



Meeting Agenda

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, July 26, 2016

7:00 PM

Council Chambers

1. ROLL CALL

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

2. SPECIAL RECOGNITION

2.A [16-0875](#) Special Recognition - Dan Lowe, Olympic Athlete

2.B [16-0882](#) Special Recognition - 2016 Paddle to Nisqually Canoe Journey Landing Day in Olympia

2.C [16-0885](#) Special Recognition - Introduction of Semper, Olympia Police Department Therapy Dog

3. PUBLIC COMMUNICATION

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

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

Individual comments are limited to three (3) minutes or less. In order to hear as many people as possible during the 30-minutes set aside for Public Communication, the City Council will refrain from commenting on individual remarks until all public comment has been taken. The City Council will allow for additional public comment to be taken at the end of the meeting for those who signed up at the beginning of the meeting and did not get an opportunity to speak during the allotted 30-minutes.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

4. CONSENT CALENDAR

(Items of a Routine Nature)

4.A [16-0880](#) Approval of July 19, 2016 City Council Meeting Minutes

Attachments: [Minutes](#)

- 4.B [16-0794](#) Approval of Resolution Setting a Public Hearing Date for Consideration of a Street Vacation Petition

Attachments: [Resolution](#)
[Vicinity Map](#)

- 4.C [16-0810](#) Approval of Professional Services Agreement Amendment No.1 with HDR Engineering Inc. for the Fones Road Booster Pump Station

Attachments: [Professional Services Agreement - Amendment #1](#)
[Project Map](#)

- 4.D [16-0848](#) Approval of Access and Maintenance Easement Agreement and Utility Easement for Waste ReSources Trash Compactor with KBJ Investments, LLC.

Attachments: [Access and Maintenance Easement Agreement](#)
[Utility Easement](#)
[Vicinity Map](#)

4. SECOND READINGS

- 4.E [16-0379](#) Approval of Ordinance on the Hulbert, Hong and Slater Annexation

Attachments: [Attachment 1 - Hulbert Annexation Ordinance](#)
[Attachment 2 - Area Map](#)

4. FIRST READINGS - None

5. PUBLIC HEARING - None

6. OTHER BUSINESS

- 6.A [16-0758](#) Briefing on Mayors Climate Compact

- 6.B [16-0878](#) Approval of Ordinance Related to the Opportunity for Olympia (OFO) Initiative Petition, or Approval of Resolution Placing the OFO Petition on the November 8, 2016, General Election Ballot, or Approval of Resolution to Take No Action to Pass OFO's Proposed Ordinance or to Order an Election

Attachments: [Resolution Taking Action](#)
[Resolution Taking No Action](#)
[Ordinance Related to OOF Petition](#)
[Certificate of Sufficiency](#)

7. CONTINUED PUBLIC COMMUNICATION

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

8. REPORTS AND REFERRALS**8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS****8.B CITY MANAGER'S REPORT AND REFERRALS****9. ADJOURNMENT**

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



City Council

Special Recognition - Dan Lowe, Olympic Athlete

Agenda Date: 7/26/2016
Agenda Item Number: 2.A
File Number: 16-0875

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

Title

Special Recognition - Dan Lowe, Olympic Athlete

Recommended Action

Committee Recommendation:

n/a

City Manager Recommendation:

Recognize Olympic Athlete Dan Lowe who will be participating for the US Olympic Team at the 2016 Rio games.

Report

Issue:

Olympia-area native Dan Lowe will be competing for the US Olympic Shooting Team at the 2016 Olympic Games in Rio.

Staff Contact:

Steve Hall, City Manager 360.753.8447

Presenter(s):

Steve Hall, City Manager

Background and Analysis:

Daniel Lowe is an Olympia-area resident who will be competing in the 2016 Olympic Games in Rio de Janeiro, Brazil. Dan will be competing for the US Olympic Shooting Team. He will be participating in the air rifle event on August 8 and the men's three-position rifle event on August 14.

In addition to his trip to the Olympics, Dan has qualified for and won medals in a number USA Shooting Championships over the past three years. He is currently serving in the United States Army and resides at Fort Benning, Georgia.

Neighborhood/Community Interests (if known):

Dan's uncle, John Holmes, works for the City of Olympia. In addition Dan has other family in the Olympia Area. Dan is a 2012 graduate of Black Hills High School and attended South Puget Sound

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

Community College

Options:

n/a

Financial Impact:

n/a

Attachments:

none



City Council

Special Recognition - 2016 Paddle to Nisqually Canoe Journey Landing Day in Olympia

Agenda Date: 7/26/2016
Agenda Item Number: 2.B
File Number: 16-0882

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

Title

Special Recognition - 2016 Paddle to Nisqually Canoe Journey Landing Day in Olympia

Recommended Action

Committee Recommendation:

Not referred to a committee

City Manager Recommendation:

Receive the information. Briefing only; no action requested

Report

Issue:

Whether to receive a briefing on what the community can expect on the July 30 Paddle to Nisqually Canoe Journey Landing Day

Staff Contact:

Kellie Purce Braseth, Strategic Communication Director, 360.753.8361

Presenter(s):

Kellie Purce Braseth, Strategic Communication Director

Background and Analysis:

The City of Olympia has been honored to partner and support the Nisqually Indian Tribe as they host the 2016 Paddle to Nisqually Canoe Journey Landing Day on Saturday, July 30. The Tribe is expecting approximately 18,000 people to witness the event.

Attachments:

None



City Council

Special Recognition - Introduction of Semper, Olympia Police Department Therapy Dog

Agenda Date: 7/26/2016
Agenda Item Number: 2.C
File Number: 16-0885

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

Title

Special Recognition - Introduction of Semper, Olympia Police Department Therapy Dog

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Recognize the Olympia Police Department Therapy Dog

Report

Issue:

Whether to recognize and introduce to the community Semper, OPD Therapy Dog.

Staff Contact:

Laura N. H. Wohl, Administrative Services Manager, Olympia Police Department
360.753.8214

Presenter(s):

Laura N. H. Wohl, Administrative Services Manager, Olympia Police Department

Madison Sola Del Vigo, Program Assistant & Therapy Dog Handler, Olympia Police Department

Background and Analysis:

The Olympia Police Department is implementing a Therapy Dog program to provide comfort services to victims, witnesses, and others who are impacted by crime. The handler, Madison Sola Del Vigo, will be training the K9, Semper, until he can be certified as a Therapy Dog after age 2. During his training, Semper will be present in the police station and will be visiting frequently with the community.

Attachments:

None



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

City Council

Approval of July 19, 2016 City Council Meeting Minutes

Agenda Date: 7/26/2016
Agenda Item Number: 4.A
File Number: 16-0880

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

Title

Approval of July 19, 2016 City Council Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, July 19, 2016

7:00 PM

Council Chambers

1. ROLL CALL

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

Excused: 1 - Councilmember Jeannine Roe

1.A ANNOUNCEMENTS

Mayor Selby announced that persons who engage in continued disruptions to Olympia City Council meetings will be subject to criminal charges.

1.B APPROVAL OF AGENDA

The agenda was approved.

2. SPECIAL RECOGNITION

2.A [16-0862](#) Special Recognition - Thurston Community Television (TCTV) New Name Rollout

Thurston County Community Television (TCTV) CEO Deb Vinsel announced a change in name from TCTV to Thurston Community Media (TCM). The new name reflects changes in the organization and services it provides.

Councilmembers asked clarifying questions.

3. PUBLIC COMMUNICATION

The following people spoke: Karma Reynoldson, Jennifer Whethom, Dave Wasson, Nathan Dern, Brandon Goodman, Dorothy McMann, Eric Ard and Danielle Westbrooke.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

4. CONSENT CALENDAR

4.A [16-0863](#) Approval of July 12, 2016 Study Session Meeting Minutes

The minutes were adopted.

- 4.B [16-0865](#) Approval of July 12, 2016 City Council Meeting Minutes

The minutes were adopted.

- 4.C [16-0807](#) Approval of Interlocal Agreement with Thurston County for Transportation Services

The decision was adopted.

- 4.D [16-0845](#) Approval of an Interlocal Agreement Between the City of Olympia and the Washington State Criminal Justice Training Center (CJTC) to Provide a Trainer to CJTC

The decision was adopted.

4. SECOND READINGS

- 4.E [15-1140](#) Approval of Ordinance Adding Shoreline Master Program to Development Code and Comprehensive Plan

The ordinance was adopted on second reading.

Approval of the Consent Agenda

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

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

Excused: 1 - Councilmember Roe

4. FIRST READINGS

5. PUBLIC HEARING

6. OTHER BUSINESS

- 6.A [16-0851](#) Briefing of Olympia Municipal Community Court

Olympia Municipal Court Judge Scott Ahlf gave an overview of Olympia Municipal Community Court. He discussed other jurisdictions who have experienced success with the community court model. He discussed the differences between community court and traditional court.

City Prosecutor Rocio Ferguson discussed the types of offenses coming before the

Olympia Municipal Community Court and what factors are reviewed to determine who participates.

Probation Services Supervisor Monica Schneider reviewed the process to determine client eligibility for Olympia Municipal Community Court.

Community Court Public Defender Diana Dutch discussed success stories of offenders who had successes in the program.

Public Defense Coordinator Diane Whaley discussed the coordination of Olympia Municipal Community Court and the tracking of related data.

Councilmembers asked clarifying questions.

The information was provided.

6.B [16-0745](#) Approval of Amended Critical Areas Ordinance

Senior Planner Linda Bentley presented proposed updates to the Critical Areas Ordinance.

Councilmembers asked clarifying questions.

The ordinance was approved on first reading and moved to second reading.to the City Council due back on 7/26/2016

6.C [16-0844](#) Briefing on the Preliminary Capital Facilities Plan (CFP)

Administrative Services Director Jane Kirkemo presented the 2017 - 2022 Preliminary Capital Facilities Plan (CFP) for review and comment. She also reviewed next steps for the CFP.

Councilmembers asked clarifying questions.

The report was received.

7. CONTINUED PUBLIC COMMUNICATION

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers discussed meetings and events attended.

8.B CITY MANAGER'S REPORT AND REFERRALS

City Manager Steve Hall discussed a recent interview on KUOW/NPR with Chief Roberts regarding work the Olympia Police Department is doing to build stronger

relationships and trust with the community.

9. ADJOURNMENT

Meeting adjourned at 9:29 p.m.



City Council

Approval of Resolution Setting a Public Hearing Date for Consideration of a Street Vacation Petition

Agenda Date: 7/26/2016
Agenda Item Number: 4.B
File Number: 16-0794

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

Title

Approval of Resolution Setting a Public Hearing Date for Consideration of a Street Vacation Petition

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve a resolution to schedule a Public Hearing on August 30, 2016 to hear public testimony regarding the vacation petition of a portion of Cherry Street south of 8th Ave SE and north of 9th Ave SE.

Report

Issue:

Whether to schedule a public hearing on August 30, 2016 to hear public testimony regarding the vacation petition.

Staff Contact:

Ladd F. Cluff, City Surveyor, Public Works Engineering, 360.753.8389

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The property owner adjacent to City right-of-way has asked the City to initiate the process to abandon a portion of Cherry Street south of 8th Ave SE and north of 9th Ave SE.

Under state law RCW 35.79.010, the Council is required to adopt a resolution to set the public hearing date prior to acting on a right-of-way vacation petition. The statute states in part:

RCW 35.79.010

Petition by owners -- Fixing time for hearing.

The owners of an interest in any real estate abutting upon any street or alley who may desire to

vacate the street or alley, or any part thereof, may petition the legislative authority to make vacation, giving a description of the property to be vacated, or the legislative authority may itself initiate by resolution such vacation procedure. The petition or resolution shall be filed with the city or town clerk, and, if the petition is signed by the owners of more than two-thirds of the property abutting upon the part of such street or alley sought to be vacated, legislative authority by resolution shall fix a time when the petition will be heard and determined by such authority or a committee thereof, which time shall not be more than sixty days nor less than twenty days after the date of the passage of such resolution.

Neighborhood/Community Interests (if known):

The public hearing will provide an opportunity for Council to hear from the community on the requested vacation.

Options:

Option 1. Pass the resolution setting August 30, 2016 as the date for the Public Hearing. This is within the required timeline of the proposed resolution.

Option 2. Reject the resolution setting the August 30, 2016 as the date for the Public Hearing. Staff will work with Council to set another Public Hearing date that meets the statutory requirements.

Financial Impact:

None

Attachments:

Resolution
Vicinity Map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF OLYMPIA, WASHINGTON, FIXING AUGUST 30, 2016, AS THE DATE FOR PUBLIC HEARING ON A PROPOSAL TO VACATE AS A PUBLIC THOROUGHFARE A PORTION OF CHERRY STREET SE, SOUTH OF 8TH AVE SE AND NORTH OF 9TH AVE SE.

WHEREAS, under state statute RCW 35.79.010, the City Council is required to adopt a resolution which sets a public hearing date for the consideration of a right-of-way vacation request; and

WHEREAS, the City Council of the City of Olympia has determined that a public hearing should be held regarding the proposal to vacate a portion of Cherry Street SE; and

WHEREAS, one of the purposes of this Resolution is to provide notice to residents and neighbors of the proposed road vacation;

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

Section 1. The City Council, pursuant to RCW 35.79.010, hereby initiates procedures to vacate as a public thoroughfare the following described property:

That portion of Cherry Street SE between Block 9 and the Unnumbered Block of Swan's Addition as recorded in Volume 1 of Plats at Page 37, described as follows:

BEGINNING at the Northwest corner of Lot 1 of said Block 9; thence N05°54'36"W along the West line extended a distance of 20.00 feet to the South Margin of 8TH Avenue SE; thence S84°07'33"W along said margin a distance of 30.00 feet to the centerline of Cherry Street SE; thence S05°54'36"E along said centerline 16.32 feet; thence S34°42'17"E a distance of 38.43 feet; thence S32°00'15"E a distance of 26.12 feet to the West line of said Lot 1; thence N05°54'36"W along said West line a distance of 53.44 feet to the **POINT OF BEGINNING**.

In Thurston County, Washington

Section 2. August 30, 2016, at the hour of 7:00 p.m. or thereafter, at the Olympia City Hall Council Chambers, 601 4th Avenue E, Olympia, Washington, is fixed as the time and place for the hearing on said proposed road vacation, such time shall not be more than sixty days nor less than twenty days after the passage of this Resolution.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2016.

