replacement Fund**

A. Created. There is hereby created a fund to be known as the Farmers Market ~~major repair and replacement fund~~ Major Repair and Replacement Fund.

B. Sources. There shall be deposited into the Farmers Market ~~major repair and replacement fund~~ 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~~ City for the farmers market and/or the facilities, and other funds as may be determined by the ~~city council~~ City Council.



C. Uses. The Farmers Market ~~repair and replacement fund~~ 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~~ Fund.

B. Sources. There shall be deposited into Hands On Children's Museum ~~fund~~ 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~~ 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~~ 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~~ Fund shall be used for the preservation, maintenance, capacity, safety and operation of ~~city~~ 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~~ Grants Control Fund.

B. Uses. The fund shall be used as deemed necessary by the ~~director of Administrative Services (clerk/treasurer)~~ Finance Director 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~~ Real Estate Excise Tax (REET) Fund. The REET ~~fund~~ Fund shall be used for the purpose of receipting REET funds authorized by RCW 82.46.

B. Uses. The REET ~~fund-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-Fund~~.

B. Sources. Pursuant to Chapter 35.61 RCW, there shall be deposited in the Olympia Metropolitan Park District ~~fund-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-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.

#### **3.04.142 Home Fund**

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

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

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

#### **3.04.200 Debt Service Funds**

A. Created. There is hereby created a fund group to be known as the ~~debt service funds~~ Debt Service Funds. The ~~debt service funds~~ Debt Service Funds shall be used as deemed necessary by the ~~director of administrative services (clerk/treasurer)~~ Finance Director for the purpose of accounting for ~~city~~ City general obligation debt accounts (funds) required by debt funding ordinances, documents, and/or agreements.

B. Sources. Moneys for ~~debt service funds~~ Debt Service Funds shall come from sources authorized by the ~~city council~~ City Council.

C. Uses. The ~~director of administrative services (clerk/treasurer)~~ Finance Director is authorized to expend funds from the ~~debt service funds~~ Debt Service Funds as deemed necessary by debt funding ordinances, documents, and/or agreements.

D. Following is a list of ~~debt service funds~~ Debt Service Funds related to local improvement districts (LID):

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~~ Local Improvement Guaranty Fund. For the purpose of maintaining the ~~fund~~ Local Improvement Guaranty 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 (1) year shall not exceed five percent (5%) 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~~ Guaranty Fund. Warrants drawing interest at a rate not to exceed six percent (6%) 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 (5%) 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~~ County tax foreclosures or from the ~~county~~ County after foreclosure, for the purpose of

protecting the ~~guaranty fund~~ 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~~ Guaranty Fund.

#### **3.04.317 Capital Improvement Fund**

- A. Created. There is hereby created a fund to be known as the ~~capital improvement fund~~ Capital Improvement. This fund is created for the purpose of accounting for capital projects related to general operations assets of the ~~city~~ City.
- B. Sources. Resources shall be added to the ~~capital improvement fund~~ Capital Improvement Fund via appropriations made by the ~~city council~~ City Council.
- C. Uses. Funds from the ~~capital improvement fund~~ Capital Improvement Fund shall be used in accordance with the authorized budget.

#### **3.04.318 Home Fund Capital Fund**

- A. Created. There is hereby created a fund to be known as the Home Fund Capital Fund.
- B. Sources. There shall be deposited in the Home Fund Capital Fund sales and use tax authorized by RCW 82.14.530 and interest thereon, and other funds as determined by the City Council to support the purposes of the Home Fund Capital Fund.
- C. Uses. A minimum of sixty (60) percent of the monies collected under RCW 82.14.530 shall be used for housing and housing-related purposes as defined in RCW 82.14.530(2)(a)(i), (ii), and (iii). Other funds deposited in the Home Fund Capital Fund shall be used for purposes similar in nature to the above, as determined by the City Council.

#### **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~~ City Hall Construction and Acquisition Fund.
- B. Sources. The ~~director of administrative services (clerk/treasurer)~~ Finance Director is authorized to transfer the remaining unexpended appropriations and related resources in the ~~capital improvements fund~~ Capital Improvements Fund, ~~city office space account~~ City Office Space Account, to the ~~city hall construction and acquisition fund~~ City Hall Construction and Acquisition fund.
- C. Uses. The ~~city hall construction and acquisition fund~~ 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~~ Fire Equipment and Replacement Fund.

B. Uses. Funds from the ~~fire equipment and replacement fund~~ Fire Equipment and Replacement Fund shall be used for the purchase of equipment by the ~~fire department~~ 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~~ City Council.

### 3.04.400 Waterworks Utility Funds

A. Created. There is hereby created a fund group known to be the ~~waterworks utility funds~~ Waterworks Utility Funds.

B. Sources. Moneys for the ~~waterworks utility funds~~ Waterworks Utility Funds shall come from sources authorized by local, state, or federal law.

C. Uses.

1. Funds from the ~~waterworks utility funds~~ Waterworks Utility Funds shall be used as deemed necessary by the ~~director of administrative services (clerk/treasurer)~~ Finance Director for the purpose of accounting for the ~~water and wastewater utility accounts (funds)~~ Water and Wastewater Utility Accounts (Funds) as required by local, state, or federal law.

2. The ~~director of administrative services (clerk/treasurer)~~ Finance Director is authorized to expend funds from the ~~waterworks utility funds~~ 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)

D. Following is a list of the ~~waterworks utility funds~~ 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~~ Water Utility Operating Fund.

b. Uses. The ~~director of administrative services (clerk/treasurer)~~ Finance Director is authorized to expend funds from the ~~water utility operating fund~~ 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~~ 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)~~ Finance Director is authorized to expend funds from the ~~sewer utility operating fund~~ Sewer Utility Operating Fund as deemed necessary by the ordinances of the ~~city~~ City.
3. 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~~ Water and Sewer Revenue Bond Redemption Fund.
- b. Uses. The ~~water and sewer revenue bond fund~~ 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~~ Water and Sewer Revenue Bond Fund shall be kept separate and apart from all other funds and accounts of the ~~city~~ City.
4. 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~~ 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~~ City hereby covenants and agrees that it will satisfy the reserve account requirement for the bonds with bond proceeds. The ~~city~~ 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 (5) 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~~ 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.
5. Water Utility Capital Improvement Fund (461)
- a. Created. There is hereby created a fund to be known as the ~~water capital improvement fund~~ 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~~ Water Capital Improvement Fund. The City Council may make any other funds available to the ~~water capital improvement fund~~ Water Capital Improvement Fund for the purposes set forth herein.

c. Uses.

i. Moneys within the ~~water capital improvement fund~~ 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~~ 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.

6. Sewer Capital Improvement Fund (462)

a. Created. There is hereby established within the budget of the City a ~~sewer capital improvement fund~~ 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~~ Sewer Capital Improvement Fund. The City Council may make any other funds available to the ~~water capital improvement fund~~ Sewer Capital Improvement Fund for the purposes set forth herein.

c. Uses.

i. Moneys within the ~~sewer capital improvement fund~~ 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~~ 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~~ 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~~ 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~~ Solid Waste (Garbage) Utility Fund. All receipts from the sale of recyclables shall become a part of the ~~solid waste (garbage) utility fund~~ 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~~ 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~~ 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~~ Solid Waste (Garbage) Utility Fund, any such additional moneys are to be repaid out of the ~~solid waste fund~~ 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~~ 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~~ Storm Drainage Utility Funds. These funds shall be used as deemed necessary by the ~~director of administrative services (clerk/treasurer)~~ Finance Director 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~~ Storm Drainage Utility Funds shall come from sources authorized by local, state or federal law.

C. Uses. The ~~director of administrative services (clerk/treasurer)~~ Finance Director 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~~ 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 and Surface Water Debt Service Fund (418)

a. Created. There is hereby created a fund known as the ~~storm and surface water debt service fund~~ Surface Water Debt Service.

b. Sources. Monies designated by Council shall be deposited in the ~~storm and surface water debt service fund~~ Storm and Surface Water Debt Service Fund.

c. Uses. The ~~debt service fund~~ Storm and Surface Water 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 Storm and Surface Water Debt Service 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 and surface water utility capital improvement fund~~ Storm and Surface Water Utility Capital Improvement Fund.

b. Sources. Monies designated by Council shall be deposited in the ~~storm and surface water utility capital improvement fund~~ Storm and Surface Water Utility Capital Improvement Fund.

c. Uses. Moneys within the ~~storm and surface water utility capital improvement fund~~ Storm and Surface Water Utility Capital Improvement Fund shall only be used for the purpose of acquiring, equipping and/or making capital improvements to storm and surface water facilities and extensions, additions, expansion and betterments to the Olympia storm and surface water system.

#### **3.04.463 Waste Resources Capital Fund**

- A. Created. There is hereby created a fund to be known as the Waste Resources Capital Fund.
- B. Sources. There shall be deposited in the Waste Resources Capital Fund, on an annual basis via transfer, monies from any rate increase directly attributed to capital needs, and other funds as determined by the Public Works Director to support the purposes set forth herein.
- C. Uses. Monies within the Waste Resources Capital Fund shall be used only for the purposes of acquiring, equipping and/or making capital improvements to the Waste Resources Center and capital projects related to Waste Resources, and shall not be used for maintenance or operations relative to those facilities or projects. Should the City Manager determine that those capital projects will not be completed, or if there are monies remaining in the Fund once the capital projects are completed, those monies accumulated in the Waste Resources Capital Fund may be transferred to the Waste Resources Operating Fund.

#### **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~~ Equipment Rental and Replacement Funds. These Funds shall be used as deemed necessary by the ~~director of administrative services (clerk/treasurer)~~ Finance Director for the purpose of accounting for the ~~equipment rental and replacement accounts (funds)~~ Equipment and Rental and Replacement Accounts (Funds) as required by ordinances and/or law. Moneys for these ~~funds~~ Funds shall come from sources authorized by these ordinances and/or law.
- B. Uses. The ~~director of administrative services (clerk/treasurer)~~ Finance Director is authorized to expend funds from the ~~equipment rental and replacement funds~~ 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~~ 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~~ 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~~ Equipment Rental Operating Fund.

c. Uses. Monies within the ~~equipment rental operating fund~~ 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~~ Equipment Rental Operating 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 RCW 35.21.070, a reserve fund to be known as the ~~cumulative reserve equipment rental fund~~ 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~~ 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~~ 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~~ Unemployment Compensation Fund.

B. Sources. To provide funds for deposit into the ~~unemployment compensation fund~~ 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 (3%) of the amount paid for wages and salaries.

C. Uses. Monies in the ~~unemployment compensation fund~~ 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~~ Self-Insurance Trust Fund.

B. Sources. Monies budgeted for insurance shall be deposited into the ~~self insurance trust fund~~ Self-Insurance Trust Fund. 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 which 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~~ Workers Compensation Fund.

B. Sources. There shall be deposited in the ~~workers compensation fund~~ 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~~ 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~~ Fiduciary and Custodial Funds. These funds shall be used as deemed necessary by the ~~director of administrative services (clerk/treasurer)~~ Finance Director 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)~~ Finance Director is authorized to expend funds from the ~~fiduciary and custodial funds~~ Fiduciary and Custodial Funds as deemed necessary by the legal agreements or law authorizing the fund.

## Chapter 3.08 WARRANTS

### 3.08.000 Chapter Contents

#### Sections:

- 3.08.010 Order of payment.
- 3.08.020 Cancellation after four years.
- 3.08.030 Retroactive effect.
- 3.08.040 Suspension of interest on unpaid warrants.
- 3.08.050 Payments to ~~city~~City in lawful money.
- 3.08.060 Numbering of warrants.
- 3.08.070 Payment from proper fund.
- 3.08.080 Rate of interest.

#### **3.08.010 Order of payment**

All ~~city~~City warrants on the ~~city~~City treasury for payment of money out of the ~~general fund~~General Fund shall be paid in the order in which they were issued.

#### **3.08.020 Cancellation after four years**

All warrants drawn on the ~~city~~City treasury shall be presented for payment within the period of four years after the date of the issue thereof and should the payee or legal holder of any such warrant or warrants neglect or fail to present the same for payment within the time specified in this section, it shall be the duty of the ~~city clerk treasurer~~ Finance Director to enter the same as canceled on the City's books of the ~~city clerk treasurer's office~~; provided, that should the payee or legal owner of any such canceled warrant or warrants present the same for payment after the lapse of four years from the date of the issue thereof, the ~~city council~~ City Council may upon proper showing, by affidavit and the delivery of the canceled warrant into their possession, issue a new ~~warrant in lieu thereof, on the city clerk treasurer,~~ and the ~~clerk treasurer~~ Finance Director is authorized to pay the same as other warrants are paid.

#### **3.08.030 Retroactive effect**

All outstanding warrants, issued four years prior to the approval of this chapter shall be canceled by the ~~city clerk treasurer~~ Finance Director, as provided in Section 3.08.010.

#### **3.08.040 Suspension of interest on unpaid warrants**

As often as the ~~city clerk treasurer~~ Finance Director deems advisable the ~~city clerk treasurer~~ City Clerk shall publish in the newspaper doing the ~~city~~City advertising a list of warrants that will be paid at the date to be named, and after such date no warrant so advertised and remaining unpaid shall bear interest. If, after publication has been made, any warrants named in the published list remain unrepresented for one month thereafter, the amount held in reserve to pay such warrant may be applied to pay other warrants of later date.

#### **3.08.050 Payments to ~~city~~City in lawful money**

All taxes, licenses and dues payable to the ~~city~~City must be paid in lawful money of the United States, except as hereinafter provided unless otherwise provided by law.

### 3.08.060 Numbering of warrants

All warrants ordered drawn on any fund shall be numbered, from number one on, consecutively, only with warrants drawn on that fund.

### 3.08.070 Payment from proper fund

No warrant shall be paid out of any fund except the fund upon which it is drawn.

### 3.08.080 Rate of interest

The rate of interest to be borne by current expense and water fund warrants hereafter issued by the ~~city~~City, shall not in any event exceed the maximum rate of seven percent per year.

## Chapter 3.12 DAMAGE CONTRACT CLAIMS

### 3.12.000 Chapter Contents

Sections:

3.12.010 ~~Claims procedure—Contents of claims~~Purpose.

3.12.020 Auditing officer--Appointed.

3.12.030 Auditing officer--Bond provided.

3.12.040 Adoption of policies.

### **3.12.010 ~~Claims procedure—Contents of claims~~Purpose**

~~The purpose of this Chapter is to address payment of claims arising out of contracts, authorized expenses, materials, and advancements as provided in 42.24 RCW. A.—All claims for damages against the city must be presented to and filed with the city claims manager. The claims manager shall refer any such claim to the city's appropriate risk pool, and no payments or appropriations shall be made regarding the claim before it is referred to the risk pool. The city risk manager shall, upon receipt, give notice and a description of all claims exceeding five thousand dollars in alleged damages to the city council. In addition, the claims manager shall quarterly give the city council summaries of all outstanding claims against the city of Olympia and give an indication of the potential liability posed by such claims.~~

~~B.—All such claims for damages must accurately locate and describe the defect that caused the injury, accurately describe the injury and state the time when same occurred and shall contain items of damages claimed and be sworn to by the claimant.~~

~~C.—No action shall be maintained against the city for any claim for damages until the same has been presented to the claims manager as outlined above.~~

### **3.12.020 Auditing officer –Appointed**

The ~~city clerk/treasurer~~ Finance Director is appointed as the auditing officer of the ~~city~~City and is authorized to issue warrants or checks in payment of claims arising under this chapter ~~under a contract, as provided in RCW 42.24.080~~. The ~~clerk/treasurer~~ Finance Director shall submit to the ~~council~~ Council for approval all such

checks or warrants issued in payment of claims at the ~~council's~~ Council's next regularly scheduled public meeting and shall provide, upon request, documentation supporting the claim paid. If, upon review, the ~~council~~ Council disapproves any claim, the auditing officer and any other officer which signed the check or warrant shall jointly cause the disproved claim to be recognized as a receivable of the ~~city~~ City, and shall pursue collection diligently until the amount is disproved or collected or until the ~~council~~ Council is satisfied and approves claim.

### **3.12.030 Auditing officer –Bond provided**

The auditing officer and any other officer designated to sign checks or warrants in payment of claims shall furnish an official bond, at the ~~city's~~ City's expense, for faithful discharge of the auditing officer's and any other officer's duties in an amount not less than one hundred thousand dollars.

### **3.12.040 Adoption of policies**

The ~~city council~~ City Council directs the ~~city manager~~ City Manager to adopt contracting, hiring, purchasing and disbursing policies which implement effective internal control.