MAYOR

ATTEST:

CITY CLERK

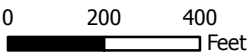
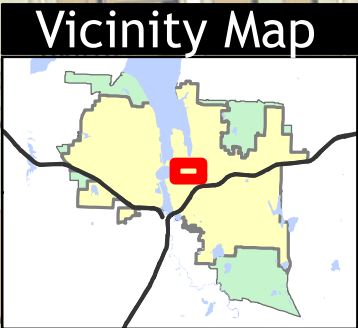
APPROVED AS TO FORM:

Darren Niehaber

DEPUTY CITY ATTORNEY



Street Vacation Petition File No. 16-1548



1 inch = 400 feet

Map printed 7/14/2016

The City of Olympia and its personnel cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. The parcels, right-of-ways, utilities and structures depicted hereon are based on record information and aerial photos only. It is recommended the recipient and/or user field verify all information prior to use. The use of this data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may not assert any proprietary rights to this information. The City of Olympia and its personnel neither accept or assume liability or responsibility, whatsoever, for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.





City Council

Approval of Professional Services Agreement Amendment No.1 with HDR Engineering Inc. for the Fones Road Booster Pump Station

Agenda Date: 7/26/2016
Agenda Item Number: 4.C
File Number: 16-0810

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

Title

Approval of Professional Services Agreement Amendment No.1 with HDR Engineering Inc. for the Fones Road Booster Pump Station

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve and authorize the City Manager to sign Professional Services Agreement Amendment No.1 with HDR Engineering Inc. for the Fones Road Booster Pump Station.

Report

Issue:

Whether to approve Professional Services Agreement Amendment No. 1 with HDR Engineering Inc. to supplement Engineering Consulting Services for the Fones Road Booster Pump Station.

Staff Contact:

Tim Richardson, P.E., Project Manager, Public Works Engineering, 360.753.8749

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The City has a Professional Services Agreement with HDR Engineering Inc. to provide Engineering Design services for the new Fones Road Booster Pump Station. The City is expanding the scope of work with HDR to include Construction Management Services at an estimated cost of \$171,000. The agreement for design services covered expenses up to \$300,000. The new scope will exceed that amount and requires Council approval.

This project is replacing a 45-year old booster pump station on Fones Road. The facility is an essential part of Olympia's drinking water system. It helps move our drinking water from groundwater wells at the McAllister Wellfield into our large distribution system. Construction will begin in fall 2016

and complete in summer 2017.

Neighborhood/Community Interests:

None.

Options:

1. Move to approve and authorize the City Manager to sign Professional Services Agreement No. 1 with HDR Engineering Inc. to supplement Engineering Consulting Services for the Fones Road Booster Pump Station. Project proceeds as planned. The City delivers on its commitment to construct the project this year.
2. Reject Professional Services Agreement No. 1 with HDR Engineering Inc. This amendment allows the Engineering design team, HDR, to provide construction management services for the remainder of the project. It is essential that the Engineer that designs the project oversee construction to ensure a successful project. Rejecting this amendment will hinder construction moving forward and may jeopardize the loan from the Drinking Water State Revolving Fund program.

Financial Impact:

The total cost for the amendment is \$171,100 making the total professional services agreement with HDR Engineering \$442,304. There are sufficient funds in the project to cover this additional expense.

Attachments:

Professional Services Agreement Amendment No.1
Project Map

AMENDMENT NO. 1
PROFESSIONAL SERVICES AGREEMENT
FOR WATER RESOURCE ENGINEERING CONSULTING SERVICES
FONES ROAD BOOSTER PUMP STATION – PROJECT # 1426P

THIS AMENDMENT is made and entered into this _____ day of _____ 2016, by and between the **CITY OF OLYMPIA**, a Washington municipal corporation (the “City”), and **HDR ENGINEERING, INC**, a Nebraska corporation (the “Contractor”).

Recitals

1. On September 5, 2015, the City and the Contractor entered into a *Professional Services Agreement for Water Resource Engineering Consulting Services* (“Agreement”).
2. The term of the Agreement was to run until June 30, 2017, with compensation not to exceed Two Hundred Seventy-One Thousand, Two Hundred Four, and 40/100 (\$271,204.40).
3. The Agreement also provided that its terms could be “extended for additional periods of time upon the mutual written agreement” of the City and Contractor, and that modification of its terms need to be in writing and signed by both parties.
4. The City and the Consultant desire to amend the Agreement to increase its term and to increase its compensation for additional consultant services.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Section 1 of the Agreement, SERVICES, is hereby amended to read as follows:

1. Services.

Contractor shall provide the services more specifically described in Exhibit "A," and Amendment No. 1 Exhibit "A-1" entitled Scope of Services, attached hereto and incorporated by this reference ("Services"), in a manner consistent with the accepted practices for other similar services, and when and as specified by the City's representative.

2. Section 2 of the Agreement, TERM, is hereby amended to read as follows:

2. Term of Agreement.

The term of this Agreement shall commence upon the effective date of this Agreement and shall continue until the completion of the Services, but in any event no later than ~~June 30, 2017~~ December 31, 2017. This Agreement may be extended for additional periods of time upon the mutual written agreement of the City and the Contractor.

3. Section 4 of the Agreement, COMPENSATION, is hereby amended to read as follows:

4.1 Total Compensation. In consideration of the Contractor performing the Services, the City agrees to pay the Contractor an amount not to exceed ~~Two Hundred Seventy One Thousand, Two Hundred Four, and 40/100 (\$271,204.40)~~ Four Hundred Forty Two Thousand, Three Hundred Four, and No/100 Dollars (\$442,304) calculated on the basis of the hourly labor charge rate schedule for Contractor's personnel attached hereto as Exhibit "B" and Amendment No. 1 Exhibit "B-1."


4. All remaining provisions of the *Professional Services Agreement for Water Resource Engineering Services* dated September 5, 2015 and not here amended or supplemented shall remain as written in said Agreement, and shall continue in full force and effect.

IN WITNESS WHEREOF, the City and the Consultant have executed this **Amendment No. 1** of the Agreement as of the date and year written above.

CITY OF OLYMPIA

By: _____
Steven R. Hall, City Manager
P.O. Box 1967
Olympia, WA 98507-1967
Date: _____

APPROVED AS TO FORM:



City Attorney (DCA)

HDR ENGINEERING, INC.

By: _____
Karen Doherty, Vice President
500 108th Avenue NE, Suite 1200
Bellevue, WA 98004
(425) 450-6200
Date: _____

AMENDMENT NO. 1
EXHIBIT "A-1"

SCOPE OF SERVICES

Construction Management Services

City of Olympia
Fones Road Booster Pump Station
PS&E Development

June 2016



606 Columbia Street NW
Suite 200
Olympia, WA 98501-9000
(360) 570-4400

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EXHIBIT A-1

SCOPE OF SERVICES

The City of Olympia (City) selected HDR Engineering, Inc. (HDR) to complete the plans, specifications, and estimate for the new Fones Road Booster Pump Station (BPS). Amendment 1 provides for the addition of services to be rendered to the City during construction. Exhibit A describes the scope of services.

Task 100 – Project Management

Objective

Provide Project Management services during the Construction phase of the BPS Project. This task will include coordinating and managing the schedule and budget for the project team, including subconsultants.

HDR Services

1. Coordinate and manage the HDR project team.
2. Prepare monthly status reports describing the following:
 - A. Services completed during the month
 - B. Services planned for the next month
 - C. Needs for additional information
 - D. Scope/schedule/budget issues
 - E. Schedule update and financial status summary
3. Prepare monthly invoices formatted in accordance with contract terms.

City Responsibilities

1. Provide prompt processing and payment of compliant invoices. The City will make one progress payment each month provided invoices are complete and accurate from the consultant and in the format requested by the City.

Assumptions

1. The project duration for Tasks 100 and 600 will be 7 consecutive months and the construction period is assumed to occur between July 2016 and January 2017.

Deliverables

1. Monthly reports and invoices (one copy with invoice) will be emailed to the City.

Task 600 – Construction Management Services

Objective

Assist the City in administering the construction contract, observing the work, and reporting the status of the work. HDR will provide services up to the budget limit authorized by the City but will not exceed the budget without additional written authorization.

HDR Services

1. Attend Construction Meetings
 - A. Attend pre-construction meeting
 - B. Attend weekly construction meetings (24 total meetings) with the Contractor and the City.
 - C. Conduct up to 1 weekly site visit to review project progress and/or resolve construction issues.
2. Conduct one-day field visits as required to observe construction and address specific issues that arise.
 - A. The proposed budget includes one field visit weekly by one consultant staff person (24 total) for a duration of two hours.
 - B. The proposed budget includes up to four field visits by a senior electrical engineer to observe construction, verify as-built drawings are being properly developed, develop punch list and confirm that punch list items are corrected.
 - C. The proposed budget includes up to two full days during startup by a senior engineer and a construction engineer.
3. Review and comment on up to 6 monthly project schedule updates submitted by the Contractor.
4. Review up to 50 Submittals – Shop drawings, equipment, material, etc. (The proposed budget includes the review of 35 submittals and an additional 15 reviews of re-submittals.)
 - A. Review and prepare responses to submittals.
 - B. Transmit submittals to the City for distribution.
5. Review up to 25 Request for Information (RFIs)
 - A. Review and prepare responses to RFIs
 - B. Transmit RFIs to the City for distribution.
6. Review up to 10 change order requests from the City and the Contractor, prepare documentation for justification or rejection.
7. Contract directly with construction testing firms(s) such as soils, pavement, compaction, etc.
8. Review up to 50 construction test results provided by the City.
 - Soils and asphalt compaction
 - Concrete field testing reports
 - Masonry grout and mortar testing reports

- Special Inspection Reports
 - Pipe hydraulic pressure test certification
9. HDR will provide the following Start-Up, Testing, and Training Services for the BPS Facility:
 - A. Complete Inspection of Installed Equipment
 - B. Review Start-up, Testing, and Commissioning Plans prepared by others
 - C. Coordinate and Assist with Start-up, Testing, and Training Activities Coordinate start-up, testing, and training activities with the contractor and the City
 - D. Review Equipment O&M Manuals provided by others
 - E. Provide Systems Training (by others)
 - F. Prepare System O&M Manual
 10. Substantial completion determination:
 - A. Prepare punch list and monitor punch list elimination.
 - B. Prepare/Receive closeout documentation.
 11. Record Drawing Documentation – Prepare record drawings using as-built records from the Contractor (53 drawing sheets)

City Responsibilities

1. City will provide staff person(s) to provide full time, onsite construction observation and inspection services. The City inspector will have the following responsibilities:
 - A. Prepare daily written construction observations.
 - B. Take photographs and video as needed to document construction activities and issues that arise.
 - C. Collect, record, and maintain log of construction material quantities. Reconcile quantities with the Contractor for progress payments.
 - D. Observe all construction testing and document results.
2. Participate in meetings with HDR and the Contractor. The City inspector will run the weekly construction meeting.
3. Maintain primary point of contact between HDR and the contractor.
4. Notify the contractor of non-conforming work, and track remedial work.
5. Coordinate all special inspections.
6. Review and approve Contractor's progress Payment Request.
7. Review and approve Field Order changes.
8. Review and approve Change Orders.
9. Respond to issues as they arise.
10. Issue substantial and final completion.
11. Provide legal support as needed.

Assumptions

1. City will provide a single point (inspector for construction and City Project Manager/Project Engineer for everything else) of contact between HDR and the Contractor.
2. City is responsible for construction management, contract administration and daily inspection.
3. HDR staff shall not, as a result of observations of Contractor's work in progress, supervise, direct, or have control over the Contractor's work. HDR staff will not have any authority over or responsibility for the means, methods, techniques, sequences or procedures selected by the Contractor, for safety precautions, and programs incident to the Contractor's work in progress, for any failure of the Contractor to comply with Laws and Regulations applicable to the Contractor's performing and furnishing the Work, or responsibility of construction for Contractor's failure to furnish and perform the Work in accordance with the Contract Documents.
4. HDR will prepare appropriate reporting to document issues to be addressed when on-site. HDR will be in a supporting role to the City's full-time on-site construction observer.
5. The estimated construction phase duration is 6 months (24 weeks). The actual duration of the construction phase is dependent upon contractor's schedule, weather, and other variable factors.
6. The preconstruction meeting will be attended by up to four Consultant staff and will be approximately three hours in duration.
7. The weekly construction meetings will be attended by a maximum of two Consultant staff and will be approximately two hours in duration for a period of 24 weeks.
8. If the Contractor requires a longer schedule and the City requires HDR to be on-site during the extended schedule, HDR will be compensated as an amendment to this scope of services.
9. The City will track, log, and distribute all submittals, RFIs, and change orders. HDR will provide correspondence for reviews directly to the City.
10. Review time for submittals and RFI's from the contractor will depend on the quality, clarity and completeness of the submittals. HDR assumes an average of 1.5 hours of review time for each submittal, RFI, and change order.
11. Review, approval, and documentation for construction testing is assumed to be an average of 0.5 hour or time for each material testing submittal.
12. The City will review and process all Pay Requests, including documenting percent completion for each bid item and tracking truck tickets as required to validate quantities.
13. HDR will have up to two consultant staff on-site during facility startup for two full eight hour days.
14. The City will contract directly with all materials testing firms for specialty inspections. The City will coordinate directly with materials testing firms for all inspections required.
15. Contractor will maintain a set of drawings on-site to document (red-line) changes to work to be submitted for creation of As-built drawings. As-built records from the Contractor will be provided to HDR. HDR will prepare Record Drawings showing only the information provided by the Contractor and/or City, and will not be responsible for the content or accuracy of the Record Drawings other than the information provided.

Deliverables

1. Construction observation reports.
2. Field order and changer order request and supporting documentation.
3. Construction test review documentation.
4. Substantial and final completion documentation.
5. Record Drawings (one pdf, size 11" x 17"), and digital AutoCAD files

Task 700 – Management Reserve Fund – Construction Services

Objective

To provide a contingency fund that the City may authorize use of for additional onsite construction inspection/services not described in Task 600.

HDR Services

1. Contingency services up to the budget allocated.

City Responsibilities

1. Authorize in writing the use of Management Reserve Funds (MRF) when deemed appropriate to address out-of-scope items.

Assumptions

1. Funds in this task will only be utilized if given written authorized by the City.
2. Onsite inspection for this task is assumed to be for one consultant, up to four hours per day, up to five days per week, for a duration of 24 weeks.

Estimated Fee for Professional Services

The estimated total contract amount to complete the professional services identified in this Scope of Services is offered on a **time-and-materials basis not-to-exceed \$171,100**. Following are estimated professional services costs for the tasks provided in this Scope of Services.

Task	Labor Fee	Expenses	Total Fee
Task 100 – Project Management	\$6,067	\$33	\$6,100
Task 600 – Construction Management Services	\$85,460	\$540	\$86,000
Sub-Total	\$91,527	\$573	\$92,100
Task 700 – Management Reserve Fund			\$79,000
Total			\$171,100

A detailed breakdown of HDR labor costs is provided on the following page.

AMENDMENT NO. 1
EXHIBIT "B-1"

BUDGET

Fones Road Booster Pump Station

Project Budget

Task	PSA -Total	Amendment-1	Total Fee with Amendment-1
Task 100- Project Management	\$9,003.92	\$6,100	\$15,104
Task 200- Geotechnical Investigation*	\$12,547.93	\$0	\$12,548
Task 300- PS&E Development	\$206,040.48	\$0	\$206,040
Task 400- Permitting	\$18,612.06	\$0	\$18,612
Task 500- Project Management Reserve Fund	\$25,000	\$0	\$25,000
Task 600- Construction Management Services	\$0	\$86,000	\$86,000
Task 700- Management Reserve Fund	\$0	\$79,000	\$79,000
Total	\$271,204.39	\$171,100	\$442,304

Estimated Fee for Amendment-1

The estimated total contract amount to complete the professional services identified in this Scope of Services is offered on a **time-and-materials basis not-to-exceed \$171,100**.

Following are estimated professional services costs for the tasks provided in this Scope of Services.

Task	Labor Fee	Expenses	Total Fee
Task 100 – Project Management	\$6,067	\$33	\$6,100
Task 600 – Construction Management Services	\$85,460	\$540	\$86,000
Sub-Total	\$91,527	\$573	\$92,100
Task 700 – Management Reserve Fund			\$79,000
Total			\$171,100

A detailed breakdown of HDR labor costs is provided on the following page.

**Exhibit B-1
HDR Estimated Fee Breakdown for Amendment-1**

City of Olympia: City of Olympia Fones Road BPS Construction Mgmt													
HDR ENGINEERING LABOR ESTIMATE													
		Hansen, Jeffrey M	Johnson, Ty M	Koch, John E	Zahler, David L	Lambert, Michael E	Kivela, Jamie	Deters, Richard J	Summers, Charles D	Total Hours	Total Labor Dollars	Expenses	Total Fee
Task #	Tasks & Subtasks	Project Manager	Project Engineer	Project Advisor	Sr Structural Engineer	Architect	Project Controller	Electrical Engineer	CAD				
	Billing Rates	191.31	162.82	262.83	196.06	176.53	140.88	201.98	87.12				
100	Project Management	18	4	0	0	0	14	0	0	36	\$ 6,067	\$ 33	\$ 6,100
	Monthly Invoicing and Project Reports	10					14			24			
	Team Coordination	8	4							12			
600	Construction Management Services	76	218	19	32	21	0	84	40	490	\$ 85,460	\$ 540	\$ 86,000
	Attend Pre-construction Meeting	3	3	3				3		12			
	Attend Weekly Construction Meetings (total of 24)	48	48							96			
	Weekly Site Visit (total of 24) with construction reporting		72							72			
	Field Visit(s)							24		24			
	Review Monthly Project Schedule	6								6			
	Submittal Review	4	20		14	12		25		75			
	RFI Review	2	8		6	9		12		37			
	Review construction test results		13		12					25			
	Review Change Order Requests	3	6					6		15			
	Review Equipment O & M Manuals/Prepare O & M Manuals	2						10		12			
	Facility Startup		16	16						32			
	Substantial Completion	8	16					4		28			
	Record Drawings		16						40	56			
700	Management Reserve Fund - Construction Services	0	485	0	0	0	0	0	0	485	\$ 79,000	\$ -	\$ 79,000
			485.19							485			
	Task Total Hours	94	707.19	19	32	21	14	84	40	1011.19			
	Task Cost	\$ 17,983.33	\$ 115,146.80	\$ 4,993.75	\$ 6,273.76	\$ 3,707.03	\$ 1,972.25	\$ 16,965.98	\$ 3,484.84		\$ 170,528	\$ 573	\$ 171,100

**EXHIBIT B-1
HDR RATE SHEET**

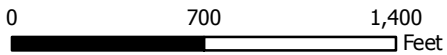
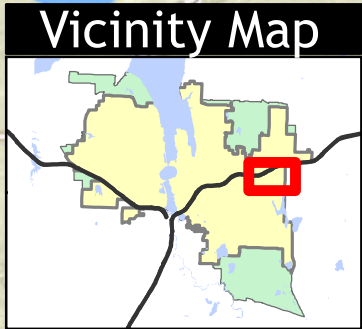
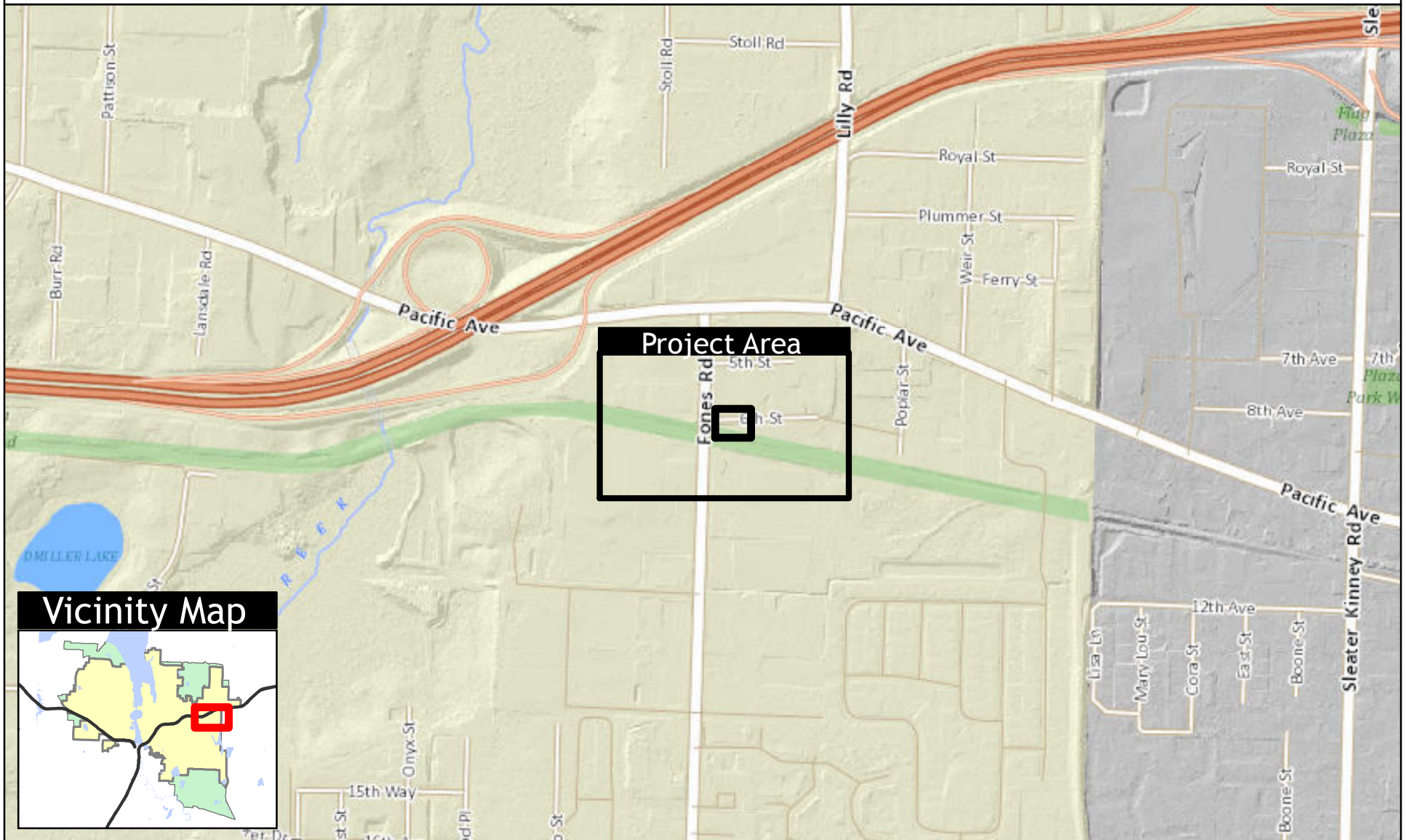
**Fones Road Booster Pump Station
PS&E Development
for City of Olympia**

Name	Billing Rate (minimum)	Billing Rate (maximum)
Architect	\$160.00	\$197.00
CAD	\$74.00	\$97.00
Designer/CAD	\$119.00	\$149.00
Electrical CAD	\$119.00	\$149.00
Electrical Designer	\$133.00	\$165.00
Electrical Engineer	\$185.00	\$225.00
Environmental Scientist	\$100.00	\$140.00
Estimator	\$90.00	\$150.00
ASMEC Design Specialist	\$250.00	\$320.00
Electrical QC	\$209.00	\$253.00
HVAC Engineer	\$131.00	\$163.00
I&C Engineer	\$172.00	\$210.00
Permitting Specialist	\$110.00	\$194.00
Project Advisor	\$244.00	\$293.00
Project Assistant	\$72.00	\$95.00
Project Controller	\$124.00	\$155.00
Project Engineer	\$140.00	\$181.00
Project Manager	\$167.00	\$205.00
Project Principal	\$316.00	\$376.00
QC Lead	\$208.00	\$252.00
Rail EIT	\$92.00	\$118.00
Senior Engineer	\$175.00	\$250.00
Senior Estimator	\$150.00	\$250.00
Sr Permitting Specialist	\$194.00	\$236.00
Sr Project Assistant	\$100.00	\$125.00
Sr Structural Engineer	\$179.00	\$218.00
Structural EIT	\$81.00	\$106.00
Structural Engineer	\$99.00	\$180.00
Structural QC	\$160.00	\$230.00
Transportation EIT	\$90.00	\$116.00



Fones Road Booster Pump Station

Project #1426P



1 inch = 700 feet

Map printed 5/17/2016

For more information, please contact:

Tim Richardson, Project Manager

Email trichard@ci.olympia.wa.us

(360) 753-8749

The City of Olympia and its personnel cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. The parcels, right-of-ways, utilities and structures depicted hereon are based on record information and aerial photos only. It is recommended the recipient and/or user field verify all information prior to use. The use of this data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may not assert any proprietary rights to this information. The City of Olympia and its personnel neither accept or assume liability or responsibility, whatsoever, for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.





City Council

Approval of Access and Maintenance Easement Agreement and Utility Easement for Waste ReSources Trash Compactor with KBJ Investments, LLC.

Agenda Date: 7/26/2016
Agenda Item Number: 4.D
File Number: 16-0848

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

Title

Approval of Access and Maintenance Easement Agreement and Utility Easement for Waste ReSources Trash Compactor with KBJ Investments, LLC.

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the Access and Maintenance Easement Agreement and Utility Easement with KBJ Investments, LLC and authorize the City Manager to execute all necessary documents.

Report

Issue:

Whether to enter into an Access and Maintenance Easement Agreement and Utility Easement over property owned by KBJ Investments, LLC (Big Whisky Saloon) to install Waste ReSources shared trash compactor in the 400 Block of Franklin Street SE.

Staff Contact:

Ladd F. Cluff, PLS, City Surveyor, Public Works Engineering, 360.753.8389

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

Waste ReSources is piloting a shared trash compactor in the downtown core. The trash compactor will provide a central location for garbage and recycle collection. The shared compactor will eliminate multiple garbage containers, which require multiple collection times per week. Staff estimates the new compactor will need service once per month.

Staff selected the alley behind the Big Whisky Saloon as a prime location for the pilot program. This

alley has been prone to unauthorized garbage disposal, health concerns and aesthetic issues. Enclosing the shared compactor will prevent unauthorized garbage disposal, dumpster shopping and minimize health concerns. Along with the shared compactor, the project will install LED lights and a closed circuit camera, helping to make the alleys safe and inviting to all.

The shared compactor will be within an easement on private property. Staff approached KBJ Investments, LLC (Steve Cooper and Mike Reid) to discuss acquiring the necessary access and utility easements over their property for the shared trash compactor. KBJ Investments, LLC was more than willing to work with staff. The City will upgrade two of KBJ Investments, LLC parking lot lights to LED in exchange for the easements.

Neighborhood/Community Interests (if known):

The adjacent property will be cleaned up, and illuminated, improving the experience for business owners and pedestrians in this area.

Options:

1. Approve the Access and Maintenance Easement Agreement and Utility Easement with KBJ Investments, LLC and authorize the City Manager to execute all necessary documents.
 - a. Will allow the shared compactor project to move forward as planned.
2. Do not approve the agreement and easements.
 - a. Will delay the shared compactor project.
 - b. Will require staff to find a new location for the shared compactor.
 - c. The accumulation of debris and the associated impacts will continue.

Financial Impact:

KBJ Investments, LLC is granting the easements as mutual benefit. There is no cost to the project budget.

Attachments:

Access and Maintenance Easement Agreement

Utility Easement

Vicinity Map

After recording return document to:
City of Olympia
Attention: Legal Department
P.O. Box 1967
Olympia, WA 98507-1967

Document Title: ACCESS AND MAINTENANCE EASEMENT AGREEMENT
Grantor(s): KBJ INVESTMENTS LLC
Grantee(s): City of Olympia
Legal Description: SYLVESTER L 5 & 6 B 24
Assessor's Tax Parcel Number: 78502400500

1. **EASEMENT AGREEMENT.** In consideration of the mutual covenants and conditions contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, this ACCESS AND MAINTENANCE EASEMENT AGREEMENT ("License") is entered into between KBJ INVESTMENTS, LLC ("Grantor") and the CITY OF OLYMPIA, a Washington municipal corporation ("Grantee"). Grantor and Grantee are each a "Party," and together are the "Parties" to this Agreement. The Parties agree as follows:

2. **PROPERTY.** Grantor owns the property legally described as Lot 5 and 6, Block 24, of Sylvester Plat of Olympia, as recorded in Volume 1 of Plats, page 14, records of Thurston County, Washington, Assessor's Tax Parcel Number 78502400500 (the "Property").

3. **GRANT OF EASEMENT.** Grantor grants to Grantee an easement over, under, upon, and across the Property as described in Exhibits "A" and "B" and depicted on Exhibit "C" (the "Easement Area") for the purpose of Grantee installing and maintaining a Solid Waste Compactor that will be used by Grantor and neighboring businesses. Grantee agrees that it shall develop, operate and use said easement such that none of Grantor's existing parking stalls are affected for parking use from 7:00 am to 6:00 pm, daily.

4. **RIGHTS OF GRANTEE.** Grantee (including Grantee's contractors, agents, permittees and assigns) is authorized to access, occupy and use the Easement Area and other area that may be necessary for constructing, installing and maintaining a Solid Waste Compactor. Construction related activities and improvements shall be limited to the public right-of-way and Easement Area. In the event that Grantor's property or any private improvements or any other

portion of Grantor's property are disturbed or damaged by Grantee, its contractors, agents, or permittees, Grantee shall, at its own expense and to the extent reasonably practicable, restore the impacted property or improvements to the same conditions that existed prior to the disturbance or damage. Grantor and Grantee recognize, understand and agree, that an electrical transformer may need to be placed underground within the easement area for the purposes of supplying power to the Grantee's Solid Waste Compactor.