## Chapter 3.14 DAMAGE CLAIMS

### 3.14.000 Chapter Contents

#### Sections:

3.14.010 Claims Procedure – Contents of Claims.

### **3.14.010 Claims procedure –Contents of claims**

A. All claims for damages against the City must be presented to and filed with the City Claims Manager, in accord with RCW Chapter 4.96. The Claims Manager shall refer any such claim to the City's appropriate risk pool or insurance provider, and no payments or appropriations shall be made regarding the claim before it is properly referred.

B. All such claims for damages must accurately locate and describe the defect that caused the injury, accurately describe the injury and state the time when same occurred and shall contain items of damages claimed and be sworn to by the claimant.

C. No action shall be maintained against the City for any claim for damages until the same has been presented to the Claims Manager as outlined above.

## Chapter 3.16 CONTRACTS

### 3.16.000 Chapter Contents

#### Sections:

3.16.010 Purpose.

3.16.020 City Council Approval.

- 3.16.030 City Manager Approval.
- 3.16.040 City Manager Authorized to Delegate Certain Execution Authority.
- 3.16.050 City Manager Authority--Rules and Regulations for Contracting.
- 3.16.055 Documents to be Filed with the City Clerk.
- 3.16.060 Small Works Roster Established.
- 3.16.070 Method of Establishment of Small Works Roster.
- 3.16.080 Procedure for Utilization of Small Works Roster.
- 3.16.090 Posting of Small Works Roster Awards.
- 3.16.100 Public Works Construction Contracts--Change Order Level of Authority.
- 3.16.110 Level of Funding Required for Project Award.

### **3.16.010 Purpose**

The purpose of this chapter is to establish a uniform practice for approval and execution of City of Olympia contracts, ensure City Council review of important and legally required contracts and other legal instruments, provide for efficient, streamlined preparation and execution of other contracts not requiring Council review, while also ensuring accountability by limiting the number of individuals authorized to execute contracts on the City's behalf. In addition, the purpose is to delegate to the City Manager authority to establish rules for competitive bidding where required by law and the acquisition of goods, services, and materials so long as such rules are with sound management practices and designed to secure the best quality for a fair price. The final purpose is to provide procedures for the creation and operation of a small works roster.

### **3.16.020 City Council Approval**

The following documents and instruments shall be presented to the City Council for approval prior to their execution by the City Manager:

- A. Interlocal agreements: All contracts, agreements, memoranda of understanding, or other documents between the City of Olympia and any other governmental agency or agencies that are entered into pursuant to the supplemental authority for the City to contract in Chapter 39.34 RCW.
- B. Instruments pertaining to real property: any contract, agreement, lease, easement, bill of sale, or other instrument pertaining to the City's use, disposition, conveyance, or acquisition of real property.

Exceptions:

- (1) An acceptance by the City in its regulatory capacity of a dedication from a development is not subject to Council approval.
  - (2) Temporary construction licenses are not subject to Council approval.
  - (3) The City Manager is authorized to sign the following without further City Council approval: All instruments pertaining to the City's use, disposition, conveyance, or acquisition of real property by whatever method, provided that such transaction is associated with a capital improvement project that has been previously approved by Council.
- C. Any contract, agreement, or other document with a cost over \$300,000.



### **3.16.030 City Manager Approval**

- A. The City Manager or the City Manager's designee, is authorized to approve and execute on behalf of the City of Olympia any contract, agreement, or document not otherwise subject to OMC Section 3.16.020.
- B. The City Manager or the City Manager's designee, is authorized to:
1. declare any public work an emergency, if it meets the criteria outlined under RCW 39.04.280. A written finding of the emergency must be filed with the City Clerk no later than two weeks following contractor award of such work.
  2. make written policies governing the waiver of competitive bidding requirements, provided the purchase or project qualifies for waiver under RCW 39.04.280, or other state or local law. Immediately following contract award, the contract and the factual basis for the exemption from public bidding must be recorded and open for public inspection.
  3. make a final decision to deem a contractor not-responsible and/or to reject bids for any public works project that falls within the City Manager's contract authority under this chapter.

### **3.16.040 City Manager Authorized to Delegate Certain Execution Authority**

The City Manager is authorized, but not required, to delegate to a ~~Department Director or the Director's~~ department director or the director's designee the authority to approve and execute on behalf of the City of Olympia any contract, agreement or document not otherwise subject to OMC Section 3.16.020 and with an amount of less than \$150,000.

### **3.16.050 City Manager Authority--Rules and Regulations for Contracting**

The City Manager is authorized to establish written rules and regulations for the construction/acquisition of public works, and the procurement of goods, services, and materials by the City. Such rules and regulations shall be governed by sound management practices designed to secure the best quality at a fair price. As such rules and regulations are established, copies shall be sent to the City Council; provided, however, that inadvertent failure to send such rules and regulations to the City Council shall not be grounds to invalidate any action by the City Manager or the City Manager's designee which is otherwise lawful. The City Manager is authorized to revise the rules and regulations from time to time as circumstances change or as the City Manager may, in the City Manager's discretion, deem appropriate.

### **3.16.055 Documents to be Filed with the City Clerk**

One (1) original of any document governed by OMC Sections 3.16.020 through 3.16.040 shall be filed with the ~~office of the~~ City Clerk; provided, however, that failure to so file any such document shall not invalidate or excuse performance of any obligations contained therein.

### **3.16.060 Small Works Roster Established**

The City Engineer or the City Engineer's designee (collectively hereafter Engineer) is authorized and directed to establish a ~~city~~ City construction contractor's small works rosters comprised of all contractors who request to be on the rosters and who are, where required by law, properly licensed or registered and bonded to perform contracting work in the State of Washington.

### **3.16.070 Method of Establishment of Small Works Roster**

The small works roster shall be established by either or both of the following:

A. The Engineer may advertise for consultants in a newspaper of general circulation in order to update the small works roster. The Engineer shall add to the rosters those contractors who respond to the advertisement and request to be included on the rosters. In order to be included on the roster, contractors shall supply information as required by the Engineer.

B. The City of Olympia may establish the small works roster through contract with the Municipal Research and Services Center of Washington (MRSC) to adopt for City use those statewide electronic databases for small public works rosters developed and maintained by MRSC. At least once per year, on behalf of the City, MRSC shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to appropriate MRSC Roster(s) at any time that they submit a written request and necessary records. The City may require master contracts to be signed that become effective when a specific award is made using a small works roster.

### **3.16.080 Procedure for Utilization of Small Works Roster**

A. The small works roster may be utilized, in lieu of advertising or requesting formal bids, as follows:

1. Whenever the City seeks to construct any public work project, the estimated cost of which, including costs of material, supplies, labor and equipment is \$300,000 or less or such other amounts as may be authorized by the law.

2. When the small works roster is utilized, the City shall invite written or electronic proposals from all appropriate contractors on the appropriate small works roster. The City Engineer shall establish procedures for securing telephone, written, or electronic quotations.

3. The invitation to the contractor on the small works roster shall include an estimate of the scope and nature of the work to be performed, materials and equipment to be furnished, and time required for completion. However, detailed plans and specifications need not be included in the invitation. This subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes.

4. When awarding a contract for work under the small works roster, the City shall award the contract to the contractor submitting the lowest responsive, responsible proposal; provided, however, that the City reserves its right under applicable law to reject any or all proposals, and to waive procedural irregularities.

5. A contract awarded from a small works roster under this section need not be advertised.

6. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

B. In lieu of awarding contracts under Subsection (A) of this section, the City may award a contract for work, construction, alteration, repair, or improvement project estimated to cost less than thirty-five thousand

(\$35,000) dollars using the limited public works process provided under this subsection. Public works projects awarded under this subsection are exempt from the other requirements of the small works roster process provided under subsection (A) of this section and are exempt from the requirement that contracts be awarded after advertisement as provided under RCW [39.04](#).

For limited public works projects, the City shall solicit electronic or written quotations from a minimum of three (3) contractors from the appropriate small works roster and shall award the contract to the lowest responsive, responsible bidder; provided, however, that the City may reject a quotation or waive procedural irregularities in a quotation and proceed to award. After an award is made, the quotations shall be open to public inspection and available by electronic request. The City shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the geographic area of the work. The City shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded. The City may waive the payment and performance bond requirements of chapter [39.08](#) RCW and the retainage requirements of chapter [60.28](#) RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materials suppliers, suppliers, and taxes imposed under Title [82](#) RCW that may be due from the contractor for the limited public works project, however the City shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

C. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process or limited public works process.

### **3.16.090 Posting of Small Works Roster Awards**

When the City utilizes the small works roster procedure as established in Section [3.16.080](#) to award contract for public works projects, the City shall post a list of the contracts awarded under Section [3.16.080](#). The list shall contain the name of the contractor awarded the contract, the amount of the contract, a brief description of the type of work performed, and the date of the award, and shall be posted on the City's electronic web page.

### **3.16.100 Public Works Construction Contracts--Change Order Level of Authority**

The City Manager or the City Manager's designee is authorized to approve change orders with a cumulative total of \$300,000 or less for any project. Council approval is required for cumulative change orders totaling over \$300,000 for a project, except when such approval is deemed "urgent" by the City Manager. An "urgent" change order is defined as one where delay in implementation could cause environmental or property damage or endanger public safety, as determined by the City Manager. An "urgent" determination may also be made when delays are estimated to cost the City of Olympia \$1,000 or more per day.

### **3.16.110 Level of Funding Required for Project Award**

No Public Works contract award will be made on projects bid via the formal bidding process (construction in excess of \$300,000) unless funds in the amount of at least 110 percent of the bid are available. Similarly, no contract award will be made on projects bid via the Small Works roster bidding process (construction \$300,000 or less) unless funds in the amount of at least 115 percent of the bid are available.

## Chapter 3.18 EQUAL BENEFITS CITY CONTRACTS - NON-DISCRIMINATION IN BENEFITS

### 3.18.000 Chapter Contents

#### Sections:

- 3.18.010 Definitions.
- 3.18.020 City Contracts – Non-Discrimination in Benefits.
- 3.18.030 Limitations.
- 3.18.040 Powers and Duties of the City.
- 3.18.050 Appeals.
- 3.18.060 Effective Date.

#### **3.18.010 Definitions**

For the purposes of this chapter:

- A. "Contract" means a contract for public works, consulting, or supplies, material, equipment or services estimated to cost fifty thousand dollars (\$50,000) or more;
- B. "Contract awarding authority" means a City-~~Department~~ department, Council, employee, or board authorized to enter into or to administer contracts on behalf of the City;
- C. "Employee benefits" means the provisions of health insurance benefits (medical, dental, vision), provided that it does not include benefits to the extent that the application of the requirements of this chapter to such benefits may be preempted by federal or state law.

#### **3.18.020 City Contracts – Non-Discrimination in Benefits**

- A. Each contractor on a City contract shall have in place, prior to contracting with the City, policies prohibiting discrimination in the provision of employee benefits based on age, sex, race, creed, color, sexual orientation or national origin, or the presence of any physical, mental or sensory disability, or because of any other status protected from discrimination by law.
- B. No contract awarding authority shall execute a contract with a contractor unless such contractor has agreed that it will not discriminate in the provision of employee benefits and has non-discrimination policies in place as provided for in this chapter. A signed Equal Benefits Compliance Declaration shall be completed by the contractor for all contracts awarded.
- C. All contracts awarded by the City shall contain provisions prohibiting discrimination in the provision of employee benefits, including provisions containing appropriate remedies for the breach thereof as prescribed by this chapter.

#### **3.18.030 Limitations**

The requirements of this chapter shall apply only to those portions of a contractor's operations that occur:

- A. Within the City;
- B. On real property outside of the City if the property is owned by the City or if the City has a right to occupy the property, and if the contractor's presence at that location is connected to a contract with the City; and
- C. Elsewhere in the United States where work related to a City contract is being performed. The requirements of this chapter shall not apply to subcontracts or subcontractors of any contract or contractor.

**3.18.040 Powers and Duties of the City**

The City Manager shall have the power to:

- A. Adopt rules and regulations in accordance with this chapter, establishing standards and procedures for effectively carrying out this chapter;
- B. Determine and impose appropriate sanctions for violation of this chapter by contractors including, but not limited to:
  - 1. As allowed by law, disqualification of the contractor from being awarded a City contract; and
  - 2. Contractual remedies, including, but not limited to, termination of the contract.
- C. Examine contractor's benefit programs and policies covered by this chapter;
- D. Allow for remedial action after a finding of non-compliance, as specified by this chapter;
- E. Perform such other duties as may be required by ordinance or which are necessary to implement the purposes of this chapter.

**3.18.050 Appeals**

Any aggrieved party may appeal a decision of the City to the City Manager by the submittal of a written request within ten (10) working days of the decision to be appealed. The City Manager's decision will be in writing with findings upon which the decision was made. Subsequent appeal will be to the Thurston County Superior Court.

**3.18.060 Effective Date**

The provisions of this chapter shall apply to any contract awarded on or after August 1, 2014.

## Chapter 3.20 LOCAL IMPROVEMENT DISTRICTS

3.20.000 Chapter Contents

Sections:

- 3.20.010 Method of procedure.
- 3.20.020 City Council to order improvements.

- 3.20.030 Improvements ordered by ordinance.
- 3.20.040 Petition for proposed improvement.
- 3.20.050 Resolution for proposed improvement.
- 3.20.060 Authorization of improvement.
- 3.20.070 Award of contract--Supervision of work.
- 3.20.080 Assessment roll--Preparation, filing and hearing.
- 3.20.090 Assessment roll--Approval.
- 3.20.100 Modes of payment--Penalty for delinquency.
- 3.20.110 Notice by publication and mail.
- 3.20.120 Special fund for each improvement district.
- 3.20.130 Issuance of bonds.
- 3.20.140 Terms of bonds--Interest.
- 3.20.150 Form of bonds.
- 3.20.160 Bond registry.
- 3.20.170 Foreclosure of delinquent assessments.
- 3.20.180 General ~~city~~City foreclosures--Proof, judgment, sales.
- 3.20.190 Call and payment of bonds and warrants.
- 3.20.200 Local improvement contracts.
- 3.20.210 Contracts to lowest and best bidder--Notice, check with bid.
- 3.20.220 Opening bids--Acceptance and rejection.
- 3.20.230 Subdistricts authorized.
- 3.20.240 City's contribution to be specified in ordinance.
- 3.20.250 Items of cost.
- 3.20.260 Installment notes and certificates.
- 3.20.270 Acceleration of installment payments.
- 3.20.280 Deferral of payments--Authorized by ordinance.
- 3.20.290 Deferral of payments--Applicants.
- 3.20.300 Deferral of payments--Economically disadvantaged defined.
- 3.20.310 Deferral of payments--Determination of eligibility--Appeal.
- 3.20.320 Payment required by designated date.

**3.20.010 Method of procedure**

Whenever the ~~city council~~City Council shall provide for making local improvements and for paying the whole or any portion of the cost and expense thereof by levying and collecting special assessments on property specially benefited, the proceedings therefor shall be in accordance with the provisions of an act entitled, "An act relating to local improvements in cities and towns and repealing certain acts and parts of acts," being Chapter 98 of the Session Laws of the State of Washington of 1911, as amended by Laws of 1927, Chapter 275, Laws of 1933, Chapter 107 and others (RCW Chapters [35.43](#); [35.49](#); [35.50](#); Sections 35.53.010; 35.53.020), and the provisions of this chapter and the acts and ordinances amendatory thereof.

**3.20.020 City Council to order improvements**

Whenever the public interest or convenience may require, the ~~council~~City Council is authorized and empowered to order the whole or any part of the streets, avenues, lanes, alleys, boulevards, park drives, parkways, public squares, and places within the ~~city~~City to be graded or regraded, planked or replanked, paved or repaved, macadamized, or remacadamized, graveled or regreveled, piled or repiled, capped or recapped or otherwise improved and to order sidewalks, drains, sewers, and all sewer appurtenances, culverts,

bulkheads, retaining walls, water mains, hydrants or appurtenances, curbing and crosswalks, street lighting systems, together with the cost and expense of furnishing electrical energy to the street lighting systems, moving sidewalks or escalators, together with the cost and expense of operating and maintaining moving sidewalks or escalators, auxiliary water system, dikes and embankments, bridges and trestles, and approaches thereto, or other local improvement whatsoever to be constructed, reconstructed, repaired or renewed therein and to order the planting, setting out, cultivating, maintaining and renewing of shade or ornamental trees and shrubbery thereon; and to order any and all work to be done which shall be necessary to complete any such improvement; and to levy and collect special assessments to pay the whole or any part of the cost and expense of any such improvement. The ~~city~~City may require uniform setting out, planting, cultivating, maintenance and renewal of shade and ornamental trees and shrubbery on any street or highway. Any local improvement payable, in whole or in part, by special assessments, which shall include a charge for the cost and expense of furnishing electrical energy to any system of street lighting or for the cost and expense of operation and maintenance of moving sidewalks or escalators shall be initiated only upon the petition signed by the owners of two-thirds of the lineal frontage upon the improvement to be made and two-thirds of the area within the limits of the proposed improvement district.