5. RIGHTS AND OBLIGATION OF GRANTOR. Grantor shall use the Solid Waste Compactor for the disposal of all solid waste generated by Grantor's business. Grantor's fee for the use of the Solid Waste Compactor (paid to the City of Olympia) shall be equal to that of neighboring businesses. Grantor shall not have any obligation to pick up refuse, trash, waste or bags used in connection therewith, left near or in close proximity to Grantee's trash compactor, and to place same into the trash compactor. The responsibility for picking up trash or waste and placing same into the compactor is Grantee's sole responsibility.

6. TERM AND OBLIGATION ON TERMINATION. This Easement shall commence upon execution by Grantor and acceptance by Grantee, and continue until no longer needed by the Grantee. At such time as Grantor needs the Easement Area to expand or replace Grantor's building (e.g., reconstruct the existing building or replace the existing building), and gives twelve (12) months notice to Grantee, Grantee shall remove the Solid Waste Compactor from the Easement Area. The Grantee's obligation to remove the Solid Waste Compactor is contingent on the Grantor actually receiving a building permit for the reconstructed or new building. Grantor agrees to provide the Grantee with sufficient notice to allow the Grantee to enter into necessary contracts to have the Solid Waste Compactor removed and to complete the removal and make any necessary repairs on the Grantor's property caused by the removal. Grantor also acknowledges that the Solid Waste Compactor and its appurtenances and component parts shall remain, at all times, the property of Grantee and Grantor shall assert no ownership interest in same.

The notice provided to Grantee by the Grantor, must establish that the Grantor has submitted all necessary permit applications for modifying or replacing its building and shall provide a time frame in which the building modification or replacement will take place. The Parties may, but are not required to, agree that Grantor remove the Solid Waste Compactor as a part of Grantor's building project. Any such agreement shall be a separate, written agreement for such work, but the Grantor is under no obligation to enter into such agreement and the Grantee is responsible for removing the Solid Waste Compactor absent such agreement. Grantor shall provide for re-installation of a Solid Waste Compactor in accordance with this agreement in the design for modifying or replacing the building that is submitted with any permit applications. Grantee's access easement will continue in effect on the modified or new building site.

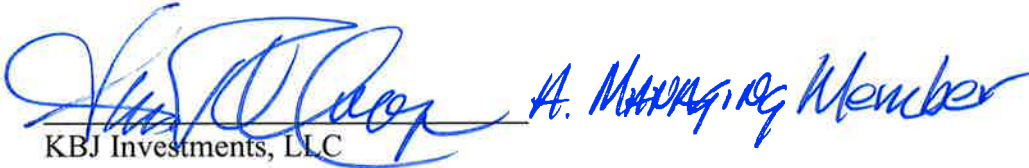
7. INDEMNIFICATION. Grantee shall indemnify and hold Grantor harmless from any and all costs, expenses (including reasonable attorney's fees), damages, claims, fines, and

penalties ("Claims"), to the extent arising from the negligent acts of the Grantee, its contractors, agents or permittees or assigns in exercising the rights granted pursuant to this Agreement.

8. **SUCCESSORS.** This Easement Agreement shall run with the land and Property and is binding on any and all successors or assignees of either of the Parties. In the event Grantee no longer has need or use of this easement for a Solid Waste Compactor, then Grantee shall file and record with the Thurston County Auditor a full and complete release of the easement granted herein to the City of Olympia.

GRANTOR:

Granted this 12 day of July, 2016.

 H. Managing Member
KBJ Investments, LLC


STATE OF WASHINGTON)
) ss
County of Thurston)

On this 12 day of July, 2016, before me personally appeared Steve Cooper, to me known to be the individual authorized by KBJ Investments, LLC, described in and who executed the foregoing instrument, and acknowledged that he signed and sealed the same as his free and voluntary act and deed on behalf of KBJ Investments, LLC, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

(SEAL)



 _____
Signature
Print Name: Ladd F. CLUFF
Notary Public in and for the State of
Washington, residing at: Olympia
My commission expires: 6-09-2019

[signatures continue on next page]

GRANTEE:

Accepted and Approved:
CITY OF OLYMPIA

Approved as to form:

By: _____
Steven R. Hall, City Manager



City Attorney

Date: _____

PROJECT NAME: PROJECT NO: 1572N SHARED COMPACTOR
OWNER AND PARCEL NUMBER: KBJ INVESTMENTS LLC
DATE: March 29, 2016

EXHIBIT "A"

PERMANENT EASEMENT FOR COMPACTOR

An easement for a compactor over and across a portion of Lot 6 of Sylvester Plat, recorded under Volume 1, Page 14, records of Thurston County, Washington, situated in the NE ¼ of the SW ¼ of Section 14, Township 18 North, Range 2 West, Willamette Meridian, said easement described as follows:

The North 18.00 feet of the West 40 feet of said Lot 5

Said dedication containing 720 square feet.



PROJECT NAME: PROJECT NO: 1572N SHARED COMPACTOR
OWNER AND PARCEL NUMBER: KBJ INVESTMENTS LLC
DATE: March 29, 2016

EXHIBIT "B"

ACCESS EASEMENT FOR COMPACTOR

An access easement for a compactor over and across a portion of Lots 5 and 6 of Sylvester Plat, recorded under Volume 1, Page 14, records of Thurston County, Washington, situated in the NE ¼ of the SW ¼ of Section 14, Township 18 North, Range 2 West, Willamette Meridian, said easement described as follows:

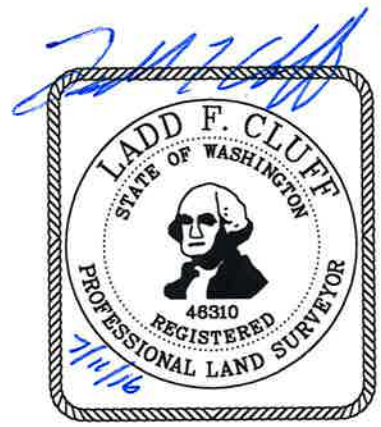
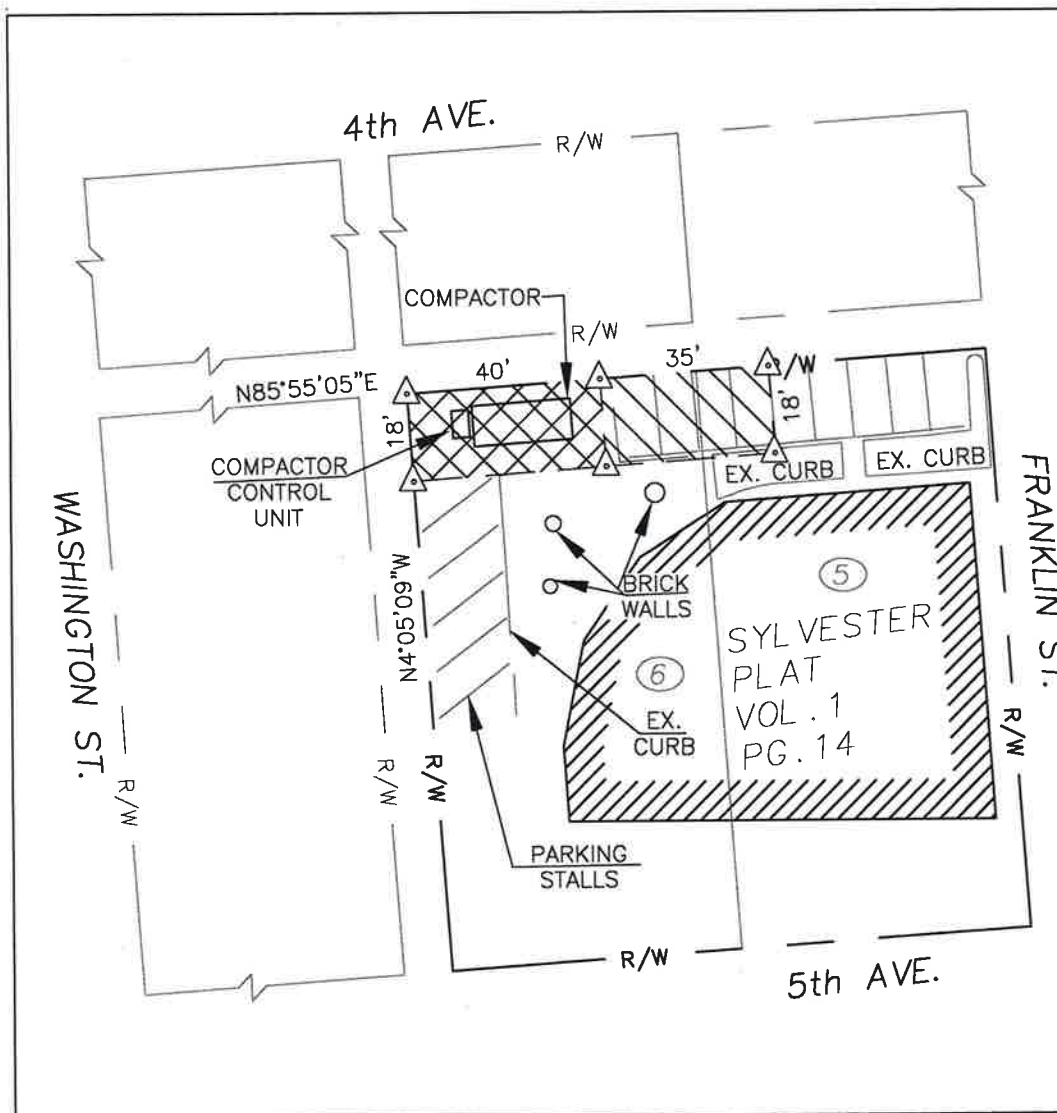
The North 18 feet of the West 15 feet of Lot 5 and the North 18 feet of the East 20 feet of said Lot 6.

Said dedication containing 630 square feet.



LEGEND

- R/W --- EXISTING RIGHT-OF-WAY
- _____ LOT LINE
- ▨ BUILDING LINE
- ▩ PERMANENT EASEMENT AREA (720 SQ. FT.)
- ▧ ACCESS EASEMENT AREA (630 SQ. FT.)
- △ CALCULATED POINT



		CITY OF OLYMPIA	DRAWING NAME
DRAWN	TCM	EXHIBIT "C" SHARED COMPACTOR RESTORATION SECTION 14, T. 18 N., R. 2 W., W.M.	COMPACTOR
QC REVIEW	LFC		
SCALE	N.T.S.		SHEET 1 OF 1
		PROJECT NO. 1572N	
		DATE MARCH 2016	

After recording return document to:
City of Olympia
Attention: Legal Department
P.O. Box 1967
Olympia, WA 98507-1967

Document Title: UTILITY EASEMENT
Grantor(s): KBJ INVESTMENTS LLC
Grantee(s): City of Olympia
Legal Description: SYLVESTER L 5 & 6 B 24
Assessor's Tax Parcel Number: 78502400500

UTILITY EASEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the undersigned Grantor(s), KBJ INVESTMENTS, LLC, does give and grant to City of Olympia, a municipal corporation, hereinafter called Grantee, an easement for the purpose of construction, repair, maintenance and appurtenant structures of an underground Puget Sound Energy transformer vault, over, under, and across the following described real property situated in the City of Olympia, County of Thurston, State of Washington, legally described as follows:

See attached Exhibits "A" and "B" depicting the "Easement Area" by reference made a part hereof.

Said easement shall include the right of ingress and egress to, upon, and over said land at all times, to construct, maintain, operate, repair, and replace said utility; provided, however, that the City of Olympia shall have the right to utilize such additional width as may be necessary temporarily for the placing of excavated materials thereon and for construction and maintenance operations.

The City of Olympia agrees that, in construction, maintenance, operation, and/or repair on the above-described property, it will, at its own expense and to the extent reasonably practicable, restore the surface of land to the same conditions that existed prior thereto.

//

//

GRANTOR:

Granted this 12 day of July, 2016.

[Signature]
KBJ Investments, LLC MANAGING MEMBER

STATE OF WASHINGTON)
) ss
County of Thurston)

On this 12 day of July, 2016, before me personally appeared Steve Cooper, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.



[Signature]
Signature
Print Name: Ladd F. Cluff
Notary Public in and for the State of
Washington, residing at: Olympia
My commission expires: 6-09-2019

GRANTEE:

Accepted and Approved:
CITY OF OLYMPIA

Approved as to form:

By: _____
Steven R. Hall, City Manager

[Signature]
City Attorney

Date: _____

PROJECT NAME: PROJECT NO: 1572N SHARED COMPACTOR
OWNER AND PARCEL NUMBER: KBJ INVESTMENTS LLC
DATE: June 21, 2016

EXHIBIT "A"

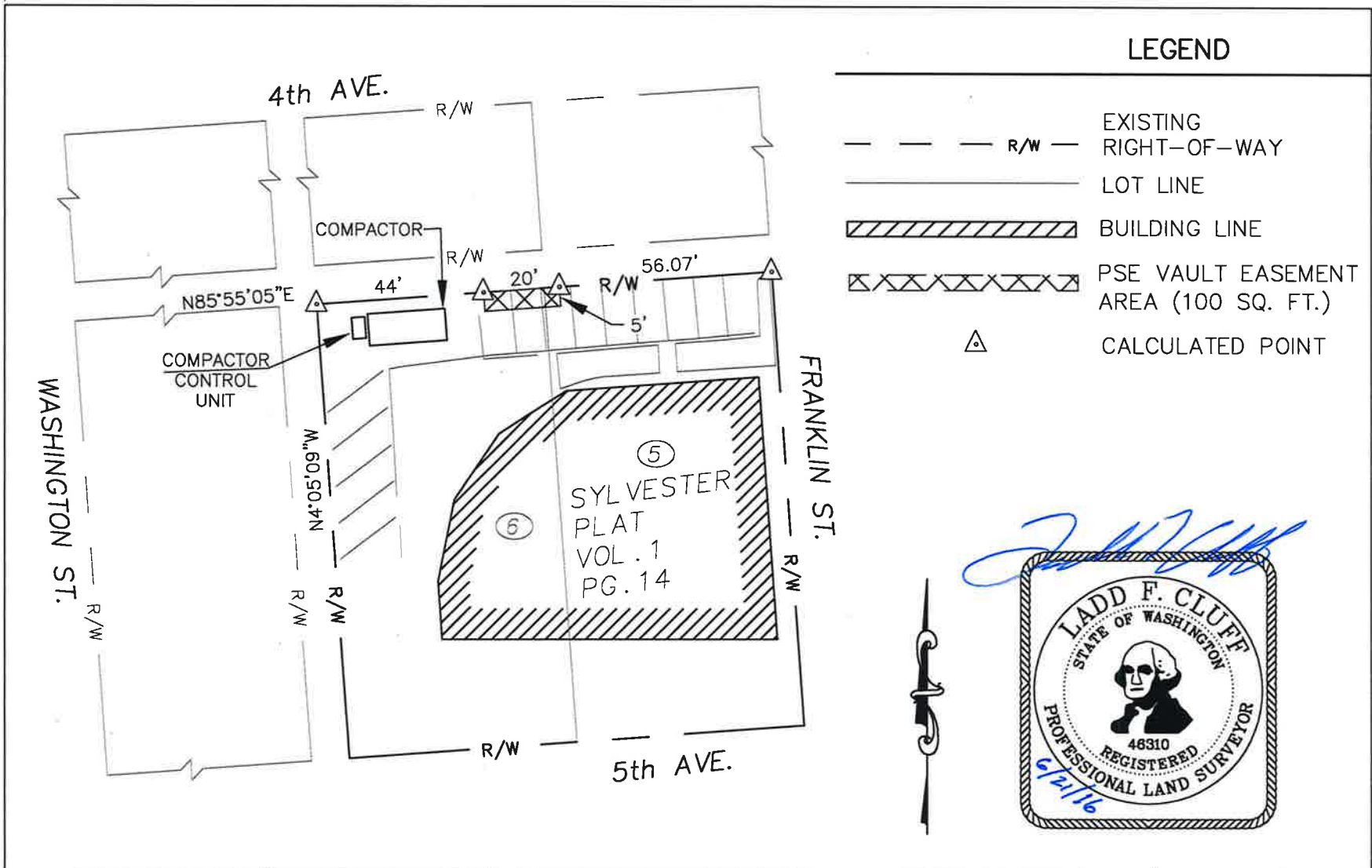
EASEMENT FOR UNDERGROUND PUGET SOUND ENERGY ELECTRICAL VAULT

An easement for an underground Puget Sound Energy electrical vault, over and across a portion of Lots 5 and 6, Block 24, Sylvester Plat, recorded in Volume 1, Page 14, records of Thurston County, Washington, situated in the NE ¼ of the SW ¼ of Section 14, Township 18 North, Range 2 West, Willamette Meridian, said easement described as follows:

The Northerly 5 feet of the Easterly 16 feet of said Lot 6 and the Northerly 5 feet of the Westerly 4 feet of said Lot 5.

Said easement contains 100 square feet.





LEGEND

- R/W — EXISTING RIGHT-OF-WAY
- LOT LINE
- BUILDING LINE
- PSE VAULT EASEMENT AREA (100 SQ. FT.)
- CALCULATED POINT



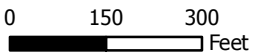
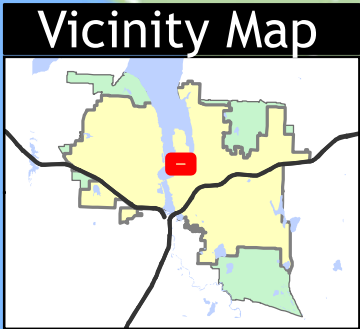
		PROJECT NO.	CITY OF OLYMPIA EXHIBIT "B" PSE VAULT EASEMENT SECTION 14, T. 18 N., R. 2 W., W.M.	DRAWING NAME
DRAWN	TCM	1572N		PSE VAULT
QC REVIEW	LFC	DATE		
SCALE	N.T.S.	JUNE 2016		SHEET 1 OF 1



PROJECT 1572N- SHARED TRASH COMPACTOR



SITE



1 inch = 300 feet

Map printed 7/12/2016

The City of Olympia and its personnel cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. The parcels, right-of-ways, utilities and structures depicted hereon are based on record information and aerial photos only. It is recommended the recipient and/or user field verify all information prior to use. The use of this data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may not assert any proprietary rights to this information. The City of Olympia and its personnel neither accept or assume liability or responsibility, whatsoever, for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.





City Council

Approval of Ordinance on the Hulbert, Hong and Slater Annexation

Agenda Date: 7/26/2016
Agenda Item Number: 4.E
File Number: 16-0379

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

Title

Approval of Ordinance on the Hulbert, Hong and Slater Annexation

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the Hulbert, Hong and Slater Annexation Ordinance on second reading.

Report

Issue:

Whether to approve the ordinance to annex the identified four parcels and adjacent right-of-way. A public hearing on the annexation was held at the City Council's February 23, 2016 meeting.

Staff Contact:

Michelle Sadlier, Associate Planner, Community Planning & Development, 360.753.8031

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Background and analysis have not changed from first to second reading. First reading occurred on March 22, 2016; second reading was delayed to allow for the Thurston County Boundary Review Board's review period. The Board's jurisdiction was not invoked during the required 45-day waiting period. As a result, the proposed annexation is deemed approved by the County and is now ready to move forward for the City Council's second reading.

Annexation Proposal

The Hulbert Notice of Intent was submitted by Phillip and Therese Hulbert, Grace Slater, and Trong and Rani Hong, who combined own all of the privately-held parcels in the proposed area. This Notice

of Intent is for a proposed annexation that consists of four parcels totaling approximately 8.5 acres. The initial request was amended to include adjacent right-of-way along Henderson Boulevard Southeast and Yelm Highway Southeast (Attachment 2).

The parcels are located in the Olympia Urban Growth Area and adjacent to the City in an area zoned single-family residential development (R-4-8). The two westerly parcels are developed with a landscape nursery. The two easterly parcels are developed with single family residences. Land uses in the vicinity consist of single family residences to the east, west and south. The Briggs Village development, including senior apartments, is to the north across Yelm Highway.

Prior Annexation Process Steps

State law provides that parties submitting a Notice of Intent are entitled to a meeting with the City Council where the Council will determine whether to consider the annexation proposal, and what properties should be considered in the annexation. Following a recommendation by the Land Use & Environment Committee as made at its August 27, 2015 meeting, the Council accepted the proposed annexation boundary at its September 22, 2015 meeting.

The individual applicants then submitted their Petitions for Annexation on October 7, 2015, November 9, 2015, and November 10, 2015. The Thurston County Assessor followed by issuing the required Declaration of Petition Sufficiency on December 4, 2015. The final formal stage in the process prior to drafting an ordinance was a public hearing, held at the City Council's February 23, 2016 meeting.

Staff Analysis of Proposed Annexation

As a result of the outcomes of the above process steps, evaluation of the area proposed for annexation, and discussion of annexation options with public service providers, City staff recommends approval of the proposed Hulbert, Hong and Slater Annexation. The proposed annexation would result in a logical municipal boundary with adequate services.

The adjacent section of Yelm Highway is already within the City of Olympia's jurisdiction and there are existing storm, sewer and drinking water services. Annexation would also have no immediate effect on solid waste services due to an existing agreement between the City of Olympia and LeMay Enterprises. A representative of East Olympia Fire District testified at the Land Use and Environment Committee's August 27, 2015 meeting and raised no objections to annexation.

The adjacent section of Henderson Boulevard and the intersection are within the City of Tumwater. The southern boundary of the proposed annexation is the Urban Growth Boundary beyond which the City cannot annex property.

In addition, the area has been pre-zoned and will not, therefore, require either a Comprehensive Plan or zoning amendment. Concerns about future development of the parcel raised at the public hearing will be addressed through the development review process.

Neighborhood/Community Interests:

There has been interest in annexation in this area in the past. The City has notified adjacent property owners and other potentially interested parties.

Options:

1. Approve the ordinance to annex the proposed area, or
2. Do not approve the proposed annexation and do not annex the subject property.

Financial Impact:

If the area is annexed, the property owners would be required to assume a proportionate share of the City's bonded-indebtedness. Pursuant to an agreement between the City of Olympia and LeMay Enterprises, the City would assume solid waste collection in the annexation area ten years after the effective date of the annexation.

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, ANNEXING TO THE CITY OF OLYMPIA 8.5 ACRES LOCATED AT 4920 HENDERSON BOULEVARD SE, 1611 YELM HIGHWAY SE, 1705 YELM HIGHWAY SE, AND 1707 YELM HIGHWAY SE, LYING CONTIGUOUS TO OLYMPIA CITY LIMITS AND WITHIN THE OLYMPIA URBAN GROWTH AREA.

WHEREAS, the owners of over sixty percent (60%) of the assessed valuation of the real property described in Exhibit A attached hereto and incorporated herein, have previously notified the City of Olympia that they intended to commence proceedings to annex said property to the City of Olympia, and said city has previously agreed to accept said proposed annexation and likewise determined that the City of Olympia would require the assumption of said annexed areas of its fair share of any existing indebtedness of the City of Olympia; and

WHEREAS, a written petition signed by the Applicant representing over 60% in value according to the assessed valuation of said property was filed requesting annexation of said property to the City of Olympia; and

WHEREAS, a date for a public hearing on said petition was fixed by the City Council of the City of Olympia and notice of said hearing was published in a newspaper of general circulation in the City of Olympia and was likewise posted in the area proposed to be annexed in the manner required by law and affidavits of publications and posting of said notice have been filed with the City Clerk; and

WHEREAS, the notice so published and posted provided said hearing to be held on February 23, 2016, at 7:00 p.m. at the Council Chambers of Olympia City Hall; and

WHEREAS, said hearing was held in accordance with the provisions of RCW 35A.14.130; the City Council found that said petition was signed by the party representing more than 60% in value according to the assessed valuation of the property described therein; said area proposed to be annexed is contiguous to the City of Olympia; and the petition and hearing thereon were in all things regular and notice thereof was given as provided by law.

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

Section 1. Annexation. The property described in Exhibit A contiguous to the City of Olympia annexed to and made a part of the City of Olympia and is subject to the laws and ordinances now and hereafter in effect; provided, however, that the property within the limits of said annexed area shall be taxed or assessed to pay its share of any bonded indebtedness of the City of Olympia contracted prior to or released from any taxes of assessments levied against it or from any liability for the payment of any outstanding bonds or warrants issued prior to such annexations; provided further, that said property hereby annexed shall be subject to readdressing of existing street names and/or numbers if they are not consistent with either the established City of Olympia "100 Block" Grid Designation or the street naming conventions in Olympia Municipal Code Title 12, Section 48; and provided further, that said property hereby annexed shall be and hereby is given the zoning designations of Single-Family Residential (R4-8) consistent with pre-annexation zoning.

Section 2. Cancellation, acquisition of franchise or permit for operation of public service business in territory annexed. Pursuant to RCW 35A.14.900 and any other applicable law, on the effective date of this Ordinance any franchise or permit theretofore granted to any person, firm or corporation by the State of Washington, or by the governing body of such annexed territory, authorizing or otherwise permitting the operation of any public utility, including but not limited to, public electric, water, transportation, or other similar public service business or facility within the limits of the annexed territory is canceled. The holder of any such franchise or permit canceled pursuant to the section and RCW 35A.14.900 is hereby granted a franchise to continue such business within the annexed territory for a term of not less than seven (7) years from the effective date of this Ordinance, unless mutually agree between the City and the franchisee. The City shall not extend similar or competing services to the annexed territory except upon a proper showing of the inability or refusal of such person, firm or corporation to adequately service said annexed territory at a reasonable price. Notwithstanding the foregoing seven (year) reference in the proceeding portion of this Section 2, the City of Olympia intends to assume solid waste collection in the area here annexed in ten (10) years after the effective date of this ordinance, pursuant to an agreement between the City and LeMay, unless mutually agreed by the City and LeMay or a mutually agreed successor.

Section 3. Effective Date. This Ordinance shall be in effect thirty (30) days after its passage and publication. Thereafter, the area described herein shall become part of the City of Olympia.

Section 4. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Nienaber

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

Date: January 04, 2016
Project: Yelm-Henderson Annexation Area
Sheet: 1 of 2

EXHIBIT "A"
CITY OF OLYMPIA YELM-HENDERSON ANNEXATION AREA

Yelm-Henderson Annexation Area, situated in the Northeast Quarter of the Southwest Quarter of Section 36, Township 18 North, Range 2 West, Willamette Meridian, Thurston County, Washington, said Annexation Area is contained and bounded within the following described area:

BEGINNING at the intersection of the North line of said Northeast Quarter of the Southwest Quarter and the extended Easterly right-of-way of Henderson Boulevard SE;

Thence Easterly along the North line of said Northeast Quarter of the Southwest Quarter to a point of intersection with the extended Westerly boundary of Orvas Plat, as recorded in Volume 21, at page 7, Thurston County records;

Thence Southerly and tracing said Westerly boundary of Orvas Plat to the Northern boundary of Arlington Estates Plat, as recorded in Volume 25, at page 12, Thurston County records;

Thence Southerly and tracing the Westerly boundary of said Arlington Estates Plat to the Northern boundary of Henderson Ridge Plat, as recorded under Auditor's File Number (AFN) 3716542, Thurston County records;

Thence Westerly along the Northern boundary of said Henderson Ridge Plat to the Eastern boundary of Shepherd's Grove Plat, as recorded under AFN 4271595, Thurston County records;