### **3.20.030 Improvements ordered by ordinance**

Any such improvement may be ordered only by ordinance of the ~~council~~Council, either upon petition or resolution therefor.

### **3.20.040 Petition for proposed improvement**

A. In case any such local improvement, the assessment district for which shall not extend beyond the termini of such improvement, shall be initiated upon petition, such petition shall set forth the nature and territorial extent of such proposed improvement, the mode of payment and the fact that the signers thereof are the owners, according to the records in the office of the ~~county auditor~~County Auditor, or property to an aggregate amount of a majority of the lineal frontage upon the improvement to be made and of the area within the limits of the assessment district to be created therefor. If any such property stands in the name of a deceased person, or any person for whom a guardian has been appointed, the signature of the executor, administrator or guardian as the case may be, shall be equivalent to the signature of the owner of the property on such petition.

B. Such petition shall be presented to and filed with the ~~city clerk-treasurer~~City Clerk. Upon the filing of such petition the clerk-treasurer shall deliver the same to the ~~city engineer~~City Engineer who shall ascertain if the facts set forth in the petition are true and shall cause an estimate of the cost and expense of such improvement to be made and shall transmit the same to the ~~city council~~City Council with a certificate setting forth whether the requisite number of signatures appear on the petition, together with all papers and information in the ~~city engineer's~~City Engineer's possession touching such improvement, with the estimated cost thereof and the ~~city engineer's~~City Engineer's recommendations thereof, together with a description of the boundaries of the district, and a statement of the proportionate amount of the cost and expense of such improvement which should be borne by property within the proposed assessment district, and a statement of the aggregate assessed valuation of the real estate exclusive of improvement in such district according to the valuation last placed upon it for purposes of general taxation.

C. In case such petition shall be found sufficient, such board, officer or authority shall also transmit to the ~~council~~Council a diagram or print showing thereon the lots, tracts or parcels of land and other property which

will be specially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each such lot, tract or parcel of land or other property.

### **3.20.050 Resolution for proposed improvement**

Any such improvement may be initiated directly by the ~~city council~~ City Council by a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, and notifying all persons who may desire to object thereto to appear and present such objections at a meeting of the ~~council~~ Council at the time specified in such resolution; and directing the proper board, officer or authority to submit to the ~~council~~ Council at or prior to the date fixed for such hearing the estimated cost and expense of such improvement, and a statement of the proportionate amount thereof which should be borne by the property within the proposed assessment district, and a statement of the aggregate assessed valuation of the real estate, exclusive of improvements, within the district according to the valuation also placed upon it for the purposes of general taxation, together with a diagram or printing showing thereon the lots, tracts and parcels of land and other property which will be specially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each lot, tract or parcel of land or other property. Notice of the date of such hearing shall be given each owner or reputed owner of any lot, tract or parcel of land, or other property, specially benefited by the improvement by mailing to the owner or reputed owner of the property as shown on the tax rolls of the ~~county treasurer~~ County Treasurer, at the address shown thereon, a notice setting forth the nature of the proposed improvement, the total estimated cost, and the estimated benefits to the particular lot, tract or parcel, and the date of the hearing before the ~~city council~~ City Council; such notice shall be mailed as herein provided at least fifteen (15) days before the date fixed for such hearing. The resolution shall be published in at least two consecutive issues of the official newspaper of such city, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the ~~city council~~ City Council.

### **3.20.060 Authorization of improvement**

Upon the conclusion of the hearing previously held, should the ~~council~~ Council in its judgment deem the improvement to be a public benefit and necessary to the health, welfare and public interest of the community, the ~~council~~ Council shall authorize the improvement by ordinance subject to the provision of Remington Revised Statutes Nos. 9363 and 9365 (RCW [35.43.130](#); [35.43.180](#); Chapter 35.44).

### **3.20.070 Award of contract –Supervision of work**

After the ~~city council~~ City Council shall have provided by ordinance for the making of any local improvement, plans therefor shall be approved, bids called and the contract let as hereinafter provided, and the work supervised by the ~~city engineer~~ City Engineer.

### **3.20.080 Assessment roll –Preparation, filing and hearing**

A. Upon completion of all work made a portion of the improvement, by the ordinance creating such improvement district, and upon the expiration of the lien period for labor and materials liens as provided for in Section [3.20.200](#), or upon the final settlement and adjudication of all claims thereunder, so that the entire cost and expenses of the local improvement district is known, the ~~city engineer~~ City Engineer shall certify to the ~~city council~~ City Council the total cost and expense of the improvement and prepare, for submission to the ~~city council~~ City Council, an assessment roll in which each lot, tract, parcel or other portion of land shall have assessed against it the just and fair proportion of the actual total expense, in proportion as the lot, tract, parcel or other portion of real estate is benefited by the work involved.



B. The assessment roll shall be filed with the ~~city clerk-treasurer~~ City Clerk, as prepared by the ~~city engineer~~ City Engineer, shall contain the description of each lot, tract or parcel of land or other property to be assessed, the amount to be charged, levied or assessed against the same, and the name of the owner thereof, if known; but in no case shall a mistake in the name of the owner be fatal when the description of the property is correct.

C. The ~~city council~~ City Council upon receipt of such assessment roll, shall fix a date for hearing thereon and direct the clerk to give notice of such hearing and the time and place thereof. Such notice shall notify all persons who may desire to object thereto to make such objections in writing and to file same with such clerk at or prior to the date of hearing, and such notice shall be published at least five times in the official daily newspaper or two times in the official weekly newspaper, provided that at least fifteen days must elapse between the date of the last publication thereof and the date fixed for such hearing. At the time fixed for such hearing, the ~~city council~~ City Council shall sit as a board of equalization on the assessment roll, and at such hearing will consider such objections and make revisions therein as provided by state law.

D. Notice of the time and place of hearing on such assessment roll shall also be given to the owner or reputed owner of the property whose name appears thereon by mailing a notice thereof at least fifteen (15) days before the date fixed for the hearing, to such owner or reputed owner at the address of such owner as shown on the tax rolls of the ~~county treasurer~~ Treasurer for the property described on the list.

### **3.20.090 Assessment roll –Approval**

Approval of all assessment rolls shall be by ordinance. An ordinance confirming any assessment roll shall levy and assess against each lot, tract, parcel of land, or other property appearing upon said roll, the amount charged against the same. Upon the enactment of such ordinance the roll shall be transmitted without delay to the ~~city treasurer~~ Finance Director with the ~~city clerk's~~ City Clerk's certificate that the same has been duly approved by ordinance.

### **3.20.100 Modes of payment –Penalty for delinquency**

There shall be two modes of making payment for such portion of the cost and expense of any improvement provided for in this chapter, as shall be payable by special assessments: immediate payment, and payment by warrants and/or bonds. The mode adopted shall be the mode petitioned for, in case the improvement shall be made upon petition, or the mode shall be the one which the ~~council~~ Council shall designate in the ordinance ordering such improvement.

A. Mode of Immediate Payment. Whenever the cost and expense of any improvement is payable by the mode of immediate payment, the ~~city clerk-treasurer~~ City Clerk shall, upon receipt of such roll, publish a notice in the official paper of the ~~city~~ City for ten (10) consecutive daily, or two (2) consecutive weekly issues, that the said roll is in the ~~city clerk-treasurer's~~ City's hands for collection and that any assessment thereon or any portion of any such assessment may be paid at any time within thirty (30) days from the date of the first publication of the notice, without penalty, interest or costs, and that unless payment be made within such time, such assessment or unpaid portion thereof will become delinquent. Upon delinquency a penalty of five percent shall attach to, and become a part of, all such assessments. Delinquent assessments shall bear interest at the rate of five percent per year until paid. Such delinquent assessments with penalty and interest shall be collected without delay and the lien thereof be enforced in the manner provided by law and the ordinances of the ~~city~~ City.

B. Mode of Payment by Warrants and/or Bonds. Whenever the cost and expense of any improvement shall be payable by the mode of payment by warrants and/or by bonds, the whole or any portion of any assessment levied on account of such improvements may be paid without penalty or interest during the first thirty (30) days following the date of the first publication of a notice by the ~~city clerk-treasurer~~ City Clerk that such assessment and assessment roll is in the ~~city clerk-treasurer's~~ City's hands for collection, and the unpaid balance, if any, may be paid in equal annual installments, the number of which shall equal the number of years which the bonds to pay for the improvement may run; or, the lien of any such assessment may be discharged at any time after the said thirty (30) days by paying the entire unpaid portion thereof with all penalty and costs attaching, together with all interest thereon to date of delinquency of the installment thereof next falling due. The first installment shall become due and payable during the thirty-day period succeeding a date one year after the date of first publication of such notice, and annually thereafter each succeeding installment shall become due and payable in like manner. If the whole or any portion of any assessment remains unpaid after the first thirty-day period provided for herein, interest upon the whole unpaid sum shall be charged at the rate fixed in the ordinance providing for such improvement, and each year thereafter one of the installments, together with the interest due upon the whole of the unpaid balance shall be collected. Any installment not paid prior to the expiration of the thirty-day period during which such installment is due and payable, shall thereupon become delinquent. All delinquent installments shall, until paid, be subject to a charge for interest at the bond or warrant rate, and to an additional charge of five percent penalty levied upon both principal and interest due on such installment or installments.

### **3.20.110 Notice by publication and mail**

Whenever the assessment roll of an assessment payable by the mode of payment by warrants and/or bonds has been placed in the hands of the ~~city clerk-treasurer~~ City for collection, the ~~city clerk-treasurer~~ City Clerk shall publish a notice in the official newspaper of the ~~city~~ City for ten (10) consecutive daily or two (2) consecutive weekly issues that the said roll is in the ~~city clerk-treasurer's~~ City's hands for collection and that any assessment thereon or any portion of such assessment may be paid at any time within thirty (30) days from the date of the first publication of the notice without penalty or costs. Whenever any subsequent installment of an assessment payable by the mode of payment by warrants and/or bonds becomes due and payable, the ~~city clerk-treasurer~~ City Clerk shall publish notice thereof for one daily or one weekly issue of the official newspaper. The date of the publication shall be at least thirty (30) days prior to the date of the delinquency of such installment. In all cases of assessment or installments thereof becoming due and payable, the ~~city clerk-treasurer~~ City shall mail a copy of the notice required to be published to the owner of the property assessed, when the post office address of the owner is known, but failure to mail the same shall not be fatal when publication is made.

### **3.20.120 Special fund for each improvement district**

The ordinance confirming any assessment roll shall also create a special fund to be called Local Improvement Fund, District No. \_\_\_\_\_, into which shall be placed all sums paid on account of such assessment, including all interest and penalty thereon, and in event of sale of bonds by the ~~city~~ City, all premiums and accrued interest on bonds issued for such improvement.

### **3.20.130 Issuance of bonds**

At the expiration of thirty (30) days after the date of first publication of the ~~clerk-treasurer's~~ City Clerk's notice referred to in Section 3.20.110, the ~~city clerk-treasurer~~ Finance Director shall report the total amount of the assessment, the total amount paid to ~~that city clerk-treasurer~~ City to redeem any lots, tracts, parcels of land or

other property from the assessment levies thereon, and the total amount unpaid on such assessment. Whereupon, if bonds are to be issued, the ~~mayor~~ Mayor and the ~~city clerk-treasurer~~ City Clerk shall issue the bonds of the local improvement district established by the ordinance providing for such improvement in an amount equal to the amount remaining unpaid on the assessment roll as shown by such report. The bonds provided for in this section shall not be issued prior to twenty (20) days after the expiration of the thirty (30) days mentioned above. Such bonds shall be in denominations of one hundred dollars each, except bonds numbered one, which shall be in an amount not to exceed two hundred dollars; provided, that the ~~city council~~ City Council may in the ordinance confirming the assessment roll designate any different denomination for such bonds. Such bonds shall be numbered from one upwards consecutively, and each bond and coupon shall be signed by the ~~mayor~~ Mayor and attested by the ~~city clerk-treasurer~~ City Clerk; provided, however, that such coupons may, instead of being so signed, have printed thereon the facsimile of the signatures of such officers, and each bond shall have the seal of the ~~city~~ City impressed thereon and shall refer to the improvement, to pay for which the same shall be issued, and to the ordinance ordering the same; and provided further, that the ~~city council~~ City Council may by the ordinance confirming any assessment roll authorize the ~~city clerk-treasurer~~ Finance Director to purchase, with moneys from any trust fund of the ~~city~~ City, warrants issued against the local improvement fund in an amount equal to the amounts unpaid on the assessment rolls in lieu of issuing bonds on such local improvement district as provided in this section. Any money so invested by the ~~city clerk-treasurer~~ Finance Director in the purchase of local improvement district warrants shall be repaid in the same manner and draw interest at the same rate as would the local improvement district bonds had they been issued.

### **3.20.140 Terms of bonds –Interest**

Such bonds by their terms shall be made payable on or before a date not to exceed ten years from and after the date of the issuance of such bonds, which date may be fixed by resolution or may be fixed by the ordinance confirming the assessment roll. Such bonds shall bear interest at the rate provided by the ordinance ordering the improvement, but not exceeding eight percent per year, such interest to be payable annually. Each bond shall have attached thereto interest coupons for each interest payment.

### **3.20.150 Form of bonds**

All bonds issued in pursuance of the provisions of this chapter shall be in substantially the following form:

Local Improvement Bonds, District No. \_\_\_\_\_ of the City of Olympia, State of Washington.

No. \_\_\_\_\_.

This bond is issued by virtue of the provisions of Chapter 98, Laws of 1911 of the Legislature of the State of Washington, entitled, "An Act relating to local improvements in cities and towns and repealing certain acts and parts of acts," approved March 17, 1911, and acts amendatory thereof.

This bond is guaranteed as provided by Chapter 209, Laws of 1927 of the State of Washington, Section 5 of which act reads as follows:

"Neither the holder nor the owner of any bond or warrant issued under the provisions of this act shall have any claim therefor against the city or town by which the same is issued, except for payment from the special assessments made for the improvement for which said bond or warrant was issued, and except as against the local improvement guaranty fund of such city or town, and the city or town shall not be liable to any holder or owner of such bond or warrant for any loss to the guaranty fund

occurring in the lawful operation thereof by the city or town. The remedy of the holder or owner of a bond or warrant in case of non-payment shall be confined to the enforcement of the assessment and to the guaranty fund."

The City of Olympia, a municipal corporation of the State of Washington, hereby promises to pay to bearer \_\_\_\_\_, lawful money of the United States, with interest thereon at the rate of \_\_\_\_ percent per annum, payable annually out of the fund established by Ordinance No. \_\_\_\_ of said city, and known as Local Improvement District Fund No. \_\_\_\_ and not otherwise, both principal and interest payable at the ~~City Hall office of the City Clerk-Treasurer of said city.~~

A coupon is hereto attached for each installment of interest to accrue hereon, and said interest shall be paid only on presentation and surrender of such coupons to the ~~City Clerk-Treasurer~~ Finance Director, but in case this bond is called for payment before its maturity, each and every coupon representing interest not accrued at the time this bond is payable under such call, shall be void. This bond is payable on or before the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and is subject to call by the ~~City Clerk-Treasurer~~ Finance Director of said city whenever there shall be sufficient money in said Local Improvement District Fund to pay the same and all unpaid bonds of the series of which this bond is one, which are prior to this bond in numerical order, over and above sufficient for the payment of interest on all unpaid bonds of said series. The City Council of said city, as the agent of said Local Improvement District No. \_\_\_\_ established by Ordinance No. \_\_\_\_ has caused this bond to be issued in the name of said city, as the bond of said Local Improvement District, the bond or proceeds thereof to be applied in part payment of so much of the cost and expense of the improvement of \_\_\_\_\_ by \_\_\_\_\_ and by doing such other work as may be necessary in connection therewith, under said Ordinance No. \_\_\_\_\_, as is levied and assessed against the property included in said Local Improvement District and benefited by said Improvement, and the said Local Improvement District Fund No. \_\_\_\_ has been established by Ordinance for said purpose and the holder or holders of this bond shall look only to said fund and the Local Improvement Guaranty Fund for the payment of either the principal or interest on this bond.

The call for payment of this bond, or any bond of the series of which this is one, shall be made by the ~~City Clerk-Treasurer~~ Finance Director by publishing the same in the city official newspaper of said city, and when such call is made for the payment of this bond, it will be paid on the day the next interest coupon hereon shall become due, after said call, and upon said day interest upon this bond shall cease, and any remaining coupons shall be void.

This bond is one of a series of \_\_\_\_\_ bonds aggregating in all the principal sum of \_\_\_\_\_ issued for said Local Improvement District, all of which bonds are subject to the same terms and conditions as herein expressed.

In witness whereof, the City of Olympia has caused these presents to be signed by its Mayor and attested by its City Clerk, and sealed with its corporate seal this \_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, \_\_\_\_\_.

THE CITY OF OLYMPIA

By \_\_\_\_\_

MAYOR

Attest: \_\_\_\_\_(Seal)\_\_\_\_\_

City Clerk

### 3.20.160 Bond registry

The ~~city clerk-treasurer~~ Finance Director shall keep in the ~~city clerk-treasurer's office~~ a register of all such bonds issued. The ~~city clerk-treasurer~~ Finance Director shall enter therein the local improvement fund district number for which the same are issued and the date, amount and number of each bond and the term of payment.

### 3.20.170 Foreclosure of delinquent assessments

A. Whenever in the ~~city~~ City on the first day of January of any year two installments of any local improvement assessment are delinquent, or the final installment thereof has been delinquent for more than one year, the ~~city~~ City shall, on or before the first day of June of such year, proceed with the foreclosure of all such delinquent assessments of installments or installment thereof, as the case may be, by proceedings in court therefor in an action brought in its own name in the superior court of Thurston County; provided, that the ~~city clerk-treasurer~~ City shall mail or cause to be mailed to the person or persons whose name or names appear upon said assessment roll as the owner or owners of any lot, tract or parcel of land at the person's address as last known to the ~~clerk-treasurer~~ City; such notice to be mailed at least thirty (30) days before commencement of any such foreclosure proceedings and shall state the amount due upon each separate lot, tract or parcel of land and the date after which foreclosure proceedings will be commenced. The ~~clerk-treasurer~~ City shall file with the clerk of the court at the time of commencement of such proceedings proof of having mailed such notice by affidavit of the party mailing the same; such affidavit shall be conclusive proof of compliance with the above requirements. It shall not be necessary to bring a separate suit for each separate lot, tract or parcel of land or other property or for each separate local improvement district, but all or any part of the property so delinquent under any and all assessment rolls or local improvement districts in the ~~city~~ City may be proceeded against in the same action and all or any of the owners or persons interested in any of the property so delinquent may be joined as parties defendant in a single action to foreclose, and all or any liens for such delinquent assessments or installment or installments thereof may be foreclosed in such proceeding.

B. Every such proceeding shall be tried before the court without a jury and shall be initiated by filing with the clerk of the court a certificate of the ~~city clerk-treasurer~~ Finance Director setting forth a description of each such separate lot, tract or parcel of land or other property upon which such assessment or installment or installments is delinquent, the date of the delinquency and the amount thereof including penalty and interest thereon, the name of the owner thereof or that such owner is unknown as appears upon the assessment roll, the number and the date of passage of the ordinance authorizing the improvement, the number and date of passage of the ordinance confirming such assessment roll, and the number of such local improvement district. All such lots, tracts or parcels of land or other property may be include in one certificate. Such certificate shall be prima facie evidence of the regularity and legality of the proceedings connected therewith, and the burden of proof shall be upon the defendants.

C. Upon the filing of such certificate the ~~city clerk-treasurer~~ Finance Director shall, with such legal assistance as the ~~city council~~ City Council may provide, proceed with such foreclosure by summons served exclusively by publication in one general notice describing the property as the same is described upon the assessment rolls. Such summons shall be published once each week for four successive weeks in the official newspaper of the ~~city~~ City, and shall require the defendants and each of them to appear and answer said summons within sixty (60) days from the date of the first publication thereof. The publication of such summons shall be sufficient service thereof on all persons interested in the property described therein. The person or persons whose name

or names appear on the rolls as the owner or owners of such property shall be considered and treated as the owner or owners thereof for the purpose of foreclosure, and if upon the assessment roll it appears that the owner or owners of the property are unknown, then the property shall be proceeded against as belonging to an unknown owner or owners, and all persons owning or claiming to own, having or claiming to have an interest therein, are hereby required to take notice of the proceeding and of any and all steps thereunder.

D. In any such proceeding where the owner or parties interested in any particular lot, tract or parcel of land or other property included therein shall suffer a default the court may enter judgment of foreclosure and sale as to such parties and properties so in default and order sale thereof, and the action may proceed as to the remaining defendants and property. The judgment shall specify separately the amount of the assessment or installment or installments thereof, including interest, penalty and costs, chargeable to the several lots, tracts or parcels of land or other property in such proceeding. Such judgment shall have the effect of a separate judgment as to each such lot, tract or parcel of land or other property described in such judgment, and any appeal from such judgment shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In entering judgment the court shall decree that such lots, tracts or parcels of land or other property be sold by the ~~city clerk treasurer~~ City to enforce such judgment. Judgment may be entered as to any one or more separate lots, tracts or parcels of land or other property involved in such proceeding, and the court shall retain jurisdiction of the proceedings as to the balance.

E. The laws now or hereafter in force governing appeals from general tax foreclosure judgments shall apply to appeals from judgments had under this act.

F. All sales shall be held at the front door of ~~the city hall~~ Olympia City Hall and shall be made on Saturday between the hours of nine o'clock in the morning and four o'clock in the afternoon and shall continue from day to day (Sundays and holidays excepted) during the same hours until all lots, tracts or parcels of land or other property are sold. Notice containing a description of the property to be sold shall be given of the time and place where such sale is to take place by publication once each week for two successive weeks in the official newspaper of the ~~city~~ City. The date fixed for such sale shall be not less than ninety (90) days after the first publication of such notice. Said notice shall be substantially in the following form:

LOCAL IMPROVEMENT ASSESSMENT SALE: Public notice is hereby given that pursuant to local improvement assessment judgment of the Superior Court of the County of Thurston in the State of Washington, entered the day of \_\_\_\_\_, \_\_\_\_\_, in proceedings for foreclosure of local improvement assessment liens upon real property, as per provisions of law, that I shall on the day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock at the front door of the City Hall in the City of Olympia in the County of Thurston, State of Washington, sell the following described lots, tracts or parcels of land or other property to satisfy the full amount of local improvement assessments, interest, penalty and costs adjudged to be due thereon together with interest accrued on such assessment to the date of sale and costs of sale as follows, to-wit:

(Description of property) (Amount due)

In witness whereof, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

~~Treasurer~~ Finance Director of Olympia, County of Thurston, State of Washington.

G. At such sale each lot, tract or parcel of land or other property shall be sold to the person offering to pay therefor not less than the full amount of the assessments, interest, penalty and costs adjudged to be due thereon, and if no such offer is received shall be sold to the ~~city~~ City for such amount. If any bidder to whom

any property is stricken off at such sale does not pay the amount of the bidder's bid before ten a.m. on the day following the day of such sale, such property shall then be resold, or if the sale is closed, be deemed to have been sold to the ~~city~~ City. Any amount received upon such sale in excess of the amount of such assessment, penalty, interest and costs, shall be paid by the ~~city clerk treasurer~~ City to the clerk of the court for the benefit of the owner or owners of such property. Where foreclosure of two installments of the same assessment on any lot or tract is sought, the ~~city or town treasurer~~ City officer shall, upon payment of the installment first delinquent, together with interest, penalty, costs and charges, at any time before sale, cause such lot or tract to be dismissed from the action.

H. The purchaser of such property shall take the same subject to the lien of all unpaid general taxes and local improvement assessments other than the particular installment or installments thereof for which the lot, tract or parcel of land or other property was sold.

I. The ~~city clerk treasurer~~ City shall file with the clerk of the court, for deposit with other papers in the foreclosure action, proof of publication of the notice of sale, and a report of sale. The report shall contain the title and number of the action, a description of each lot or tract sold, the amount for which the same was sold, the date of sale thereof, and the name of the purchaser.

J. The ~~city clerk treasurer~~ City shall execute and deliver to a purchaser a certificate of purchase. All lots or tracts sold to the ~~city~~ City on the same day may be included in one certificate of purchase. The certificate shall be dated as of the date of the sale, contain the name of the owner as given on the assessment roll, a description of each lot or tract of land and the amount for which the same was sold, a brief designation of the improvement for which the assessment was levied, the name of the purchaser, a statement that the purchaser, the purchaser's successor or assigns, will be entitled to a deed at the expiration of the period of redemption provided for herein unless redemption be made, and shall be signed by the ~~clerk treasurer~~ appropriate City officer or official.

K. A certificate of purchase may be assigned by a written assignment, signed by the assignor and acknowledged in the same manner and before the same officers as provided for deeds. Certificates of purchase and assignments thereof may be recorded in the office of the auditor of the county wherein the land affected is situate.

L. Any lot or tract hereafter so sold shall be subject to redemption within two years from the date of sale. Redemptions may be made by the parties designated in, and shall be governed by, the statutes now or hereafter enacted which are applicable to redemptions from sales made under decrees foreclosing mortgages on real property; provided, the terms judgment debtor, or judgment debtor's successor in interest, as used in said statutes, shall be deemed and held, for the purpose of this section, to include an owner or a vendee; provided further, that the ~~city clerk treasurer~~ City shall perform the duties imposed by said statutes upon the sheriff.

M. Where the time for redemption shall have expired and no redemption shall have been made, the ~~city clerk treasurer~~ City shall execute and deliver to the purchaser, the purchaser's successor or assigns, of any lot a local improvement assessment deed. All property conveyed to the ~~city~~ City may be included in one deed. Such deed shall be prima facie evidence that the property therein described was assessed according to and as required by law, that the assessment was not paid, that the property was sold as required by law, that it was not redeemed, that the person executing the deed was the proper officer, and shall be conclusive evidence of the regularity of all other proceedings from the assessment up to and including the execution of the deed, and





of the installment or installments of the assessment, and that the same had not been paid prior to delinquency or at all.

C. The assessment roll and confirmatory order, or duly authenticated copies thereof, shall be prima facie evidence of regularity and legality of the proceedings connected therewith, and the burden of proof shall be upon defendants.

D. Where the owners and parties interested in any particular lot or tract shall default, the court may enter judgment of foreclosure and sale as to such parties and lots or tracts, and the action may proceed as to the remaining defendants and lots or tracts. The judgment shall specify separately the amount of the installment or installments, with interest, penalty, and costs chargeable to each lot or tract. The judgment shall have the effect of a separate judgment as to each lot or tract described in the judgment and any appeal shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In the judgment the court shall order the lots or tracts therein described sold, and an order of sale shall issue pursuant thereto for the enforcement of the judgment. Judgment may be entered as to any one or more separate lots or tracts involved in the action, and the court shall retain jurisdiction of other properties.

E. All sales shall be subject to the right of redemption within two years from date of sale. The service of summons, and all proceedings except as otherwise prescribed herein, including appeal, order of sale, sale, redemption, and issuance of deed, shall be governed by the statutes now or hereafter in force relating to the foreclosure of mortgages on real property. For the purpose of this section the terms judgment debtor or successor in interest in the statutes governing redemption shall be deemed and held to include an owner or a vendee.

### **3.20.190 Call and payment of bonds and warrants**

A. Should the ~~city clerk treasurer, in the city clerk treasurer's judgment,~~ City deem it wise and for the best interests of the ~~city~~ City and the local improvement district concerned, and if the ordinance setting up the assessment roll so specifies, the ~~city clerk treasurer~~ City may retire all warrants issued to cover the expense of the local improvement district by issuing, in redemption thereof, a series of local improvement district bonds in such sum as will retire all warrants issued, together with interest accruing thereon up to the date of the availability of the proceeds of the bond issued.

B. It shall be the duty of the ~~city clerk treasurer~~ Finance Director to call and pay in numerical order such outstanding bonds or warrants against any particular improvement fund as the ~~city clerk treasurer~~ City may be able to pay with the money on hand credited to such fund, and whenever the ~~city~~ City ~~clerk treasurer~~ shall have money on hand to the credit of such fund, but not sufficient to pay the whole of the next succeeding outstanding bond or warrant, the ~~city clerk treasurer~~ City may call in and pay such portion thereof as shall exhaust the amount of such fund.

C. Whenever the ~~city clerk treasurer~~ City shall pay a portion of any bond or warrant as provided above, the ~~city clerk treasurer~~ Finance Director shall endorse upon such bond or warrant the date and amount of such payment and take a receipt from the holder thereof, showing the number and description of such bond or warrant and the date, and amount so paid, which receipt the ~~clerk treasurer~~ Finance Director shall return with their ~~city clerk treasurer's~~ report as a voucher for the money so paid.

### 3.20.200 Local improvement contracts

A. All contracts for public improvements shall provide that at least fifteen percent of the amount due the contractor on estimates shall be retained to secure payment for labor performed thereon and material suppliers who have furnished materials therefor, and such labor and material suppliers shall for thirty (30) days after their work has been completed have a lien on such fifteen percent so reserved for labor done and materials furnished, which lien shall be senior to all other liens whether by judgment attachment or contract, and no improvement shall be deemed completed until the ~~city engineer~~ City Engineer shall have filed with the ~~city clerk treasurer~~ City Clerk a statement signed by ~~that city clerk treasurer~~ the City Engineer declaring the same to have been completed.

B. During the time allowed in the contract the ~~city engineer~~ City shall, on the last day of each month, issue an estimate of the amount of work completed during the month by the contractor, but shall after the date set for the completion of the contract furnish no estimate other than the final estimate issued after the completion of the work. Such final estimate issued by the ~~city engineer~~ City Engineer shall include, in addition to a statement of the amount of money due the contractor, a statement of the amount of money due the ~~city~~ City, same being the sums expended for abstracts, publishing, advertising lot ownerships and engineering prior to the date set for the completion of the contract, and the estimate shall also include the additional description charges specified in Section 3.20.230, all of which charges shall be paid as specified therein. All engineering expenses incurred after the time fixed in the contract for its completion shall be borne by the contractor as a penalty for failure to complete the work within the specified time.

C. The ~~city clerk treasurer~~ Finance Director shall, upon order of the ~~city council~~ City Council, following the issuance of the estimate of the ~~city engineer~~ City Engineer deliver to the contractor money or warrants in an amount equal to eighty-five percent of such estimate. In case warrants are issued, they shall be drawn against the local improvement district fund under which the work is being done and shall bear interest at an amount to be fixed by the ordinance affirming the assessment roll; provided, that such interest shall accrue only from the date of the warrant to the date bonds are issued in redemption thereof, if bonds are to be issued, otherwise interest shall continue to accrue until warrants are paid.

D. The fifteen percent required to be held as a reserve to protect labor and material suppliers for thirty (30) days after the final completion of the improvement shall, at the expiration of such period, be paid to the contractor in warrants so far as the same shall be free from liens, which warrants shall bear interest from date of final acceptance of such work by the ~~city engineer~~ City Engineer and the ~~city council~~ City Council as outlined above. Immediately upon ascertaining the final estimate for any local improvement, the ~~city engineer~~ City Engineer shall file with the ~~city clerk treasurer~~ City Clerk a certificate setting forth the total amount of the final estimate together with any accrued interest on warrants issued or to be issued to the contractor.

### 3.20.210 Contracts to lowest and best bidder –Notice check with bid

The ~~city council~~ City Council may provide that all the work to be done in any local improvement district shall be let in one contract, or at its option it may provide that the work in any local improvement district be subdivided and separate and distinct contracts be let for each subdivision thereof. All public improvements to be made by contract shall be let to the lowest and best bidder ~~therefor~~. Before awarding any such contract, or contracts, the ~~city council~~ City shall cause to be published, in the official newspaper of the ~~city~~ City a notice, where the expenditure required is less than five thousand dollars, by four successive publications, the first publication to be at least seven (7) days before the letting of such contract or contracts, inviting sealed proposals for such work, the plans and specifications whereof must, at the time of the publication of such notice, be on file in the

office of the ~~city clerk-treasurer~~ City Clerk, subject to public inspection. Such notice shall state generally the work to be done, and shall call for proposals for doing the same, to be sealed and filed with the ~~city clerk-treasurer~~ City Clerk on or before the day and hour named therein. All bids shall be accompanied by a certified check, payable to the order of the ~~city clerk-treasurer~~ City of Olympia, for a sum not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such check.