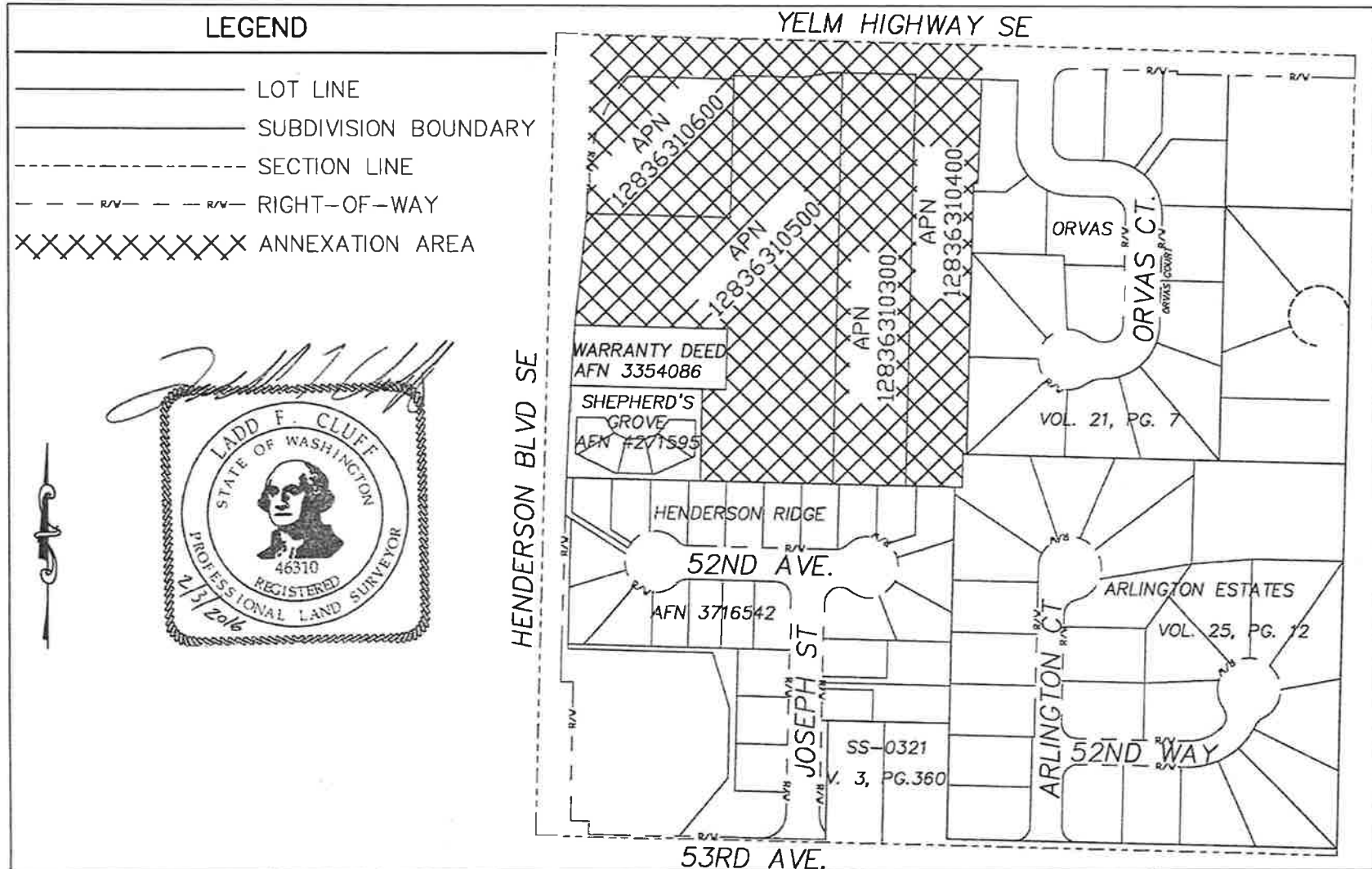
Thence Northerly along the Eastern boundary of said Shepherd's Grove Plat to the Southerly line of that parcel of land described a Warranty Deed recorded under AFN 3354086, Thurston County records;

Thence tracing said Warranty Deed, Easterly, Northerly and Westerly to a point of intersection with the Easterly right-of-way line of Henderson Boulevard SE;

Thence Northerly along said right-of-way extended to the **POINT OF BEGINNING**

Said annexation area contains 8.5 acres more or less.



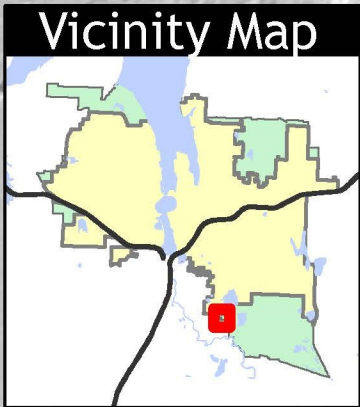
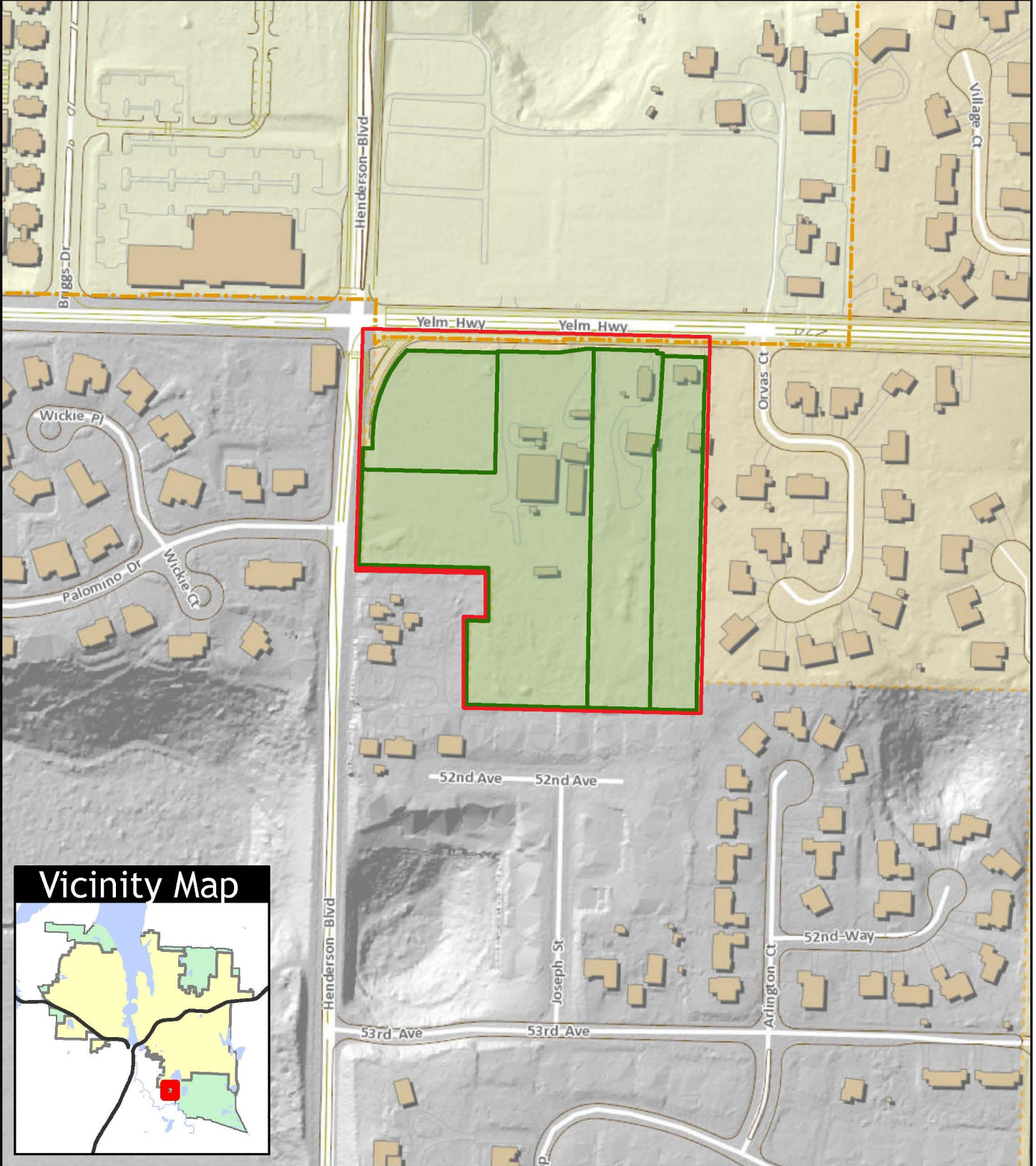


		PROJECT NO.	CITY OF OLYMPIA	DRAWING NAME
DRAWN	LFC	CP&D Annexation	EXHIBIT "A"	YELM-HENDERSON
QC REVIEW	LFC	DATE	YELM - HENDERSON	
SCALE	1"=250'	01/2016	ANNEXATION AREA	SHEET 2 OF 2



Hulbert, Hong and Slater Annexation Proposal

4920 Henderson Boulevard



0 0.025 0.05 Miles 1 inch = 260 feet

Map printed September 10, 2015
 For more information, please contact:
 Tim Smith, Principal Planner
 tsmith@ci.olympia.wa.us
 (360) 570-3915

The City of Olympia and its personnel cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. The parcels, right-of-ways, utilities and structures depicted hereon are based on record information and aerial photos only. It is recommended the recipient and/or user field verify all information prior to use. The use of this data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may not assert any proprietary rights to this information. The City of Olympia and its personnel neither accept or assume liability or responsibility, whatsoever, for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.





City Council

Briefing on Mayors Climate Compact

Agenda Date: 7/26/2016
Agenda Item Number: 6.A
File Number: 16-0758

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

Title

Briefing on Mayors Climate Compact

Recommended Action

Committee Recommendation:

Not referred to committee.

City Manager Recommendation:

Receive the information. Briefing only; no action requested

Report

Issue:

Whether to receive a briefing on the Compact of Mayors.

Staff Contact:

Rich Hoey, P.E., Public Works Director, 360.753.8495

Presenter(s):

Rich Hoey, Public Works Director

Background and Analysis:

The Compact of Mayors, launched in 2014, is a global coalition of mayors committed to reducing greenhouse gas emissions at a local level. The Compact encourages cities to take actions to adapt to climate change and track their progress. Former Mayor Buxbaum signed on the Compact in November 2015, just prior to attending the International Climate Summit in Paris.

In June, the Compact of Mayors formally joined with the European Covenant of Mayors for Climate and Energy. The newly formed Global Covenant of Mayors for Climate and Energy now includes more 7,100 cities world-wide.

By signing on to the Compact, the City is committing to the following over the next three years:

1. Reducing local greenhouse gas emissions;
2. Measuring and taking an inventory of community emissions;
3. Setting reduction targets;

4. Developing a climate action plan to meet the targets.

Olympia has already made considerable progress towards compliance. Staff has been actively working with the Thurston Climate Action Team (“TCAT”) to fulfill the inventory requirement, which is essentially now complete. The City has also formally set aggressive targets for reducing greenhouse gas emissions through its recently adopted Comprehensive Plan. The City’s ultimate goal is to reduce community-wide greenhouse gas emissions to 80 percent below 1990 levels by 2050. Historically, the City has made large strides on reducing greenhouse gas emissions associated with its municipal operations. The Compact expands the focus to emissions reduction efforts community-wide.

The final phase of the Compact requires the City to draft and adopt a climate action plan. The climate action plan will outline the strategies and policies the City will implement to reach the targets identified in the Comprehensive Plan.

Neighborhood/Community Interests (if known):

There is strong interest in the community for taking significant action to reduce the effects of climate change. The City and the community have been active on this issue since the early 1990s. Olympia is one of the most vulnerable communities on the west coast to the effects of climate change, particularly related to sea level rise.

Attachments:

None



City Council

Approval of Ordinance Related to the Opportunity for Olympia (OFO) Initiative Petition, or Approval of Resolution Placing the OFO Petition on the November 8, 2016, General Election Ballot, or Approval of Resolution to Take No Action to Pass OFO's Proposed Ordinance or to Order an Election

Agenda Date: 7/26/2016
Agenda Item Number: 6.B
File Number: 16-0878

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

Title

Approval of Ordinance Related to the Opportunity for Olympia (OFO) Initiative Petition, or Approval of Resolution Placing the OFO Petition on the November 8, 2016, General Election Ballot, or Approval of Resolution to Take No Action to Pass OFO's Proposed Ordinance or to Order an Election

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to either adopt the proposed Resolution placing the OFO Initiative Petition on the November 8, 2016, General Election Ballot, or to adopt the proposed Resolution to take no action to pass OFO's proposed ordinance or to order an election.

Report

Issue:

Whether to 1) adopt the Ordinance related to the OFO Initiative Petition; or 2) adopt the proposed Resolution placing the OFO Initiative Petition on the November ballot; or 3) adopt the proposed Resolution to take no action to pass the OFO's proposed ordinance or to order an election.

Staff Contact:

Mark Barber, City Attorney, 360.753.8338

Presenter(s):

Mark Barber, City Attorney

Background and Analysis:

The local organization known as Opportunity for Olympia filed an initiative petition with the City Clerk

on July 6, 2016. The OFO Initiative Petition (the Petition) calls for the Olympia City Council to adopt an ordinance or submit it unaltered to a city-wide vote pursuant to state law to establish a fund dedicated to paying for one year of free community college for each year's public high school graduates and those students receiving GED high school equivalency certificates who live in the City of Olympia, or an equivalent amount of money for those public high school graduates and GED recipients who choose to attend public universities and colleges in the State of Washington; and where ninety-five (95) percent of all funds raised must be spent on tuition, not administrative costs; and that such measure would be funded by establishing an income tax of 1.5% on City of Olympia households with income exceeding \$200,000.

The Petition was received by the City on July 6, 2016, and then filed with the Thurston County Auditor on July 7, 2016. The Auditor determined that the Petition was signed by the requisite number of persons listed as registered voters within the City and issued a Certificate of Sufficiency on Petition No. 070716P on July 13, 2016. (See attached.)

The City Council's options under law are:

(1) pass OFO's proposed ordinance without alteration within 20 days after issuance of the Auditor's Certificate of Sufficiency has been received by the City Clerk;

(2) immediately following receipt of the Auditor's issuance of the Certificate of Sufficiency for the Petition, request that the Auditor place the Petition on the ballot on the next election date, as provided in RCW 29A.04.330 (see RCW 35.17.260); or

(3) take no action to pass OFO's proposed ordinance or to order an election thereon, leaving to any City taxpayer the option to commence an action against the City to obtain a decree ordering an election to be held in the City upon the proposed ordinance attached to the initiative petition (see RCW 35.17.290).

Under either option 2 or 3, the Council has previously directed the City to test the validity of the Income Tax Initiative by court action, and to enjoin the Income Tax Initiative from appearing on the ballot.

Neighborhood/Community Interests (if known):

Comments have been received from community members favoring and opposing Opportunity for Olympia's Initiative Petition.

Options:

1. Adopt a form of Resolution placing the OFO Initiative Petition on the November 8, 2016, General Election Ballot.

2. Adopt a form of Resolution (under No. 1), but direct staff to make changes.

3. Adopt a form of Resolution to take no action to pass OFO's proposed ordinance or to order a special election thereon.

4. Adopt a form of Resolution (under No. 3), but direct staff to make changes.

5. Adopt the Ordinance attached to the Opportunity for Olympia Initiative Petition without alteration, as authorized by state law.

Financial Impact:

Estimated cost to City for placing Initiative Petition on the November 2016 ballot is \$5,000.

Attachments:

1. Alternative forms of Resolutions
2. Ordinance related to the Opportunity for Olympia Initiative Petition
3. Thurston County Auditor's Certificate of Sufficiency Petition No. 070716P

CITY OF OLYMPIA, WASHINGTON

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO A PROPOSED INCOME TAX INITIATIVE; ACKNOWLEDGING RECEIPT OF A CERTIFICATE OF SUFFICIENCY OF REGISTERED VOTERS' SIGNATURES FOR THE "OPPORTUNITY FOR OLYMPIA" INITIATIVE PETITION TO THE OLYMPIA CITY COUNCIL; REJECTING ENACTMENT OF THE INCOME TAX INITIATIVE'S ORDINANCE; CALLING FOR A SPECIAL ELECTION ON THE INITIATIVE PETITION; AND, APPOINTING PRO AND CON COMMITTEES FOR SUBMISSION TO THE THURSTON COUNTY AUDITOR FOR THE PURPOSE OF PREPARING STATEMENTS FOR THE VOTERS' PAMPHLET.

THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. RECITALS AND FINDINGS.

1.1 The City of Olympia is a noncharter code city organized under the Optional Municipal Code in Title 35A of the Revised Code of Washington.

1.2 RCW 35A.11.100 and Olympia Municipal Code Chapter 1.16 provide authority for Olympia's registered voters to sign a petition for initiative to directly initiate and enact legislation through the initiative process upon obtaining signatures of fifteen percent (15%) of the total number of persons registered to vote within the City of Olympia on the day of the last preceding city general election.

1.3 The powers of initiative and referendum in noncharter code cities such as the City of Olympia shall be exercised in the manner set forth for the commission form of government in RCW 35.17.240 through RCW 35.17.360.

1.4 The local organization known as Opportunity for Olympia (or "OFO") has submitted an initiative petition to the Olympia City Council to adopt an ordinance or submit it unaltered to a city-wide vote pursuant to state law to establish a fund dedicated to funding one year of free community college for each year's public high school graduates and those students receiving GED high school equivalency certificates who live in the City of Olympia, or an equivalent amount of money for those public high school graduates and GED recipients who choose to attend public universities and colleges in the State of Washington; and where ninety-five (95) percent of all funds raised must be spent on tuition, not administrative costs, and that such measure would be funded by establishing an income tax of 1.5% on household income exceeding \$200,000 in the City of Olympia, (the "Income Tax Initiative").

1.5 The OFO Initiative Petition was filed with the City Clerk for the City of Olympia on July 6, 2016.

1.6 On July 7, 2016, the OFO Income Tax Initiative Petition was filed with the office of the Thurston County Auditor to determine pursuant to RCW 35A.01.040 and RCW 35A.11.100 whether the Income Tax Initiative Petition had obtained sufficient signatures of registered voters within the City of Olympia.

1.7 On July 13, 2016, the Thurston County Auditor issued a Certificate of Sufficiency finding that the number of registered voters in the City of Olympia for the 2015 General Election was 31,346; that the initiative's proponents had submitted 8,947 signatures on the initiative petition; that the Auditor's office examined 8,470 signatures; that the minimum number of verified registered voters' signatures for a sufficient initiative petition is 4,702; that 4,719 signatures of registered voters were verified; and 3,751 signatures were rejected. Based upon this examination, the Thurston County Auditor determined that the initiative petition was signed by the requisite number of persons listed as registered voters within the City of Olympia. As a result of this examination, the Thurston County Auditor issued a Certificate of Sufficiency pursuant to RCW 35A.11.100.

1.8 Under law, the City Council may:

1.8.1 Pass OFO's proposed ordinance without alteration within twenty days after issuance of the Auditor's Certificate of Sufficiency has been received by the City Clerk;

1.8.2 Immediately following receipt of the Auditor's issuance of the Certificate of Sufficiency for the Petition, request that the Auditor place the Petition on the ballot on the next election date as provided in RCW 29A.04.330 (*see* RCW 35.17.260); or

1.8.3 Take no action to pass the OFO's proposed ordinance or to order an election thereon, leaving to any City taxpayer the option to commence an action against the City to obtain a decree ordering an election to be held in the city upon the proposed ordinance attached to the initiative petition (*see* RCW 35.17.290).

1.9 OFO's Income Tax Initiative proposes a local income tax which is contrary to state law, making the Income Tax Initiative invalid because it violates RCW 36.65.030, which provides that: "A county, city, or city-county shall not levy a tax on net income." And the Income Tax Initiative purports to tax "adjusted gross income," which is fundamentally a net income tax concept. Net income tax is not a term of art in the main body of the Internal Revenue Code. The term occurs in a few sections, and each time it is defined differently for the purposes of the specific section. Adjusted gross income, on the other hand, is expressly defined in the Internal Revenue Code as gross income minus certain enumerated deductions. A taxpayer's "taxable income" is then computed by applying certain additional deductions.

While the word "net" does not appear in the definition, there is language elsewhere in the Internal Revenue Code and Treasury Regulations that adjusted gross income is treated as a net concept. Further, similar to the Income Tax Initiative, adjusted gross income is used in the Internal Revenue Code as a benchmark for determining the appropriate income threshold for taxation in some cases. For example, the Patient Protection and Affordable Care Act imposes a "net investment income tax" on certain taxpayers that is pegged to adjusted gross income.

The City Council determines that a City tax on adjusted gross income is a type of net income tax because it is a tax on gross income netted by a number of deductions and adjustments.

1.10 The Olympia City Council has examined the specific mechanisms and content of OFO's Income Tax Initiative and proposed ordinance and has concluded it presents administrative flaws and questionable legal assertions which have not been resolved. The Olympia City Council, recognizing the flaws in OFO's Income Tax Initiative and proposed ordinance, attempted in good faith to find workable solutions to solve the administrative and legal problems posed in the initiative petition and ordinance. The City Council was unable to fully and fairly investigate, study,

reflect, deliberate and secure public engagement and dialogue into the complex issues and administrative flaws and legal issues presented by OFO's Income Tax Initiative and ordinance.

1.11 Collaboration between the government of the City of Olympia, its elected officials, and the Olympia community regarding the local impacts of the current public education finance structure and the current state and local tax system depends upon reliable and relevant information. The City Council recognizes that any attempt to address the cost of higher education and public revenue options will require long-term, systemic change based upon adequate study, public engagement, dialogue and deliberation. The Olympia City Council further recognizes the far reaching and significant beneficial impact of improved access to post-secondary education and vocational training and supports efforts to reduce student loan debt and address a regressive state and local tax system which places a larger burden upon those least able to pay.

1.12 Washington case law and RCW 35A.11.020, RCW 35A.11.030, and RCW 35A.11.090, specifically vests the City Council, as the City's local legislative body, with the power to enact ordinances governing taxation as well as appropriations and OFO's Income Tax Initiative would improperly interfere with the exercise of a power delegated by state law exclusively to a local legislative body.

1.13 The Olympia City Council must appoint persons to serve on Pro and Con committees relating to the ballot measure, or provide for appointment of committee members, for Opportunity for Olympia's Initiative Petition and submit such appointments to the Thurston County Auditor before the deadline of August 2, 2016.

SECTION 2. INITIATIVE REJECTED. The income tax ordinance proposed by Opportunity for Olympia's Income Tax Initiative Petition is hereby rejected.

SECTION 3. ELECTION ORDERED. The Thurston County Auditor is requested to place upon the ballot for the next General Election on November 8, 2016, the Opportunity for Olympia Initiative Petition (Petition No. 070716P), a Certificate of Sufficiency for which was issued by the Thurston County Auditor on July 13, 2016.

SECTION 4. APPOINTMENT OF PRO COMMITTEE. The Olympia City Council appoints the following persons to comprise the Pro committee for purposes of preparing the statement in support of the Opportunity for Olympia Initiative Petition for publication in the voters' pamphlet for the next General Election on November 8, 2016:

1. _____
2. _____
3. _____

Said names and contact information shall be forwarded to the office of the Thurston County Auditor by August 2, 2016.

SECTION 5. APPOINTMENT OF CON COMMITTEE. The Olympia City Council appoints the following persons to comprise the Con committee for purposes of preparing the statement in opposition to the Opportunity for Olympia Initiative Petition for publication in the voters' pamphlet for the next General Election on November 8, 2016:

1. Gerry Alexander
2. Cheryl Selby
3. _____

Said names and contact information shall be forwarded to the office of the Thurston County Auditor by August 2, 2016.

SECTION 6. CONTINUATION OF COUNCIL'S PRIOR DIRECTION. Consistent with the Council's unanimously-adopted motion on July 12, 2016, the City Manager is authorized to take all reasonable steps on behalf of the City of Olympia and this Council, to obtain a judicial determination whether the initiative is a lawful, valid exercise of the initiative power granted to Olympia's citizens under state law, and if not, to obtain an injunction prohibiting such initiative measure from appearing on a ballot. This authorization includes approval of any appeals as may be necessary before the appellate courts of this state.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of July, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

CITY OF OLYMPIA, WASHINGTON

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO A PROPOSED INCOME TAX INITIATIVE; ENTERING RECITALS AND FINDINGS; DECIDING AGAINST PASSING OR ENACTING A PROPOSED INITIATIVE ORDINANCE TO ESTABLISH AN INCOME TAX ON SOME CITY RESIDENTS; AND, EXERCISING ITS LEGISLATIVE DISCRETION AGAINST ORDERING A SPECIAL ELECTION THEREON.

THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. RECITALS AND FINDINGS.

1.1 The City of Olympia is a noncharter code city organized under the Optional Municipal Code in Title 35A Revised Code of Washington.

1.2 RCW 35A.11.100 and Olympia Municipal Code Chapter 1.16 provide authority for Olympia's registered voters to sign a petition for initiative to directly initiate and enact legislation through the initiative process upon obtaining signatures of fifteen percent (15%) of the total number of persons registered to vote within the City of Olympia on the day of the last preceding city general election.

1.3 The powers of initiative and referendum in noncharter code cities such as the City of Olympia shall be exercised in the manner set forth for the commission form of government in RCW 35.17.240 through RCW 35.17.360.

1.4 The local organization known as Opportunity for Olympia (or "OFO") has submitted an initiative petition to the Olympia City Council to adopt an ordinance or submit it unaltered to a city-wide vote pursuant to state law to establish a fund dedicated to funding one year of free community college for each year's public high school graduates and those students receiving GED high school equivalency certificates who live in the City of Olympia, or an equivalent amount of money for those public high school graduates and GED recipients who choose to attend public universities and colleges in the State of Washington; and where ninety-five (95) percent of all funds raised must be spent on tuition, not administrative costs, and that such measure would be funded by establishing an income tax of 1.5% on household income exceeding \$200,000 in the City of Olympia (the "Income Tax Initiative").

1.5 The OFO Initiative Petition was filed with the City Clerk for the City of Olympia on July 6, 2016.

1.6 On July 7, 2016, the OFO Income Tax Initiative Petition was filed with the office of the Thurston County Auditor to determine pursuant to RCW 35A.01.040 and RCW 35A.11.100 whether the Income Tax Initiative Petition had obtained sufficient signatures of registered voters within the City of Olympia.

1.7 On July 13, 2016, the Thurston County Auditor issued a Certificate of Sufficiency finding that the number of registered voters in the City of Olympia for the 2015 General Election was 31,346; that the initiative's proponents had submitted 8,947 signatures on the initiative petition; that the Auditor's office examined 8,470 signatures; that the minimum number of verified registered voters' signatures for a sufficient initiative petition is 4,702; that 4,719 signatures of registered voters were verified; and 3,751 signatures were rejected. Based upon this examination, the Thurston County Auditor determined that the initiative petition was signed by the requisite number of persons listed as registered voters within the City of Olympia. As a result of this examination, the Thurston County Auditor issued a Certificate of Sufficiency pursuant to RCW 35A.11.100.

1.8 Under law, the City Council may:

1.8.1 Pass the OFO's proposed ordinance without alteration within twenty days after issuance of the Auditor's Certificate of Sufficiency has been received by the City Clerk;

1.8.2 Immediately following receipt of the Auditor's issuance of the Certificate of Sufficiency for the Petition, request that the Auditor place the Petition on the ballot on the next election date as provided in RCW 29A.04.330 (*see* RCW 35.17.260); or

1.8.3 Take no action to pass the OFO's proposed ordinance or to order an election thereon, leaving to any City taxpayer the option to commence an action against the City to obtain a decree ordering an election to be held in the city upon the proposed ordinance attached to the initiative petition (*see* RCW 35.17.290).

1.9 OFO's Income Tax Initiative proposes a local income tax which is contrary to state law, making the Income Tax Initiative invalid because it violates RCW 36.65.030, which provides that: "A county, city, or city-county shall not levy a tax on net income." And the Income Tax Initiative purports to tax "adjusted gross income," which is fundamentally a net income tax concept. Net income tax is not a term of art in the main body of the Internal Revenue Code. The term occurs in a few sections, and each time it is defined differently for the purposes of the specific section. Adjusted gross income, on the other hand, is expressly defined in the Internal Revenue Code as gross income minus certain enumerated deductions. A taxpayer's "taxable income" is then computed by applying certain additional deductions.

While the word "net" does not appear in the definition, there is language elsewhere in the Internal Revenue Code and Treasury Regulations that adjusted gross income is treated as a net concept. Further, similar to the Income Tax Initiative, adjusted gross income is used in the Internal Revenue Code as a benchmark for determining the appropriate income threshold for taxation in some cases. For example, the Patient Protection and Affordable Care Act imposes a "net investment income tax" on certain taxpayers that is pegged to adjusted gross income.

The City Council determines that a City tax on adjusted gross income is a type of net income tax because it is a tax on gross income netted by a number of deductions and adjustments.

1.10 The Olympia City Council has examined the specific mechanisms and content of OFO's Income Tax Initiative and proposed ordinance and has concluded it presents administrative flaws and questionable legal assertions which have not been resolved. The Olympia City Council, recognizing the flaws in OFO's Income Tax Initiative and proposed ordinance, attempted in good faith to find workable solutions to solve the administrative and legal problems posed in the initiative petition and ordinance. The City Council was unable to fully and fairly investigate, study, reflect, deliberate and secure public engagement and dialogue into the complex issues and administrative flaws and legal issues presented by OFO's Income Tax Initiative and ordinance.

1.11 Collaboration between the government of the City of Olympia, its elected officials, and the Olympia community regarding the local impacts of the current public education finance structure and the current state and local tax system depends upon reliable and relevant information. The City Council recognizes that any attempt to address the cost of higher education and public revenue options will require long-term, systemic change based upon adequate study, public engagement, dialogue and deliberation. The Olympia City Council further recognizes the far reaching and significant beneficial impact of improved access to post-secondary education and vocational training and supports efforts to reduce student loan debt and address a regressive state and local tax system which places a larger burden upon those least able to pay.

1.12 Washington case law and RCW 35A.11.020, RCW 35A.11.030, and RCW 35A.11.090, specifically vests the City Council, as the City's local legislative body, with the power to enact ordinances governing taxation as well as appropriations and OFO's Income Tax Initiative would improperly interfere with the exercise of a power delegated by state law exclusively to a local legislative body.

1.13 Under RCW 29A.04.330(1), city general elections are "held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years." The next City general election is November 2017. A special election may be held in conjunction with a State general election. RCW 29A.04.175. But, under RCW 29A.04.330(2), only a city's "governing body" can call a special election. The City Council is the City's "governing body" and it exercises its legislative discretion not to call for a special election on the Income Tax Initiative which it believes to be legally invalid and unconstitutional.