**3.20.220 Opening bids –Acceptance and rejection**

At the time and place named such bids shall be publicly opened and read; no bid shall be rejected for informality but shall be received if it can be understood what is meant thereby. The ~~city council~~ City shall proceed to determine the lowest and best bidder and may let such contract to such bidder, or, if in its opinion all bids are too high, it may reject all of them and readvertise and in such case all checks shall be returned to the bidders by the ~~city clerk-treasurer~~ City; but if the contract is let, then, and in such case, all checks shall be returned to the bidders except that of the successful bidder, which shall be retained until the contract is entered into for making such improvement between the bidder and the ~~city~~ City in accordance with such bid, and the duly approved and accepted bond therefor be filed in the office of the ~~city clerk-treasurer~~ City Clerk. If the bidder fails to enter into such contract in accordance with the bidder's bid within ten (10) days from the date at which the bidder is notified that the bidder is the successful bidder, the ~~city clerk-treasurer~~ City shall stamp across the face of the certified check, "Forfeited to the City of Olympia . . . . . City Clerk," and shall endorse and deliver the same to the ~~city clerk-treasurer~~ Finance Director to be deposited in the ~~city~~ City treasury to the credit of the proper local improvement fund, and the ~~city council~~ City shall readvertise for proposals for such work. The ~~city council~~ City Council shall not have the power to remit such forfeiture.

When the ~~city~~ City has advertised for competitive proposals and received no satisfactory bids for any improvement contemplated, the ~~city council~~ City may reject all bids presented and readvertise in their discretion, or, if in the judgment of the ~~council~~ City, such work can be performed, or supplies or materials furnished by the ~~city~~ City independent of contract, cheaper than under the lowest bid submitted, it may, after having so advertised and examined the bids, cause such work to be performed or supplies or materials to be furnished and independent of contract.

**3.20.230 Subdistricts authorized**

Whenever the ~~city council~~ City shall provide for the construction of any trunk sewer, it may divide the territory to be served thereby into subdistricts; the construction of such improvement may be made under separate contracts for such subdistricts thereof and the ~~city council~~ City may levy assessments in each subdistrict and issue bonds to be paid by the collection of assessments against property in each subdistrict independent of any other subdistrict; provided, however, that such subdistrict shall be set forth in the ordinance providing for such improvement and when it is proposed to pay any portion of the cost of such improvement from the ~~general fund~~ General Fund, such ordinance shall specify approximately the amount to be apportioned to each subdistrict.

**3.20.240 City's contribution to be specified in ordinance**

Every ordinance ordering any improvement as provided for in this chapter, shall declare what, if any, portion or proportionate amount of such cost and expense shall be borne by the ~~city~~ City out of any of its general funds, and shall direct that the remainder of such cost and expense be assessed against the property within the district in the manner provided by law.

### 3.20.250 Items of cost

In making an estimate of the cost and expense of any improvement as provided in this chapter, the ~~city engineer~~City Engineer shall include therein the estimated cost and expense of the engineering and surveying necessary for the improvement to be done by and under the ~~city engineer's~~City Engineer's direction and also the cost of ascertaining the ownership of lots and parcels of land included in the assessment district and the cost of advertising and publishing all notices required to be published, such figures to be revised when the assessment roll is being prepared, so as to include all actual costs and expenses incurred on the local improvement concerned, and also add a charge against each description of property upon any assessment roll the following sum: one dollar minimum per description, with an additional one dollar minimum per description for each installment year of the district; which sum in each particular case will be the charge for the cost of the accounting, clerical labor, books, and blanks incurred by the ~~city clerk treasurer~~City in connection with such assessment, and in addition thereto, the final estimate shall include a sum of money sufficient to pay all accruing interest on warrants issued during construction or progress of the improvement, from date of issuance to ninety (90) days after completion of the improvement, or until the assessments on the assessment roll commence to draw interest, whichever is longer. As soon as all of the above-specified charges have been ascertained and included in the engineer's final progress estimate, the total amount thereof, with the exception of the interest item mentioned, shall be set forth in detail on a claim voucher drawn against the local improvement district, in favor of the current expense fund, of the ~~city~~City, and upon being audited and approved in the proper manner the same shall be ordered paid and the ~~city clerk treasurer~~Finance Director shall draw a warrant in favor of the current expense fund, in full reimbursement of all advances made or to be made by the ~~city~~City for the benefit of the improvement.

The interest item mentioned above is to be retained in the local improvement district fund to meet the accruing interest on the warrants issued during the construction of the project.

### 3.20.260 Installment notes and certificates

A. In addition to the issuance of bonds and warrants in payment of the cost and expense of any local improvement, the ~~city~~City may also issue installment notes payable out of the local improvement district fund, where such notes are to be sold exclusively to another fund of the same municipality as an investment thereof. Such installment notes may be issued any time after the thirty-day period allowed by law for the payment of assessments of any district without penalty or interest, and may bear any denomination or denominations, the aggregate of which shall represent the balance of the cost and expense of the local improvement district which is to be borne by the property owners therein.

B. Application of local improvement district funds for the reduction of the principal and interest amounts due on any notes as provided herein to finance the improvement shall be made not less than once each year beginning with the issue date thereof. If more than one local improvement installment note is issued for a single district, the notes shall be numbered consecutively. All notes issued shall bear on the face thereof:

1. The name of the payee;
2. The number of the local improvement district from whose funds the notes are payable;
3. The date of issue of each note;
4. The date on which the note, or the final installment thereon shall become due;
5. The rate of interest, not to exceed eight percent, to be paid on the unpaid balance thereof; and
6. Such manual or facsimile signatures and attestations as are required by state statute or ~~city~~City ordinance to appear on the warrants of the ~~city~~City.

C. The reverse side of each installment note issued pursuant to this section shall bear a tabular payment record which shall indicate at prescribed installment dates, the receipt of any local improvement district funds for the purpose of servicing the debt evidenced by the notes. Such receipts shall first be applied toward the interest due on the unpaid balance of the note, and any additional moneys shall thereafter apply as a reduction of the principal amount thereof. The tabular payment record shall, in addition to the above, show the unpaid principal balance due on each installment note, together with sufficient space opposite each transaction affecting the note for the manual signature of the ~~clerk-treasurer~~ Finance Director or other properly designated receiving officer of the ~~city~~ City.

D. Whenever there are insufficient funds in a local improvement district to meet any payment of installment interest due on any note herein; a noninterest-bearing defaulted installment interest certificate shall be issued by the ~~city clerk-treasurer~~ Finance Director which shall consist of a written statement certifying the amount of such defaulted interest installment; the name of the payee of the note to whom the interest is due and the number of the local improvement district from whose funds the note and interest thereon is payable. The certificate herein provided shall bear the manual signature of the ~~city clerk-treasurer~~ Finance Director or their ~~city clerk-treasurer's~~ authorized agent. The defaulted installment interest certificate so issued shall be redeemed for the face amount thereof with any available funds in the local improvement guaranty fund.

E. Whenever at the date of maturity of any installment note issued pursuant to this section, there are insufficient funds in a local improvement district, due to delinquencies in the collection of assessments, to pay the final installment of principal due thereon, the note shall be redeemed with any available funds in the local improvement guaranty fund for the amount of the final installment.

F. All certificates and notes issued pursuant to this section are to become subject to the same redemption privileges as apply to any local improvement district bonds and warrants now accorded the protection of the local improvement guaranty fund as provided in RCW Chapter 35.54, and whenever the certificates or notes issued as provided herein are redeemed by the local improvement guaranty fund, they shall be held therein as investments thereof in the same manner as prescribed for other defaulted local improvement district obligations.

### **3.20.270 Acceleration of installment payments**

Where in the formation of any local improvement district by the ~~city council~~ City Council, it shall be provided that payment of the local improvement assessments may be made in installments over a period of years, such installment payment provisions shall be subject to acceleration upon the following conditions:

Upon failure to make payment of any installment provided for in the local improvement assessment ordinance when due, the entire assessment, including deferred installments thereon, shall become due and payable and the collection thereof may be enforced in the manner prescribed for the collection of local improvement assessments; provided, however, that payment of such delinquent installment or installments due, together with interest, penalty and cost, at any time before the entry of judgment in foreclosure as provided by law, shall extend the time of payment on the remainder of the assessment the same as if there had been no delinquency or foreclosure.

### **3.20.280 Deferral of payments –Authorized by ordinance**

In any case where an ordinance authorizing a local improvement so provides, the collection of payment of any or all local improvement district assessments payable by economically disadvantaged persons may be deferred

for a period of time not extending past the date established in the ordinance for payment of the final assessment.

### **3.20.290 Deferral of payments –Applicants**

Applicants for deferral of payments hereunder may be property owners or other persons who, under the terms of a recorded contract of purchase, recorded mortgage, recorded deed of trust, or recorded lease are responsible under penalty of forfeiture, foreclosure or default as between vendor/vendee, mortgagor/mortgagee, trustor/trustee, and grantee, and beneficiary and lender, or lessor and lessee for the payment of local improvement district assessments.

### **3.20.300 Deferral of payments –Economically disadvantaged defined**

Any applicant for deferral of payment hereunder must qualify as economically disadvantaged. For the purposes of this chapter, a person shall be deemed to be economically disadvantaged if such person meets the qualifications of the definition of "Low and Moderate Income Families in the State of Washington," as defined by the United States Department of Housing and Urban Development from time to time.

### **3.20.310 Deferral of payments –Determination of eligibility –Appeal**

All applications for deferral of payments hereunder shall be made to the ~~city manager~~ City Manager upon such forms as the ~~city manager~~ City Manager may prescribe, and the ~~city manager~~ City Manager shall make all determinations as to eligibility. In the event any person is aggrieved by any decision of the ~~city manager~~ City Manager hereunder, the person may appeal such decision by notice in writing to the ~~city council~~ City's Hearing Examiner, who shall hear and finally determine such appeal upon reasonable notice to the appellant.

### **3.20.320 Payment required by designated date**

Nothing under this chapter shall be deemed to forgive payment of any local improvement district assessments which, in any event, shall be due (inclusive of principal and all accrued interest) no later than the date established in the ordinance creating the LID for payment of the final assessment. Any delinquent local assessments may be foreclosed in the manner provided by law.

## **DRAINAGE UTILITY**

### **3.22.000 Chapter Contents**

Sections:

- 3.22.010 Utility defined.
- 3.22.020 Established--Powers.
- 3.22.030 Fund established.
- 3.22.040 Duty of ~~city~~ City not extended.

### **3.22.010 Utility defined**

The following words, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise: "Utility" means the ~~city~~ City storm drainage utility, a utility which operates and maintains

the storm water or surface water drains, channels and facilities, outfalls for storm drainage and the rights and interests in property relating to the system.

### **3.22.020 Established –Powers**

There is established the ~~city~~City storm drainage utility, to be administered and operated by the department of public works. The utility is authorized to exercise all of the lawful powers necessary and appropriate to plan for, finance, acquire, construct, develop, improve, maintain and operate all storm water control facilities acquired after the effective date of the ordinance codified in this chapter, including, without limitation, all the lawful powers to fix, alter, regulate and control the rate, charges and conditions for the use thereof and full power to enter into agreements with other agencies as permitted by law.

### **3.22.030 Fund established**

A. There is created a fund which shall be known as the storm drainage utility fund. All revenues, assessments, and other charges collected by the utility, 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. 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 drainage utility fund.

B. The ~~city~~City may create, at such time or times as it deems appropriate, any other funds necessary for the administration of the utility and may designate the revenues to be placed therein and the purpose or purposes of such funds which may be the same as or similar to the purposes designated in this section for the utility fund created in this section, and such purposes shall then be transferred to such newly created fund.

### **3.22.040 Duty of ~~city~~City not extended**

Nothing in this chapter shall be construed to create a duty on the part of the ~~city~~City or the utility to insure or protect individual persons or property against water drainage not otherwise imposed by law.

## Chapter 3.24 PUBLIC LANDS

### 3.24.000 Chapter Contents

Sections:

#### Article I. OLD OLYMPIA WATERSHED

- 3.24.010 Description.
- 3.24.020 City to retain ownership--Use.
- 3.24.030 Disposition of income.
- 3.24.040 Preservation.

Article II. SYLVESTER PARK

3.24.050 Description.

3.24.060 City interest to be retained.

**Article I. OLD OLYMPIA WATERSHED**

**3.24.010 Description**

The Old Olympia Watershed is best described as that property of the ~~city~~ City ~~now under the jurisdiction of the city water department,~~ known as the Moxlie Creek Watershed, and consisting of one hundred sixty-six acres, more or less, within the following described area: Swan’s Addition, Cullen’s Addition, Steven’s Addition, Vacated Kasson’s Addition, Wildwood Addition, and E. H. Wilson’s D.L.C., all in Olympia, Thurston County, Washington.

**3.24.020 City to retain ownership –Use**

The Old Olympia Watershed, including the timber thereon, shall be retained in the ownership of the ~~city~~ City, and it shall never be used for other than an emergency city water supply, or other public purpose unless such other use is approved by a vote of the people.

**3.24.030 Disposition of income**

Any income realized from the area, from whatever source derived, other than from the sale of water for public consumption, shall be used solely for the maintenance and development of the area itself.

**3.24.040 Preservation**

Every effort shall be made to preserve the natural beauty of the area.

**Article II. SYLVESTER PARK**

**3.24.050 Description**

Sylvester Park is best described as the public square bounded by Capitol Way, Legion Way, Washington Street and East Seventh Street, all in the ~~city~~ City of Olympia, Thurston County, Washington.

**3.24.060 City interest to be retained**

~~The interest of the city~~ Although owned by the State of Washington, the public interest\* in Sylvester Park shall never be disposed of in any manner unless the proposal is approved by a vote of the people.

NOTE: \*The City of Olympia conditioned the transfer of Sylvester Park to the State of Washington on its continued use for the benefit of the public.



## Chapter 3.28 FRANCHISE APPLICATION FEES

### 3.28.000 Chapter Contents

#### Sections:

3.28.010 Designated.

### **3.28.010 Designated**

All applicants for franchises under Section 5.15.120 and for master permits or Telecommunication Right-of-Way Use Authorizations under Title 11 of this Code from the City are required to pay to the ~~clerk-treasurer-City~~ with their application therefor an amount determined by City ordinance or resolution necessary for the purpose of defraying the expense of administering the application.

## Chapter 3.32 ADMISSION TAX

### 3.32.000 Chapter Contents

#### Sections:

- 3.32.010 Definitions.
- 3.32.020 Imposed.
- 3.32.030 Price to be printed on ticket.
- 3.32.040 Duty to collect and remit--Reports.
- 3.32.050 Extensions and penalties.
- 3.32.060 Certificate of registration--Issuance and validity.
- 3.32.070 Certificate of registration--Temporary amusement.
- 3.32.080 Payment upon disposal of business.
- 3.32.090 Revenue to be deposited in current expense fund.
- 3.32.100 Power to adopt regulations for administration and enforcement.
- 3.32.110 Effective date.
- 3.32.120 Violation--Penalty.

### **3.32.010 Definitions**

For the purposes of this chapter, words and phrases shall have the following meanings:

A. "Admissions charge," in addition to its usual and ordinary meaning, includes but is not limited in meaning to the following:

1. A charge made for season tickets or subscriptions;
2. A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
3. A charge made for food and refreshment in any place where free entertainment, recreation, or amusement is provided;

4. A charge made for admission to any place defined in this section;
5. A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of the privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;
6. Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

~~B.~~ "Clerk" means the city clerk treasurer.

~~BE.~~ "Nonprofit organization" means an organization, corporation, or association organized and operated for the advancement, appreciation, public exhibition or performance, preservation, study and/or teaching of the performing arts (music, drama, opera, dance or like activity), visual arts, history or science, which for reason of its nonprofit status is considered exempt by the United States government from federal income taxation pursuant to Section 501(C)(l) or (3) of the Internal Revenue Code of 1954, 26 U.S.C. Section 501, as now existing or hereafter amended; or a nonprofit organization which sponsors community-wide festival events.

~~CD.~~ "Person" means any individual, receiver, assignee, firm, copartnership, joint venture, corporation, company, joint stock company, association, society or any group of individuals acting as a unit, whether mutual, cooperative, social, nonprofit or otherwise.

~~DE.~~ "Place" includes, but is not restricted to, theaters, dance halls, taverns, cabarets, amphitheaters, auditoriums, stadiums, athletic pavilions and fields, skating rinks, circuses, sideshows, swimming pools, outdoor amusement parks, and such attractions as merry-go-rounds, ferris wheels, dodge 'ems, roller coasters, observation towers, and private clubs.

### **3.32.020 Imposed**

There is levied and imposed a tax at the rate of one cent per twenty cents or fraction thereof, paid as an admission charge, upon any person who pays to any place such admission charge, as those terms are defined in Section 3.32.010; provided, that such tax shall not apply to any person paying an admission charge to any activity of any elementary or secondary school or to any opera, concert, recital or like musical entertainment; any play, puppet show or dramatic reading; any exhibition of painting, sculpture or artistic or historical objects; or to a museum or any historical or scientific vessel, or any scientific exhibition, or to other like performances or events when a nonprofit organization, as defined in Section 3.32.010, publicly sponsors such activity and receives the use and benefit of admission charges collected therefor, or to a carnival held as part of a community-wide festival event sponsored by a nonprofit organization; or to an event or activity sponsored by the ~~city~~ City or where the net proceeds are contributed to a ~~city~~ City program. For purposes of this exemption for carnivals, "sponsored" means held pursuant to an agreement between the nonprofit organization and the carnival company or organization whereby the nonprofit organization shall receive an amount equal to at least fifteen percent of the gross admission charges collected during the carnival event.

### **3.32.030 Price to be printed on ticket**

The price, exclusive of the tax to be paid by the person paying for admission, at which every admission ticket or car is sold shall be conspicuously and indelibly printed or written on the face or back of that part of the ticket which is to be taken up by the management of the place to which admission is gained; and it is unlawful

for any person to sell an admission ticket or card on which the name of the vendor or the price is not so printed, stamped, or written, or to sell an admission ticket or card at a price in excess of the price printed, stamped, or written thereon.

### **3.32.040 Duty to collect and remit –Reports**

A. Every person receiving any payment for admissions on which a tax is levied under this chapter shall collect the amount of the tax imposed from the person making the admission payment. The tax required to be collected under this chapter shall be deemed to be held in trust by the person required to collect the same until paid to the ~~clerk~~City as provided. Any person required to collect the tax imposed under this chapter who fails to collect the same or, having collected the same, fails to remit the same to the ~~clerk~~City in the manner prescribed by this chapter, whether such failure is the result of the person's own act or the result of acts or conditions beyond the person's control, shall nevertheless be personally liable to the ~~city~~City for the amount of such tax and shall, unless the remittance is made as required, be guilty of a violation of this chapter.

B. The tax imposed under this chapter shall be collected at the time the admission charge is paid by the person seeking admission to any place and shall be reported and remitted by the person receiving the tax to the ~~clerk~~City in the quarterly installments and remittances therefor on or before the fifteenth day of the month next succeeding the end of the quarterly period in which the tax is collected or approved; provided, that the first return and remittance under this chapter shall be made on or before the fifteenth day of July, 1961, and shall cover the period from and including May 1, 1961, to and including June 30, 1961. Payment or remittance of the tax collected may be made by check unless payment or remittance is otherwise required by the ~~clerk~~City, but payment by check shall not relieve the person collecting the tax from liability for payment and remittance of the tax to the ~~clerk~~City unless the check is honored and is in the full and correct amount. The person receiving any payment for admissions shall make out a return upon such forms and setting forth such information as the ~~clerk~~City may require, showing the amount of the tax upon admissions for which the person is liable for the preceding quarterly period, and shall sign and transmit the same to the ~~city~~clerkCity with a remittance for said amount; provided, that the ~~clerk~~Finance Director may in their ~~clerk's~~ discretion require verified annual returns from any person receiving admission payments setting forth such additional information as the ~~clerk~~Finance Director may deem necessary to determine correctly the amount of tax collected and payable.

C. Whenever any theater, circus, show, exhibition, entertainment or amusement makes an admission charge which is subject to the tax levied under this chapter, and the same is of a temporary or transitory nature, of which the ~~clerk~~City shall be the judge, the ~~clerk~~Finance Director may require the report and remittance of the admission tax immediately upon the collection of the same, at the conclusion of the performance or exhibition, or at the conclusion of the series of performances or exhibitions or at such other times as the ~~clerk~~City shall determine; and failure to comply with any requirement of the ~~clerk~~City as to report and remittance of the tax as required shall be a violation of this chapter. The books, records and accounts of any person collecting a tax levied under this chapter shall, as to admission charges and tax collections, be at all reasonable times subject to examination and audit by the ~~clerk~~City.

### **3.32.050 Extensions and penalties**

The ~~clerk~~Finance Director, for good cause shown, may extend the time for making and filing a return under this chapter, and may grant such reasonable additional time within which to make and file such return as the ~~clerk~~Finance Director may deem proper; provided, that any extension in excess of thirty (30) days shall be conditional on payment of interest of one-half of one percent for each thirty (30) days or portion thereof of the

amount of tax from the date such tax became due. If payment of the tax due under this chapter is not received by the ~~clerk-City~~ within ten (10) days of the due date thereof there shall be added to the tax a penalty of ten percent of the amount thereof, but in no case shall the penalty be less than one dollar. If any taxpayer fails to file a return under this chapter, within ten (10) days of the due date thereof, and it appears that there was no tax due or paid for the period for which no return was filed, the ~~clerk-City~~ may assess against such delinquent a penalty not to exceed three dollars for such failure. The ~~clerk-City~~ shall notify persons by mail of the amount of any penalties so added or assessed and the same shall become due and be paid within ten (10) days from the date of such notice.

### **3.32.060 Certificate of registration –Issuance and validity**

Any person conducting or operating any place for entrance to which an admission charge is made shall, on a form prescribed by the ~~clerk-City~~, make application to and procure from the ~~clerk-City~~ a certificate of registration, the fee for which shall be ~~one dollar~~ determined by the City, which certificate shall continue valid as long as the registrant shall continue in business and pay the tax accrued to the ~~city-City~~ under this chapter. Such certificate shall be personal and nontransferable. Such certificate of registration shall be posted in a conspicuous place in each ticket or box office where tickets of admission are sold.

### **3.32.070 Certificate of registration –Temporary amusement**

Whenever a certificate of registration is obtained for the purpose of operating or conducting a temporary or transitory amusement, entertainment or exhibition by persons who are not the owners, lessees or custodians of the building, lots or place where the amusement is to be conducted, the tax imposed by this chapter shall be reported and remitted as provided in Section 3.32.040 by said owner, lessee or custodian, unless paid by the person conducting the place. The applicant for a certificate of registration for such purpose shall furnish with the application therefor the name and address of the owner, lessee or custodian of the premises upon which the amusement is to be conducted, and such owner, lessee or custodian shall be notified by the ~~clerk-City~~ of the issuance of such certificate and the joint liability for collection and remittance of such tax.

### **3.32.080 Payment upon disposal of business**

Whenever any person operating a place to which admission is charged quits business, or sells out, exchanges, or otherwise disposes of the person's business, any tax payable under this chapter becomes immediately due and payable, and such person shall, within ten (10) days thereafter, make a return and pay the tax due. Any person who shall become a successor to such business shall become liable for the full amount of such tax and withhold from the purchase price a sum sufficient to pay any tax due from such person until such time as such person shall produce a receipt from the ~~city-clerk-City~~ showing payment in full of any tax due or a certificate from the ~~clerk-City~~ to the effect that no tax is due, and, if such tax is not paid within ten (10) days from the date of the sale, exchange or other disposal, the purchaser or successor shall likewise thereupon become liable for the payment of the full amount of the tax, and the payment thereof by such purchaser or successor shall, to the extent of the amount of tax be deemed a payment on the purchase price, and if the payment is greater than the purchase price the amount of the difference shall become a debt due the purchaser or successor from the former owner.

### **3.32.090 Revenue to be deposited in current expense fund**

All revenue collected from the tax imposed by this chapter shall be deposited to the credit of the ~~city-City~~ current expense fund.

### **3.32.100 Power to adopt regulations for administration and enforcement**

The ~~clerk~~Finance Director shall have power to adopt rules and regulations not inconsistent with the terms of this chapter for carrying out and enforcing the payment, collection and remittance of the tax levied under this chapter; and a copy of such rules and regulations shall be on file and available for public examination ~~in the clerk's office~~. Failure or refusal to comply with any such rules and regulations shall be deemed a violation of this chapter.

### **3.32.110 Effective date**

The tax levied and imposed by this chapter shall be collected and paid on and after May 1, 1943.

### **3.32.120 Violation – Penalty**

Each violation of or failure to comply with the provisions of this chapter shall constitute a separate offense and shall subject the offender to a fine of not to exceed one hundred dollars or to imprisonment in the ~~city~~City jail for not to exceed (30) thirty days, or to both such fine and imprisonment.

## Chapter 3.36 LEASEHOLD EXCISE TAX

### 3.36.000 Chapter Contents

#### Sections:

- 3.36.010 Levied.
- 3.36.020 Rate.
- 3.36.030 Administration and collection.
- 3.36.040 Exemptions.
- 3.36.050 Inspection of ~~city~~City records.
- 3.36.060 Contract with state.
- 3.36.070 Penalty for violation.

### **3.36.010 Levied**

There is levied and shall be collected a leasehold excise tax on and after July 1, 1976, upon the act or privilege of occupying or using publicly owned real or personal property within the ~~city~~City through a "leasehold interest" as defined by RCW 82.29A.020. The tax shall be paid, collected, and remitted to the Department of Revenue of the State of Washington at the time and in the manner prescribed by RCW 82.29A.050.

### **3.36.020 Rate**

The rate of the tax imposed by Section 3.36.010 shall be four percent of the taxable rent (as defined by RCW 82.29A.020); provided, that the following credits shall be allowed in determining the tax payable:

- A. With respect to a leasehold interest arising out of any lease or agreement, the terms of which are binding on the lessee prior to July 1, 1970, where such lease or agreement has not been renegotiated (as defined by RCW 82.29A.020) since that date, and excluding from such credit any lease or agreement, including options to renew, which extends beyond January 1, 1985, as follows:

1. With respect to taxes due in calendar year 1976, a credit equal to eighty percent of the tax produced by the above rate,
2. With respect to taxes due in calendar year 1977, a credit equal to sixty percent of the tax produced by the above rate,
3. With respect to taxes due in calendar year 1978, a credit equal to forty percent of the tax produced by the above rate,
4. With respect to taxes due in calendar year 1979, a credit equal to twenty percent of the tax produced by the above rate;

B. With respect to a product lease (as defined by RCW [82.29A.020](#)), a credit of thirty-three percent of the tax produced by the above rate.

**3.36.030 Administration and collection**

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW Chapter [82.29A](#).

**3.36.040 Exemptions**

Leasehold interests exempted by RCW [82.29A.130](#) as it now exists or may hereafter be amended shall be exempt from the tax imposed pursuant to Section [3.36.010](#) of this chapter.

**3.36.050 Inspection of ~~city~~ City records**

The ~~city~~ City consents to the inspection of such records as are necessary to qualify the ~~city~~ City for inspection of records of the Department of Revenue pursuant to RCW [82.32.330](#).

**3.36.060 Contract with state**

The ~~mayor of the city~~ City Manager is authorized to execute a contract with the Department of Revenue of the State of Washington for the administration and collection of the tax imposed by Section [3.36.010](#); provided, that the ~~city attorney~~ City Attorney shall first approve the form and content of the contract.

**3.36.070 Penalty for violation**

Any person, firm or corporation convicted of the violation of any of the provisions of this chapter shall be fined not to exceed the sum of five hundred dollars.

Chapter 3.40  
LODGING TAX

3.40.000 Chapter Contents

Sections:

- [3.40.010](#) Levied.
- [3.40.020](#) Definitions.

- 3.40.030 Tax imposed additional to others.
- 3.40.040 Special fund created.
- 3.40.050 Contract with The Washington Center.
- 3.40.060 Administration and collection.
- 3.40.070 Penalty for violation or noncompliance.

### **3.40.010 Levied**

There is levied a special excise tax of four percent (4%) on the sale of or charge made for the furnishing of lodging that is subject to tax under Chapter 82.08 RCW. The tax imposed under Chapter 82.08 RCW applies to the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. It shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.

### **3.40.020 Definitions**

The definitions of "selling price," "seller," "buyer," "consumer", and all other definitions as are now contained in RCW 82.08.010, and subsequent amendments thereto, are adopted as the definitions for the tax levied in this chapter.

### **3.40.030 Tax imposed additional to others**

The tax levied in this chapter shall be in addition to any license fee or any tax imposed or levied under any law or any other ordinance of the ~~city~~City; provided, the first two percent (2%) of the tax shall be deducted from the amount of tax the seller would otherwise be required to collect and pay to the Department of Revenue under Chapter 82.08 RCW.

### **3.40.040 Special fund created**

There is created a special fund in the treasury of the City, and all taxes collected under this chapter shall be placed in this special fund to be used solely for the purpose of paying all or any part of the cost of tourist promotion, acquisition of tourism-related facilities, or operation of tourism-related facilities or to pay for any other uses as authorized in Chapter 67.28 RCW, as now or hereafter amended.

### **3.40.050 Contract with The Washington Center**

Nothing in this ordinance shall affect or modify the amount payable under the contract with The Washington Center for the Performing Arts in effect on the effective date of this ordinance.

### **3.40.060 Administration and collection**

For the purposes of the tax levied in this chapter:

- A. The Department of Revenue is designated as the agent of the City for the purpose of collection and administration of the tax.

B. The administrative provisions contained by RCW [82.08.050](#) through [82.08.070](#) and in Chapter [82.32](#) RCW shall apply to administration and collection of the tax by the Department of Revenue.

C. All rules and adopted by the Department of Revenue for the administration of Chapter [82.08](#) RCW are adopted by reference.

D. The Department of Revenue is authorized to prescribe and utilize such forms and reporting procedures as the Department may deem necessary and appropriate.

### **3.40.070 Penalty for violation or noncompliance**

It is unlawful for any person, firm, or corporation to violate or fail to comply with any of the provisions of this chapter. Every person convicted of a violation of any provision of this chapter shall be punished by a fine in a sum not to exceed \$500.00. Each day of violation shall be considered a separate offense.

## Chapter 3.44 MOTOR VEHICLE EXCISE TAX

### 3.44.000 Chapter Contents

#### Sections:

[3.44.010](#) Levied.

### **3.44.010 Levied**

There is levied an excise tax in the amount of one percent of the fair market value of every motor vehicle owned by a resident of the ~~city~~City, for the privilege of using the motor vehicle within the ~~city~~City; provided, however, in no event shall the tax on any such vehicle be less than one dollar.

## Chapter 3.48 SALES AND USE TAX

### 3.48.000 Chapter Contents

#### Sections:

[3.48.010](#) Imposed.

[3.48.020](#) Rate.

[3.48.030](#) Administration and collection.

[3.48.040](#) Inspection of ~~city~~City records.

[3.48.050](#) Contract with state.

[3.48.060](#) Penalty for violation.

### **3.48.010 Imposed**

There is imposed a sales or use tax, as the case may be, on every taxable event, as defined in RCW [82.14.020](#), occurring within the ~~city~~City. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to RCW Chapters [82.08](#) and [82.12](#).



### **3.48.020 Rate**

The rate of the tax imposed by Section 3.48.010 shall be one-half of one percent of the selling price or value of the article used, as the case may be; provided, however, that during such period as there is in effect a sales or use tax imposed by Thurston County, the rate of tax imposed by this chapter shall be four hundred twenty-five one-thousandths of one percent.

### **3.48.030 Administration and collection**

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW 82.14.050.

### **3.48.040 Inspection of ~~city~~ City records**

The ~~city~~ City consents to the inspection of such records as are necessary to qualify the ~~city~~ City for inspection of records of the Department of Revenue pursuant to RCW 82.32.330.

### **3.48.050 Contract with state**

The ~~mayor and city clerk-treasurer~~ City Manager is authorized to enter into a contract with the Department of Revenue of the State of Washington for the administration of the tax imposed in this chapter.

### **3.48.060 Penalty for violation**

Any seller who fails or refuses to collect the tax as required with the intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax under this chapter is guilty of a misdemeanor and on conviction thereof in the police court of the ~~city~~ City, shall be fined not more than five hundred dollars.

## Chapter 3.50 ADDITIONAL SALES AND USE TAXES

### 3.50.000 Chapter Contents

Sections:

#### Article I. Additional Sales and Use Tax

- 3.50.010 Imposition of sales and use tax.
- 3.50.020 Rate of tax imposed.
- 3.50.030 Administration and collection of tax.
- 3.50.040 Consent to inspection of records.
- 3.50.050 Authorizing execution of contract for administration.
- 3.50.060 Special initiative.
- 3.50.070 Penalties.
- 3.50.080 Effective date.

Article II. Additional Sales and Use Tax for Public Safety and Criminal Justice

- 3.50.110 Findings.
- 3.50.120 Additional sales and use tax imposed.
- 3.50.130 Administration.

Article III. Additional Sales and Use Tax for Affordable and Supportive Housing

- 3.50.210 Findings.
- 3.50.220 Additional sales and use tax imposed.
- 3.50.230 Administration.

**Article I. Additional Sales and Use Tax**

**3.50.010 Imposition of sales and use tax**

In addition to any other sales and use tax imposed under this title, there is imposed a sales or use tax, as the case may be, as authorized by RCW 82.14.030(2), upon every taxable event, as defined in RCW 82.14.020, occurring within the ~~city~~-City of Olympia. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to RCW Chapters 82.08 and 82.12.