1.14 The Olympia City Council recognizes its duties and responsibilities as a legislative and governing body under state law, and that the initiative power is limited by statute, as well as by decisions of the Washington Supreme Court and other appellate courts of this state.

1.15 RCW 35.17.290 contemplates that any taxpayer and resident who feels aggrieved by the decision of the City Council to neither pass nor enact OFO's Income Tax Initiative or to order an election thereon, may commence an action in superior court against the City to procure a decree ordering an election be held in the city for the purpose of voting upon the proposed initiative ordinance, should the court find the petition to be sufficient and should the court also find that the initiative petition is within the initiative power granted to citizens for direct legislation.

SECTION 2. INITIATIVE REJECTED. The income tax ordinance proposed by Opportunity for Olympia's Income Tax Initiative Petition is hereby rejected.

SECTION 3. NO ELECTION ORDERED. As the elected legislative and governing body of the City of Olympia, this Council rejects ordering a special election upon OFO's Income Tax Initiative on the grounds that said initiative is beyond the lawful initiative power granted to citizens for direct legislation; that the initiative petition intrudes upon the exclusive statutory power granted to the legislative or governing bodies of code cities such as the City of Olympia; and that the proposed ordinance in Opportunity for Olympia's Initiative Petition is contrary to state law.

SECTION 4. CONTINUATION OF COUNCIL'S PRIOR DIRECTION. Consistent with the Council's unanimously-adopted motion on July 12, 2016, the City Manager is authorized to take all reasonable steps on behalf of the City of Olympia and this Council, to obtain a judicial determination whether the initiative is a lawful, valid exercise of the initiative power granted to Olympia's citizens under state law and, if not, to obtain an injunction prohibiting such initiative measure from appearing on a ballot. This authorization includes approval of any appeals as may be necessary before the appellate courts of this state.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of July, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

Opportunity for Olympia Initiative Petition

TO THE OLYMPIA CITY COUNCIL:

We, the undersigned registered voters within the City of Olympia, hereby petition the City Council to adopt the following proposed ordinance or submit it, unaltered, to a citywide vote pursuant to state law:

This measure would establish a city fund dedicated to funding at least one year of free community or technical college for each year's City of Olympia public high school graduates and GED high school equivalency certificate recipients, or an equivalent amount of money for such public high school graduates and GED recipients who choose to attend public universities and colleges in the State of Washington. 95% of all funds raised must be spent on tuition or related educational services, not administrative costs. The measure would be funded by establishing an excise tax of 1.5% on household income exceeding \$200,000 in the City of Olympia.

AN ORDINANCE of the City of Olympia, Washington, imposing an excise tax on household income above \$200,000 per year derived from financial transactions, personal activities, business, commerce, occupations, trades, professions and other lawful activities, the revenues therefrom to be dedicated to funding at least one year of free community or technical college for each year's City of Olympia public high school graduates and General Education Development Certificate ("GED") recipients, or an equivalent amount of money for such public high school graduates and GED recipients who choose to attend public universities and colleges in the State of Washington.

WHEREAS the accelerating costs of higher education over the past decade have created significant obstacles for college participation and completion for public high school graduates and GED recipients living in the City of Olympia.

WHEREAS making higher education more affordable and accessible for public high school graduates and GED recipients will lead to opportunities for further education and jobs and to a higher quality of life for all citizens.

WHEREAS free first-year and second-year tuition will allow students to enroll in college, obtain degrees and certificates much sooner and start their professional lives with little or no student debt.

WHEREAS one year of community college tuition costs approximately \$3,846, which is more than 10% of household income for two out of five households in the City of Olympia.

WHEREAS the City of Olympia has a significant interest in making higher education more affordable and accessible for its public high school graduates and GED recipients.

WHEREAS the Legislature authorizes the City of Olympia to assess excises for revenue in regard to all places and kinds of activities, including personal activities, business, production, commerce, entertainment and exhibition, and upon all occupations, trades and professions and any other lawful activity, as those activities take advantage of and use current and future city services.

WHEREAS the City of Olympia has authority to assess excises on personal activities that correlate to greater or more intense utilization of city services.

WHEREAS wealthy residents take advantage of and use a greater proportion of certain city services than do less wealthy residents. These services include without limitation police protection from theft, city utilities, educational programs, neighborhood improvement projects, property protection and other municipal services.

WHEREAS local income taxes are levied by both counties and cities, in 4,983 jurisdictions across the United States.

WHEREAS the average cost of living within the City of Olympia for a married couple with two children is approximately \$60,000, according to the Workforce Development Council of Washington State.

WHEREAS less than 3% of households in the City of Olympia benefit from annual incomes in excess of \$200,000.

WHEREAS residents in Washington with incomes below \$21,000 pay 16.8% of their income in state and local taxes, and residents with income between \$40,000 and \$65,000 pay 10.1% of their income in state and local taxes, while residents with income between \$200,000 and \$500,000 pay only 4.6% of their income in state and local taxes, and residents with income in excess of \$500,000 pay only 2.4% of their income in state and local taxes.

WHEREAS the People in their legislative capacity find that in raising revenue it is appropriate to assess taxes on the disproportionate use by wealthy residents of certain municipal services by imposing a 1.5% tax on household income in excess of \$200,000 a year, and to dedicate those funds to make higher education affordable and accessible for Olympia public high school graduates and GED recipients.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF OLYMPIA as follows:

Section 1. Legislative Findings and Intent. The People of the City of Olympia adopt and confirm the above recitals. In exercising their direct legislative authority, the People intend to fund at least one year of free community or technical college in the State of Washington for each year's City of Olympia public high school graduates and GED recipients, or an equivalent amount of money for such graduates and GED recipients who choose to attend public universities or public colleges in the State of Washington. The People intend to raise such funds through the exercise of the City of Olympia's power under RCW 35A.82.020 by imposing a 1.5% tax on household income in excess of \$200,000 a year. 95% of all funds raised must be spent on grants and related educational services, not administrative costs.

Section 2. Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) The terms "community college" and "technical college" mean the public community colleges and public technical colleges in the State of Washington governed under chapter 28B.50 RCW.

(2) The terms "university" and "college" mean the public universities and public colleges in the State of Washington governed under chapter 28B.10 RCW.

(3) "Committee" means the Opportunity for Olympia Committee, which shall be comprised of the Mayor Pro Tem and four additional members appointed by the Mayor for three year terms. Members may serve successive terms.

(4) "Department" means the department or departments that the city manager directs to implement the provisions of this chapter.

(5) "Fund" means the Opportunity for Olympia Fund defined in this chapter.

(6) "Gift aid" means financial aid received from federal and state grant and scholarship programs that provide funds for educational purposes with no obligation of repayment. Student loans and work study programs are not included.

(7) "Income" means adjusted gross income as determined under the federal internal revenue code. A federal individual income tax return filed with the United States Internal Revenue Service ("IRS") creates a presumption of a taxpayer's income for purposes of this chapter.

(8) "Internal revenue code" means the United States internal revenue code of 1986, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as the same may be or become effective at any time, or from time to time, for the taxable year.

(9) "Qualified student" means an individual who:

(a) earned either a high school diploma from a public high school in the State of Washington or a GED as provided under RCW 28A.305.190; and

(b)(i) resided or was domiciled in the City of Olympia at least 50% of the year preceding the date on which he or she received a high school diploma or GED; or

(ii) had no regular, fixed residence but lived in the City of Olympia in a temporary shelter, institution or place not ordinarily used as a residence at least 50% of the year preceding the date on which he or she received a high school diploma or GED; and

(c) enrolled in a community college, technical college, university or college within two years of earning a high school diploma or GED.

(10) "Resident taxpayer" means an individual who:

(a) has resided in the City of Olympia for the entire tax year; or

(b) is domiciled in the City of Olympia unless the individual:

(i) maintains no permanent place of abode in the City of Olympia; and

(ii) maintains a permanent place of abode elsewhere; and

(iii) spends in the aggregate not more than one hundred and twenty days in the tax year in the City of Olympia; or

(c) is not domiciled in the City of Olympia, but maintains a permanent place of abode in the City of Olympia and spends in the aggregate more than one hundred eighty-three days of the tax year in the City of Olympia unless the individual establishes to the satisfaction of the department that the individual is in the City of Olympia only for temporary or transitory purposes; or

(d) claims the City of Olympia as the tax home for federal income tax purposes.

(11) "Tax" means the excise tax established by this chapter, unless the context requires a different meaning.

(12) "Taxpayer" means (i) an individual who is not married, who is a surviving spouse or who does not make a single return jointly with his or her spouse; or

(ii) a married couple filing jointly for federal income tax purposes.

Section 3. Assessment of Excise Tax.

(1) This act applies to income received on and after January 1, 2017.

(2) For each resident taxpayer, an annual levy is assessed on income exceeding \$200,000 per tax year at the rate of 1.5%.

(3) Each resident taxpayer who is subject to the tax assessed under this chapter shall make and file a return, and pay any tax owed, on or before April 15th of the year following the taxable year. The department may extend this deadline upon the request of the taxpayer for a period not to exceed one year.

(4) Within three months from the final determination of any federal tax liability affecting a taxpayer's liability for the tax assessed under this chapter, such taxpayer shall make and file an amended return based on such final determination of federal tax liability, and pay any additional tax shown due thereon or make claim for refund of any overpayment.

(5) All taxes assessed under the provisions of this chapter and remaining unpaid after they become due shall bear interest at the rate of 1% per month or fraction thereof. At the department's discretion, the department may abate the interest owed, in whole or in part, upon showing of good cause

Section 4. Establishment of the Opportunity for Olympia Fund.

(1) A new City of Olympia fund called the "Opportunity for Olympia Fund" is hereby created to support grants for higher education to qualified students.

(2) All revenues from the excise tax assessed under this chapter must be deposited in the fund and used exclusively for the purposes set forth in this chapter.

(3) The City of Olympia and the committee may solicit and receive gifts, grants and bequests from other public and private entities, including commercial enterprises, to be deposited in the fund and used exclusively for the purposes set forth in this chapter.

(4) At least 95% of the total revenue received by the fund must be devoted to grants or other related educational services under section 5 of this chapter, not to administrative costs.

Section 5. Opportunity for Olympia Grant Program.

(1) A qualified student shall be eligible for a grant under this section each term that such student is enrolled in one or more courses that are either:

(a) offered at a community college or technical college for one or more credits that can be applied to (i) a one-year or two-year curriculum for students who plan to transfer to another post-secondary institution of education; (ii) an associate's degree; (iii) a program in career and technical education; (iv) Basic Education for Adults; (v) Integrated Basic Education Skills Training I-Best; (vi) the first two years of study for an Upper Division/Applied Bachelor's Degree provided through a community college; or (vii) such other programs as the department determines are appropriate; or

(b) offered for credit at a college or university.

(2) Except as provided in paragraphs (3) and (4) of this section, the amount of a grant shall be the actual cost of tuition and fees for courses satisfying the criteria in paragraph (1) of this section, including tuition and fees as defined in RCW 28B.15.020 and services and activities fees as defined in RCW 28B.15.041, less other gift aid received by the student that is and must be dedicated solely to such tuition and fees. The department, in administering this program, shall take all reasonable steps to minimize the impact of grants awarded under this subsection (2) on other gift aid.

(3) Except as provided in paragraph (4) of this section, the total amount of dollars in grants awarded to a particular student under this chapter shall not exceed the average cost of tuition and fees for one year at a community college, as determined by the department in consultation with the committee.

(4) The total amount of dollars in grants awarded in a tax year under this chapter shall not exceed the amount of dollars deposited in the fund the prior tax year. If funds are insufficient, the department, in consultation with the committee, may determine the priority by which grants are awarded. At the end of a tax year in which more than 10% of the revenues deposited in the fund during the prior tax year are not disbursed, the department, in consultation with the committee, may (i) dedicate the surplus, or any portion thereof, to fund grants for the average cost of up to two years of community college; and/or

(ii) implement or support programs or policies that improve the academic success or completion rates for students who receive or will be eligible for a grant under this chapter.

Section 6. Implementation and Accountability.

(1) The department shall have authority to adopt any rules, procedures, forms and policies, to execute contracts and agreements, to delegate its authority to the committee as the department deems appropriate and to coordinate with any other public entity, including but not limited to the Olympia School District, the Washington Student Achievement Council, the Washington State Department of Revenue, and the IRS, to implement the provisions of this chapter.

(2) The city manager, or his or her designee, shall prepare an annual audit of the moneys deposited in the fund, reporting on how the moneys have been spent and estimating the number of residents benefited. Annual disclosure of tax collection and spending under this chapter must be posted on a web site maintained by the City of Olympia and such disclosure must, at a minimum, include the information set forth in RCW 43.08.150, localized for the City of Olympia.

Section 7. Miscellaneous.

(1) The provisions of this chapter shall be interpreted and implemented in a manner consistent with the United States Constitution, the Washington Constitution and federal and state laws and regulations.

(2) If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.



Mary Hall AUDITOR

Certificate of Sufficiency
Petition No. 070716P

State of Washington)
County of Washington)

The Undersigned Certifies as Follows:

I am the Thurston County Auditor. The petition entitled "Opportunity for Olympia Initiative Petition: Initiative Petition to the Olympia City Council" was accepted and filed with this office on July 7, 2016.

Pursuant to the Revised Code of Washington 35A.11.100, the petition, to be sufficient, must be signed by fifteen percent of the number of names of persons listed as registered voters within the city, based on the total registered voters in the City of Olympia on the day of the last preceding city general election. I have caused the names of the signers on said petition to be compared against the list of registered voters in the Thurston County Auditor's Office. The results of the examination are as follows:

1. Number of registered voters in the City of Olympia for the 2015 General Election: 31,346
2. Number of signatures on the petition filed by the proponents: 8,947
3. Number of signatures examined: 8,470
4. Number of minimum verified signatures required for a sufficient petition: 4,702
5. Number of verified signatures: 4,719
6. Number of rejected signatures: 3,751

Based upon this examination, it has been determined that said petition was signed by the requisite number of names of persons listed as registered voters within the city and is hereby certified as sufficient pursuant to the Revised Code of Washington 35A.11.100.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the County of Thurston, Washington this 13th day of July, 2016.

MARY HALL
Thurston County Auditor

Elections

2000 Lakeridge Dr SW, Bldg 1, Rm 118
Olympia, WA 98502
Phone: (360) 786-5408
Fax: (360) 786-5223

Ballot Processing Center

2905 29th Avenue SW, Ste E & F
Tumwater, WA 98512
Phone: (360) 786-5408
Fax: (360) 705-3518

Financial Services

929 Lakeridge Dr SW, Rm 226
Olympia, WA 98502
Phone: (360) 786-5402
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Licensing and Recording

2000 Lakeridge Dr SW, Bldg 1, Rm 106
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