**3.50.020 Rate of tax imposed**

The rate of the tax imposed by Section 3.50.010 shall be one-half of one percent of the selling price or value of the article used, as the case may be; provided, however, that during such period as there is in effect a sales tax or use tax imposed by Thurston County under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session at a rate equal to or greater than the rate imposed by this section, the ~~county~~-County shall receive fifteen percent (15%) of the tax imposed by Section 3.50.010; provided, further, that during such period as there is in effect a sales tax or use tax imposed by Thurston County under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session at a rate which is less than the rate imposed by this section, the ~~county~~-County shall receive from the tax imposed by Section 3.50.010 that amount of revenues equal to fifteen percent (15%) of the rate of the tax imposed by the ~~county~~-County under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session.

**3.50.030 Administration and collection of tax**

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW 82.14.050.

**3.50.040 Consent to inspection of records**

The ~~city~~-City of Olympia consents to the inspection of such records as are necessary to qualify the ~~city~~-City for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330.

**3.50.050 Authorizing execution of contract for administration**

The ~~mayor and clerk-treasurer~~ City Manager is authorized to enter into a contract with the Department of Revenue for the administration of this tax.

### **3.50.060 Special initiative**

This chapter shall be subject to a special initiative. The number of registered voters needed to sign a petition for special initiative shall be twenty-five percent of the total number of votes cast for all candidates for ~~mayor~~ Mayor at the last preceding ~~city~~ City election. If a special initiative petition is filed with the ~~city council~~ City Council, the operation of this chapter shall not be suspended pending a final decision on the disposition of the special initiative. The procedures for initiative contained in RCW 35.17.240 through 35.17.360 shall apply to any such special initiative petition.

### **3.50.070 Penalties**

Any seller who fails or refuses to collect the tax as required with the intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined no more than five hundred dollars or imprisoned for not more than six months, or be punished by both such fine and imprisonment.

### **3.50.080 Effective date**

This chapter shall take effect April 1, 1983.

## **Article II. Additional Sales and Use Tax for Public Safety and Criminal Justice**

### **3.50.110 Findings**

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

1. RCW 82.14.450 authorizes cities to submit a proposition to the voters authorizing a sales and use tax increase of not more than one-tenth of one percent (the "Additional Sales and Use Tax"), provided that at least one-third of the revenues are dedicated to criminal justice purposes (as defined under RCW 82.14.340), fire protection purposes, or both.
2. The Council on July 10, 2012 adopted Resolution No. M-1780 (the "Ballot Resolution") authorizing submission to the qualified voters of the City a proposition authorizing the Additional Sales and Use Tax, for Public Safety and Criminal Justice purposes ("Proposition No. 1").
3. Proposition No. 1 was approved by the requisite number of voters at the election held on November 6, 2012 and its passage was certified by the County Auditor on November 27, 2012.
4. The Council finds that the City has satisfied all prerequisites to imposing the Additional Sales and Use Tax, including without limitation, the conditions set forth in RCW 82.14.450 and the Ballot Resolution.

### **3.50.120 Additional sales and use tax imposed**

1. Tax Imposed; Effective Date. The Additional Sales and Use Tax shall be imposed at a rate of one tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. The tax shall become effective on the earliest practicable date consistent with RCW 82.14.055.

2. Use of Additional Sales and Use Tax Receipts. City proceeds shall be used for Public Safety and Criminal Justice purposes to ensure that at least one-third of all proceeds from the Additional Sales and Use Tax shall be used for criminal justice purposes as defined in RCW [82.14.340](#). Receipts shall be distributed between the City and Thurston County in accordance with RCW [82.14.450](#).

### **3.50.130 Administration**

The City Clerk is directed to cause a certified copy of the ordinance codified in this article to be delivered to the State of Washington Department of Revenue and any other public officers or agencies required by law. The City Finance Director and other appropriate officers are authorized and directed to enter into such contracts with and provide such notices to the State Department of Revenue and other appropriate state or local agencies for the collection and distribution of receipts of the tax imposed by this article as may be necessary or convenient consistent with chapter [82.14](#) RCW and other applicable law.

## **Article III. Additional Sales and Use Tax for Affordable and Supportive Housing**

### **3.50.210 Findings**

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

1. RCW [82.14.530](#) authorizes cities to submit a proposition to the voters authorizing a sales and use tax increase of not more than one-tenth of one percent, provided that the City's proceeds from said increase shall be used to construct affordable and supportive housing and for housing-related purposes, including mental and behavioral health-related facilities, and for costs for operations, maintenance, delivery, and evaluation of mental health programs and services, or housing-related services, all as permitted by state law.
2. On October 24, 2017, the Council adopted Resolution No. M-1912 (the "Ballot Resolution") authorizing submission to the qualified voters of the City a proposition authorizing an additional sales and use tax of not more than one-tenth of one percent for the Olympia Home Fund for supportive housing and housing-related purposes, including mental and behavioral health-related facilities ("Proposition No. 1").
3. Proposition No. 1 was approved by the requisite number of voters at the election held on February 13, 2018, and its passage was certified by the County Auditor on February 23, 2018.
4. The Council finds that the City of Olympia has satisfied all prerequisites to imposing the additional sales and use tax, including without limitation, the conditions set forth in RCW [82.14.530](#) and the Ballot Resolution.

### **3.50.220 Additional sales and use tax imposed**

1. Tax Imposed; Effective Date. The additional sales and use tax shall be imposed at a rate of one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. The tax shall become effective on the earliest practicable date consistent with RCW [82.14.055](#).
2. Use of Additional Sales and Use Tax Receipts. City proceeds shall be used for housing and housing-related services, including mental and behavioral health programs and facilities as required by RCW [82.14.530](#) and that a minimum of sixty (60) percent of the monies collected under RCW [82.14.530](#) shall be used for the housing and housing-related purposes as defined in RCW [82.14.530\(2\)\(a\)\(i\)](#), (ii), and (iii), and the remainder

of the monies collected shall be used for the operation, delivery, or evaluation of mental and behavioral health treatment programs and services or housing-related services as required by RCW [82.14.530\(2\)\(c\)](#).

### **3.50.230 Administration**

The City Clerk is directed to cause a certified copy of the ordinance codified in this article to be delivered to the State of Washington Department of Revenue and any other public officers or agencies required by law. The ~~City's Administrative Services Director~~ City Manager and other appropriate officers are authorized and directed to enter into such contracts with and provide such notices to the State Department of Revenue and other appropriate state or local agencies for the collection and distribution of receipts of the tax imposed by this article as may be necessary or convenient consistent with Chapter [82.14](#) RCW and other applicable law.

## Chapter 3.52 REAL ESTATE EXCISE TAX

### 3.52.000 Chapter Contents

#### Sections:

- [3.52.010](#) Imposition--Rate.
- [3.52.020](#) Taxable events.
- [3.52.030](#) Consistency with state tax, statutes.
- [3.52.040](#) Distribution of tax proceeds--Use limitations.
- [3.52.050](#) Seller's obligation.
- [3.52.060](#) Lien provisions.
- [3.52.070](#) Payment and collection of tax--Receipts and recordation.
- [3.52.080](#) Date payable--Penalty for late payment.
- [3.52.090](#) Excessive and improper payments.

### **3.52.010 Imposition –Rate**

There is imposed a tax of one-half of one percent of the selling price on each sale of real property within the corporate limits of the ~~city~~ City.

### **3.52.020 Taxable events**

Taxes imposed herein shall be collected from persons who are taxable by the state under RCW Chapter [82.45](#) and WAC [458-61](#) upon the occurrence of any taxable event within the corporate limits of the ~~city~~ City.

### **3.52.030 Consistency with state tax, statutes**

The taxes imposed herein shall comply with all applicable rules, regulations, laws and court decisions regarding real estate excise taxes as imposed by the state under RCW Chapter [82.45](#) and WAC [458-61](#). The provisions of those chapters, to the extent they are not inconsistent with this chapter, shall apply as though fully set forth herein.

### **3.52.040 Distribution of tax proceeds –Use limitations**

- A. The ~~county treasurer~~County Treasurer shall place one percent of the proceeds of the taxes imposed herein in the ~~county~~County current expense fund to defray costs of collection.
- B. The remaining proceeds from ~~city~~City taxes imposed herein shall be distributed to the ~~city~~City monthly, and those taxes imposed under Section 3.52.010 shall be placed by the ~~city treasurer~~Finance Director in a municipal capital improvements fund. These capital improvement funds shall be used by the ~~city~~City for local improvements, including those listed in RCW 35.43.040.
- C. This section shall not limit the existing authority of the ~~city~~City to impose special assessments on property benefitted thereby in the manner prescribed by law.

### **3.52.050 Seller's obligation**

The taxes imposed herein are the obligation of the seller and may be enforced through the action of debt against the seller or in the manner prescribed for the foreclosure of mortgages.

### **3.52.060 Lien provisions**

The taxes imposed herein and any interest or penalties thereon are the specific lien upon each piece of real property sold, from the time of sale or until the tax is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages. Resort to one course of enforcement is not an election not to pursue the other.

### **3.52.070 Payment and collection of tax –Receipts and recordation**

The taxes imposed herein shall be paid to and collected by the treasurer of the county within which is located the real property which was sold. The ~~county treasurer~~County Treasurer shall act as agent for the city within the county imposing the tax. The ~~county treasurer~~County Treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales. A receipt issued by the ~~county treasurer~~County Treasurer for the payment of the tax imposed herein shall be evidence of the satisfaction of the lien imposed in Section 3.52.060 of this chapter and may be recorded in the manner prescribed for recording satisfactions or mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax may be accepted by the ~~county auditor~~County Auditor for filing or recording until the tax is paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the instrument by the ~~county treasurer~~County Treasurer.

### **3.52.080 Date payable –Penalty for late payment**

The tax imposed hereunder shall become due and payable immediately at the time of sale, and if not so paid within thirty (30) days thereafter, shall bear interest at the rate of one percent per month from the time of sale until the date of payment.

### 3.52.090 Excessive and improper payments

If, upon written application by a taxpayer to the ~~county treasurer~~ County Treasurer for a refund, it appears a tax has been paid in excess of the amount actually due or upon a sale or other transfer declared to be exempt such excess amount or improper payment shall be refunded by the ~~county treasurer~~ County Treasurer to the taxpayer; provided, that no refund shall be made unless the state has first authorized the refund of an excessive amount or an improper amount paid, unless such improper amount was paid as a result of a miscalculation. Any refund made shall be withheld from the next monthly distribution to the ~~city~~ City.

## Chapter 3.56 DONATIONS

### 3.56.000 Chapter Contents

#### Sections:

- 3.56.010 Definition.
- 3.56.020 ~~Manager authorized to accept.~~ City Manager Authority
- 3.56.030 Disposition of property.
- 3.56.040 Acknowledgement of donations.
- 3.56.050 Policies and procedure.

### 3.56.010 Definition

As used in this chapter, the term "donation" refers to any money or property, real or personal, donated, devised or bequeathed, with or without restriction, to the ~~city~~ City.

### 3.56.020 Manager authorized to accept

~~The city manager~~ With the exception of real property, the City Manager is authorized to accept donations up to \$10,000 in value and to carry out any conditions thereof, if same is within the powers granted by law to the ~~city~~ City. ~~The city manager~~ City Manager may decline to accept a donation if such donation is not consistent with the policies, plans, goals or ordinances of the ~~city~~ City or if acceptance of same is contrary to law. All donations of real property and donations in value of \$10,000 or more shall be brought to City Council for authorization and approval by ordinance.

### 3.56.030 Disposition of property

The ~~city manager~~ City Manager shall hold, use or dispose of any property donated in accordance with any terms and conditions of said donation. If the donation is without conditions, the ~~manager~~ City shall hold, use or dispose of the property in the manner deemed most appropriate under the laws, policies, goals and plans of the ~~city~~ City; provided, that the ~~city manager~~ City Manager shall refer to the ~~city council~~ City Council the matter of use or disposition of real property. Monetary donations shall be deposited in the appropriate fund to carry out the conditions thereof; and if said donations are given without conditions said funds shall be deposited in the ~~general fund~~ General Fund to be appropriated pursuant to the budget process.

### 3.56.040 Acknowledgement of donations

The ~~city manager~~ City Manager or their designee shall, for each donation, communicate an acknowledgement of acceptance on behalf of the ~~city~~ City and express appropriate appreciation therefor.

### 3.56.050 Policies and procedure

The ~~city manager~~ City Manager shall promulgate appropriate policies and procedures, with the recommendation of the various ~~city~~ City departments, to encourage and facilitate the making of donations to the ~~city~~ City.

## Chapter 3.60 SPECIAL PROPERTY TAX VALUATION

### 3.60.000 Chapter Contents

#### Sections:

- 3.60.010 Properties eligible for special property tax valuation.
- 3.60.020 Process to seek special property tax valuation; criteria for approval.
- 3.60.030 Tax reduction - expiration.

### **3.60.010 Properties Eligible for Special Property Tax Valuation; Criteria**

Properties eligible for the special property tax valuation under Chapter 449, Laws of 1985 (RCW 84.26), shall include properties on which one or more buildings have been substantially rehabilitated (i.e., the actual cost of the rehabilitation incurred by the property owner is equal to at least twenty-five (25) percent of the assessed value of the building, exclusive of the assessed value attributable to the land, prior to construction of the improvements, where the buildings meet the following criteria:

- A. All buildings individually placed upon the Olympia Heritage Register pursuant to OMC 18.12, and which have retained major historic features; or
- B. Buildings in the pivotal and primary classifications of buildings within a Heritage Register Historic District and which have retained major historic features; or
- C. Buildings which are on the Olympia Heritage Register or are within an Olympia Heritage Register Historic District and which have lost major design feature(s). The Secretary of the Interior Standards for Treatment of Historic Properties (as amended) shall guide the restoration or improvement under this section. Provided, that the developer of the property shall have the option of replacing lost features through an accurate restoration or improving the property through a new adaptive design which is compatible with the size, scale, material and color of the historic building or the original feature.

### **3.60.020 Process to reduce property tax**

- A. The Olympia City Council is hereby designated as the local Review Board to carry out the duties specified in this Chapter and in Chapter 449, Laws of 1985, Section 5 (RCW 84.26).
- B. A person seeking to establish a special property tax valuation for property eligible under OMC Section 3.60.010 and Chapter 449, Laws of 1985 (RCW 84.26), shall submit an application to the County Assessor under RCW 84.26.040 within twenty-four (24) months of the commencement of the rehabilitation for which the special property tax valuation is sought, and no later than October 1 of the calendar year preceding the first assessment year for which classification is requested. The County Assessor shall submit the application to the Olympia Heritage Commission within ten (10) days of receiving the application. The Heritage



Commission shall review the application and make a recommendation to the local Review Board within sixty (60) days of receipt of the application, but not later than September 1 of the calendar year preceding the first assessment year for which the classification is requested.

C. The local Review Board shall approve an application for a special property tax valuation if the property is eligible under Section 3.60.010 of this Chapter and under RCW Chapter 84.26.030, the property owner enters into an agreement with the local Review Board for a ten-year period meeting the requirements set forth below, and the rehabilitation upon which the application is based have not altered or in any way adversely affected those elements of the property which qualify it as historically significant. Whether an alteration adversely affects those elements which qualify a property as historically significant, shall be determined by the Review Board based on the Secretary of the Interior Standards for Treatment of Historic Properties (as amended). For purposes of this section, the elements of the property which are historically significant shall be those specified with the designation to the Heritage Register. The ten-year agreement with the local Review Board shall commence on the date of its approval and require the owner to:

1. Monitor the property for its continued qualification for the special valuation.
2. Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement.
3. Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public rights-of-way.
4. Apply to the local Review Board for approval or denial of any demolition or alteration of the property.
5. Comply with any other provisions in the original agreement as may be appropriate.

D. Once an agreement between an owner and the Review Board has become effective pursuant to Chapter 449, Laws of 1985 (RCW 84.26), there shall be no changes in standards of maintenance, public access, alteration or report requirements, or any other provisions of the agreement, during the period of the classification without the approval of all parties to the agreement.

E. An application for classification of an historic property as eligible for a special property tax valuation shall be approved or denied by the Review Board before December 31 of the calendar year in which the application is made. Prior to making its decision to approve or deny an application, the local Review Board is authorized to examine an applicant's records.

F. The Review Board shall notify the County Assessor and the applicant of the approval or denial of the application.

G. If the Review Board determines that the property qualifies as eligible historic property, the Review Board shall certify the fact in writing and shall file a copy of the certificate with the County Assessor within ten (10) days. The certificate shall state the facts upon which the approval is based.

H. Any decision of the Review Board acting as the local Review Board on any application for classification as historic property eligible for special valuation may be appealed to Superior Court under RCW 34.05.510 - .598

in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the County Board of Equalization in accordance with RCW [84.40.038](#).

### **3.60.030 Tax reduction –Expiration**

When property has once been classified and valued as eligible historic property, it shall remain so classified and be granted the special valuation provided by this Chapter and RCW [84.26.070](#) for ten (10) years, or until the property is disqualified by the circumstances set forth in RCW [84.26.080](#) or as it may be amended from time to time. Whenever property granted a special property tax valuation hereunder becomes disqualified for the special valuation, additional tax shall be assessed and payable as provided in RCW [84.26.090](#) - .100, as they may be amended from time to time.

## Chapter 3.62 PARKING AND BUSINESS IMPROVEMENT AREA

### 3.62.000 Chapter Contents

#### Sections:

- [3.62.010](#) Parking and Business Improvement Area Established.
- [3.62.020](#) Programs.
- [3.62.030](#) Levy of Special Assessments.
- [3.62.040](#) Rate Changes.
- [3.62.050](#) Deposit of Revenues.
- [3.62.060](#) Collection Schedule.
- [3.62.070](#) Delinquent Payments.
- [3.62.080](#) Notices.
- [3.62.090](#) Disputes.
- [3.62.100](#) Expenditures.
- [3.62.110](#) Administration.
- [3.62.120](#) Contract for Program Management.
- [3.62.130](#) Advisory Board.
- [3.62.140](#) Bids Required for Construction of Projects.
- [3.62.150](#) Commencement of Assessments.
- [3.62.160](#) Ratification and Confirmation.

### **3.62.010 Parking and Business Improvement Area Established**

As authorized by Chapter [35.87A](#) RCW, there is hereby established a Parking and Business Improvement Area ("Parking and Business Improvement Area" or "PBIA"), consisting of Zones A, B and C, within the boundaries as described below and shown on the map attached hereto as Exhibit A-1. If there is any conflict between said map and narrative description, the text shall prevail.

#### **ZONE A:**

All of that portion of the City of Olympia, Washington described as bounded on the North by the centerline of State Avenue, bounded on the South by the centerline of Legion Way, bounded on the West by the centerline of Columbia Street, and bounded on the East by the centerline of Franklin Street.

**ZONE B:**

All of that portion of the City of Olympia, Washington described as beginning at the centerline intersection of Water Street and 7th Avenue; thence West to the ordinary high water line of Capitol Lake; thence Northerly and Westerly along said line to the East line of the Deschutes Waterway as shown on the official First Class Tideland Plat of the City of Olympia; thence Northerly along said waterway and its extension to the centerline of Olympia Avenue extended Westerly; thence Easterly along said extension to the line of ordinary high tide; thence Northerly along said line to the centerline of Thurston Avenue extended Westerly; thence Easterly along said extension and the centerline of Thurston Avenue to the centerline of Jefferson Street; thence Southerly along said centerline to the centerline of Olympia Avenue; thence Easterly along the centerline, as platted, of said street to a point 150 feet more or less Westerly of the centerline intersection of Pear Street and Olympia Avenue; thence Southerly more or less parallel to Pear Street, said course following original platted lot lines, to the centerline of 7th Avenue; thence Westerly along said centerline to the point of beginning; EXCEPTING, the area described in Zone A above.

**ZONE C:**

All of that portion of the City of Olympia, Washington described as beginning at the centerline intersection of Columbia Avenue and Union Avenue; thence Northerly along the centerline of Columbia Avenue to the centerline of 7th Avenue; thence Easterly along said centerline to the centerline of Washington Street; thence Southerly along said centerline to the centerline of 7th Ave; thence Westerly along said centerline to the point of beginning; ALSO, All of that portion of the City of Olympia, Washington described as beginning at the line of ordinary high tide with to the centerline of Thurston Avenue extended westerly; thence Northerly along said high tide line to a point 600 feet Northerly of the centerline of Corky Avenue extended Westerly; thence Easterly and parallel to Corky Avenue and its extension to the centerline of East Bay Drive; thence Southerly along said centerline to the centerline of Olympia Avenue; thence Westerly along said centerline to the centerline of Jefferson Street; thence Northerly along said centerline to the centerline of Thurston Avenue; thence Westerly along said centerline and its extension to the point of beginning.

**3.62.020 Programs**

Special Assessment revenues shall be used for the purpose of providing special projects and services under the following program headings:

1) Downtown Parking Improvements Program

This program will provide for parking improvements to address the concern for downtown Olympia businesses and property owners, as well as patrons and employees. The PBIA special assessments may be used to fund administrative costs such as staff support, the construction or operation and maintenance of a parking structure or other parking improvements.

2) Clean and Safe Program

This program will provide additional projects and services to make downtown cleaner, more welcoming and improve the public's perception of safety. This program may include a volunteer effort to provide eyes and ears on the street and to assist people downtown; administration and staff support; graffiti removal; and efforts to reduce offenses such as public urination, drug use and sales, aggressive panhandling and public intoxication.

### 3) Civic Beautification and Sign Program

An overall beautification program will help the general aesthetic of downtown. Such a program may include:

- a) Streetscape beautification
- b) Area-wide Paint Up, Fix Up, Clean Up Campaign
- c) Public arts programs
- d) Public/private way finding signs
- e) Administration and staff support

### 4) Business Recruitment and Retention Program

Preparation of inventories of commercial vacancies, information about incentives and benefits to locating downtown and development of a common vision for the types of businesses and other organizations would enhance the downtown. Inventory information will facilitate development of specific recruitment and retention strategies for different parts of downtown. Inventories may include:

- a) Community preference surveys
- b) Inventory of vacancies
- c) Advertising vacancies

Administration and staff support to prepare the inventories is included.

### 5) Commercial Marketing Program

Development of a well-conceived "Buy Local" marketing program that will benefit the whole downtown and to continue the support of long-standing community events through:

- a) Advertising and promotion
- b) Theme development
- c) Special events and activities
- d) Tourism attraction

Other existing programs may be reviewed for supplementation with PBIA special assessments, including but not limited to:

- a) Community events held downtown including Music in the Park, ArtsWalk, Downtown for the Holidays, and the Pet Parade;

- b) Marketing programs including the shopping and restaurant guide, and event management or support;
- c) Programs to clean up downtown that include the semi-annual clean-ups, graffiti management, and mural programs.
- d) Programs to develop partnerships for local governments, quasi-public and non-profit groups that work in or invest resources in downtown on behalf of the public.

Administration and staff support will be included in the programs and projects listed above.

The list of possible services and projects within the general program categories above is illustrative and not exclusive. The costs are estimated only and the PBIA budget shall be established by City Council and expended based on actual receipts, as set forth in Section 10 below.

### **3.62.030 Levy of Special Assessments**

To finance the programs authorized in OMC [3.62.020](#), and in recognition of the special benefits created thereby, a special assessment is hereby levied upon and shall be collected annually from all the businesses and multi-family residence owners / operators ("Ratepayers") in the Parking and Business Improvement Area described in OMC [3.62.010](#), as authorized by RCW [35.87A.080](#), except non-profit corporations or organizations. Assessments shall not be pro-rated. The special assessments shall be levied upon the Ratepayers in Zones A, B and C according to the rates established as follows:

Definitions:

**Business.** Means any person, group or entity, including but not limited to a sole proprietorship, partnership, corporation, limited liability partnership or limited liability corporation, that engages in business with the object of gain, benefit, or advantage to the person, group or entity, or to another person or class, directly or indirectly. "Engages in business" as used herein shall have the meaning set forth in Olympia Municipal Code Section [5.04.040.N](#).

**Employee.** Any person whose work is devoted to the ongoing operation of a business or multi-family residence. As used in this ordinance, "Employee" includes a person with an ownership interest in a business, regardless of whether that person is paid a salary or wages.

**Financial Institution.** Means a bank, savings and loan, credit union, or similar institution.

**Full-Time Equivalent (FTE).** A position or positions requiring work equal to or exceeding forty (40) hours per week.

**Large // Medium // Small.** Based on employee count: FTE's (Full time Equivalent)

- Small 1-3 FTE's
- Medium 4-6 FTE's
- Large 7+ FTE's

Lodging. Means engaging in the business defined in OMC Section 5.04.040.MM.3.f. Examples include the rental of rooms by the day or week to community visitors. "Lodging" also means the rental or lease of a residential dwelling unit, if such unit is contained within any building or buildings containing four (4) or more residential units or any combination of residential and commercial units, whether title to the entire property is held in single or undivided ownership or title to individual units is held by owners who also, directly or indirectly through an association, own real property in common with the other unit owners.

Non-profit corporation or non-profit organization. "Non-profit corporation or non-profit organization" means a corporation or organization in which no part of the income can be distributed to its members, directors, or officers and that holds a current tax exempt status as provided under Sec. 501(c)(3) of the Internal Revenue Code, as may hereafter be amended, or is specifically exempted from the requirement to apply for its tax exempt status under Sec. 501(c)(3) of the Internal Revenue Code, or as may hereafter be amended. Where the term "non-profit organization" is used, it is meant to include non-profit corporations.

Personal Care Service Business. Means a hair salon, barber shop, manicurist, tanning salon, acupuncturist, massage therapist, esthetician, exercise studio, yoga studio, Pilates studio, soothsayer, and the like.

Professional Services Businesses. Means Architects, Engineers, Attorneys, Dentists, Doctors, Accountants, Optometrists, Realtors, Insurance Offices, Mortgage Brokers and most other businesses that require advanced and/or specialized licenses and/or advanced academic degrees.

Restaurant. Means a business that sells prepared foods and drinks.

Retail. Means a business that engages in sales at retail and / or retail sales, as those terms are defined in Olympia Municipal Code Section 5.04.040.MM.1.a and .1.c - .1e, but does not include the provision of any services. "Retail" includes, as an example, the buying and reselling of goods, such as that engaged in by clothing stores, shoe stores, office supplies, etc.

Service Business. Means a business that engages in retail services, as that term is defined in Olympia Municipal Code Section 5.04.040.JJ, or engages in the activities set forth in OMC 5.04.040.MM.1.b, MM.2, MM.3a - e, MM.4, and MM.6-7. Examples include repair shops, automotive-oriented service businesses, computer repair and support, tech support services, entertainment businesses such as theaters, etc.

### **3.62.040 Rate Changes**

Changes in the assessment rate shall only be made by ordinance adopted by the Olympia City Council and as authorized in RCW [35.87A.140](#).

### **3.62.050 Deposit of Revenues**

There is hereby created in the City a separate subaccount designated as the Parking Business Improvement Area Account (called "the Account"). The following monies shall be deposited in the Account:

- A. All revenues from special assessments levied under this ordinance;
- B. All income to the City from public events financed with special assessments;
- C. Gifts, donations and voluntary assessment payments for the Account; and

D. Interest and all other income from the investment of Account deposits.

### **3.62.060 Collection Schedule**

Special assessments shall be collected on an annual basis.

### **3.62.070 Delinquent Payments**

If an assessment has not been paid within thirty (30) days after its due date, it will be considered delinquent. The City Manager or their designee is authorized to assign delinquent assessments to a collection agency or bring an action in any court of competent jurisdiction.

### **3.62.080 Notices**

Notices of assessment and all other notices contemplated by this ordinance may be sent by ordinary mail or delivered by the City to the address shown on City of Olympia records, as they may be modified from time to time based on information provided by the Program Manager (if any). Failure of the Ratepayer to receive any mailed notice shall not release the Ratepayer from the duty to pay the assessment and any collection agency charges.

### **3.62.090 Disputes**

Any Ratepayer aggrieved by the amount of an assessment may appeal the ~~Program Manager's~~ City's rate classification to the City Manager or the City Manager's designee for review. The City Manager or the City Manager's designee may uphold the assessment or adjust the assessment consistent with this ordinance. The City Manager's or the City Manager's designee's decision shall be final and not appealable to any court or body. The appellant Ratepayer has the burden of proof to show that the assessment is inconsistent with the applicable assessment fee provided for herein.

### **3.62.100 Expenditures**

Expenditures from the Account shall be made upon vouchers drawn for services rendered and shall be used exclusively for the statutory purposes each as more fully defined in Section 2. Pursuant to RCW 35.87A.110, the City Council shall have the sole discretion and authority to adopt a work program and budget for expenditures from the Account at such times as the Council may determine.

### **3.62.110 Administration**

The City Manager or the City Manager's designee shall administer the program for the City with authority to:

- A. Classify Ratepayers within the three zones under Sections 1 and 3. As part of this classification, the City Manager or designee is authorized to make a determination of the number of regular FTEs employed by a Ratepayer prior to issuing assessment notices each calendar year. The classification and FTE determination shall be based on information from City of Olympia records as they may be modified from time to time based on information provided by the Program Manager (if any);
- B. Collect the special assessments; and
- C. Upon Council approval, execute an annual program management contract with a Program Manager.

### 3.62.120 Contract for Program Management

Pursuant to RCW [35.87A.110](#), the City Manager or designee may contract with a chamber of commerce or similar business association entity or entities operating within the boundaries of the PBIA to act as a Program Manager. The Program Manager shall administer the PBIA's operation, including but not limited to implementation of the projects and activities contained in the work program adopted by the City Council under OMC [3.62.020](#), performing the administrative duties allocated to the City Manager or the City Manager's ~~Designee~~ designee under this Chapter.

Any contract entered into under this Section shall include provisions to address the following:

A. Provisions for the Program Manager to:

1. Create and maintain a business data base of all Ratepayers within the boundaries of the PBIA;
2. Classify each Ratepayer within each of the three zones, based on the number of regular FTEs for each Ratepayer;
3. Provide the data base and classifications to the City in sufficient time for its use in mailing annual special assessment notices, but no later than November 1 of each calendar year;
4. Perform all basic Municipal Services Contract provisions (periodic billing and reporting requirements, internal controls and maintain accurate records, etc.);
5. Perform the projects and services listed in Section 020 as approved annually by the City Council pursuant to Subsection B.2 below;
6. Submit reimbursement request on vouchers drawn for services rendered (consistent with the Council adopted budget and work program for that calendar year);
7. Provide administrative support for the creation and operation of the PBIA Advisory Board created pursuant to Section 13 below, including soliciting nominations and conducting an election for Board representatives.

B. Provisions for the CITY to:

1. Review the PBIA Advisory Board's annual proposed budget recommendations for special services and projects;
2. Adopt a work program and budget for expenditures;
3. Send a bill to each business within the boundary on an annual basis based on the assessment list provided by the Program Manager;
4. Resolve Ratepayer disputes;
5. Collect special assessments;



6. Pursue collection by sending the bill to a collection agency or commencing an action in a court of competent jurisdiction to collect the special assessment;
7. Review and reimburse eligible expenses; and
8. Conduct periodic review of the Program Manager's performance.

### **3.62.130 Advisory Board**

There is hereby created an advisory board to the Olympia City Council. The Board shall consist of an odd number totaling at least 15 member representatives of Ratepayers representing a diversity of business classifications, interests, and viewpoints within the PBIA. Board members shall be elected by a majority of Ratepayers within the PBIA voting in an election conducted by the Program Manager under Section 12 above. The Council may also appoint a nonvoting Councilmember representative and/or City staff liaison. The Board's duties shall include the annual development of a proposed work program with specific projects and budgets and the recommendation of the same to the City Council for its consideration, and preparation of a plan for regular communication of PBIA projects and information to Ratepayers, including specific provisions for communication with non-English speaking Ratepayers and other projects and activities as approved by the City Council in the Board's annual work plan.

### **3.62.140 Bids Required for Construction of Projects**

Pursuant to RCW [35.87A.200](#), the City Manager and/or the Program Manager utilized under Section 12 above shall call for competitive bids by appropriate public notice and award contracts, whenever the estimated cost of any Parking and Business Improvement Area public works construction project, including cost of materials, supplies and equipment, exceeds the sum of two thousand five hundred dollars. Pursuant to RCW [35.87A.210](#), the cost of a public works construction project for the purposes of this Section shall be aggregate of all amounts to be paid for the labor, materials and equipment on one continuous or inter-related project where work is to be performed simultaneously or in near sequence.

Breaking a public works construction project into small units for the purposes of avoiding the minimum dollar amount prescribed herein is contrary to public policy and is prohibited.

### **3.62.150 Commencement of Assessments**

Assessments shall commence as of January 1, 2006 for all existing businesses located within the assessment area depicted in Section 1 above. Any new business or multi-family residence commencing operation within the boundaries of the PBIA after November 1 of any given year shall be exempt from payment of the assessment until November 1 following the business' or multi-family residence's commencement of operation; provided, that no exemption under this section have a duration of longer than one year. Such a business or multi-family residence shall be assessed the January 1 following commencement of its operation. Assessments shall not be prorated.

### **3.62.160 Ratification and Confirmation**

The making of contracts and expenditures and the sending of assessment notices pursuant to the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

**Section 4. 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 5. 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 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 five (5) days after publication, as provided by law.

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MAYOR

**ATTEST:**

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CITY CLERK

**APPROVED AS TO FORM:**



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DEPUTY CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**