



Meeting Agenda

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, August 9, 2022

7:00 PM

**Council Chambers, Online and
Via Phone**

Register to Virtually Attend:

https://us02web.zoom.us/webinar/register/WN_Z-gieJjMRk-WPmaOz32Gig

1. ROLL CALL

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

2. SPECIAL RECOGNITION

- 2.A** [22-0749](#) Special Recognition - Proclamation Recognizing Overdose Awareness Day

Attachments: [Proclamation](#)

3. PUBLIC COMMENT

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

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

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

COUNCIL RESPONSE TO PUBLIC COMMENT (Optional)

4. CONSENT CALENDAR

(Items of a Routine Nature)

- 4.A** [22-0706](#) Approval of the July 19, 2022 City Council Meeting Minutes

Attachments: [Minutes](#)

- 4.B** [22-0745](#) Approval of a Resolution Authorizing an Amendment Number 1 to the Operating Agreement with the Washington Center for the Performing Arts

Attachments: [Resolution](#)
 [Amendment](#)
 [Current Operating Agreement](#)

4. SECOND READINGS (Ordinances)

- 4.C** [22-0680](#) Approval of an Ordinance Establishing the Cultural Access Program Advisory Board and Adding a New Article XI to Olympia Municipal Code Chapter 2.100

Attachments: [Ordinance](#)
 [Ballot Resolution](#)

4. FIRST READINGS (Ordinances) - NONE

5. PUBLIC HEARING

- 5.A** [22-0742](#) Public Hearing - Program Year 2021 Community Development Block Grant Annual Action Plan Substantial Amendment

Attachments: [Draft PY21 Substantial Amendment](#)

6. OTHER BUSINESS

- 6.A** [22-0738](#) Approval of an Ordinance Amending the Rental Housing Code, OMC Chapter 5.82

Attachments: [Ordinance](#)
 [Optional Amendment Language](#)
 [Community Survey Findings](#)

- 6.B** [22-0750](#) Regional Fire Authority Planning Briefing

- 6.C** [22-0734](#) Preliminary 2023-2028 Capital Facilities Plan Briefing

7. CONTINUED PUBLIC COMMENT

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

8. COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

9. CITY MANAGER'S REPORT AND REFERRALS

10. ADJOURNMENT

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



City Council

Special Recognition - Proclamation Recognizing Overdose Awareness Day

Agenda Date: 8/9/2022
Agenda Item Number: 2.A
File Number: 22-0749

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

Title

Special Recognition - Proclamation Recognizing Overdose Awareness Day

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Proclaim August 31, 2022, Overdose Awareness Day in the City of Olympia.

Report

Issue:

Whether to Proclaim August 31, 2022, Overdose Awareness Day in the City of Olympia.

Staff Contact:

Susan Grisham, Assistant to the City Manager, 360.753.8244

Presenter(s):

Katie Strozyk, Opioid Response Coordinator, Thurston County Public Health

Background and Analysis:

Each year hundreds of Washington State residents die from drug overdose deaths. An estimate 1,724 Washingtonians were lost to overdose in 2020, a 37% increase over the prior year.

Overdose deaths remain high across the state, impact urban, suburban, and rural communities and disproportionately affect marginalized populations.

Overdose Awareness Day shines a light on the need to treat drug-related harm as a public health issue and invest in evidence-based practices that save lives and build communities. It is also a day for Olympians to stand beside those who have lost loved ones to an overdose and those who have a substance use disorder and are diligently working toward recovery.

Attachments:

Proclamation

PROCLAMATION

WHEREAS, no community in Washington State is immune to accidental or intentional overdose, and drug overdose deaths remain high across the state, impacting urban, suburban, and rural communities, overdose deaths disproportionately affect American Indian/Alaskan Native communities and marginalized populations; and

WHEREAS, overdose deaths are preventable and can be caused by alcohol, over-the-counter medicine, stimulants and opioids; and

WHEREAS, like many places across Washington State we need to continue to treat drug-related harm as a public health issue and invest in best practices that save lives and build communities; and

WHEREAS, Overdose Awareness Day is an opportunity for all Olympians to stand beside those who have lost loved ones to an overdose and those who have a substance use disorder and are diligently working toward recovery; and

WHEREAS, anyone whose life has been impacted by substance use disorder to call the Washington Recovery Helpline at 1-866-789-1511, which offers anonymous, confidential 24-hour help for Washington State residents; and

NOW, THEREFORE, BE IT RESOLVED, the Olympia City Council does hereby proclaim August 31, 2022 as

OVERDOSE AWARENESS DAY

in the City of Olympia and call upon the community to join in raising awareness of drug overdose morbidity and mortality by reducing stigma through education, prevention, treatment and recovery support for substance use disorder.

SIGNED IN THE CITY OF OLYMPIA, WASHINGTON THIS 9th DAY OF AUGUST 2022.

OLYMPIA CITY COUNCIL

***Cheryl Selby
Mayor***



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

City Council

Approval of the July 19, 2022 City Council Meeting Minutes

Agenda Date: 8/9/2022
Agenda Item Number: 4.A
File Number:22-0706

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

Title

Approval of the July 19, 2022 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, 2022

7:00 PM

Council Chambers, Online and Via
Phone

Register to Virtually Attend:

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

1. ROLL CALL

Present: 6 - Mayor Cheryl Selby, Mayor Pro Tem Clark Gilman, Councilmember Jim Cooper, Councilmember Yén Huỳnh, Councilmember Dani Madrone and Councilmember Dontae Payne

Excused: 1 - Councilmember Lisa Parshley

1.A ANNOUNCEMENTS

Strategic Communications Director Kellie Purce Braseth introduced Communications Manager/Deputy Public Information Officer Carrie McCausland.

1.B APPROVAL OF AGENDA

The agenda was approved.

2. SPECIAL RECOGNITION

2.A [22-0664](#) Special Recognition - Proclamation Recognizing the Ten Years of the Olympia Downtown Ambassador Program and Clean Team

Mayor Selby read a proclamation recognizing 10 years of service by the Downtown Ambassadors and Clean Team to the City of Olympia. Economic Development Director Mike Reid shared information regarding the Downtown Ambassadors and Clean Team.

The City Council thanked the teams for their service.

The recognition was received.

3. PUBLIC COMMENT - NONE

4. CONSENT CALENDAR

4.A [22-0689](#) Approval of the July 12, 2022 City Council Meeting Minutes

The minutes were adopted.

4.B [22-0700](#) Bills and Payroll Certification

Payroll check numbers 93353, 93631, 93645 through 93724 and Direct Deposit transmissions: Total: \$3,637,529.32; Claim check numbers 3747652 through 3748788: Total: \$36,077,213.80.

The decision was adopted.

4.C [22-0684](#) Approval of Bid Award for the Olympia Eastside Pavement Preservation Project

The decision was adopted.

4.D [22-0666](#) Approval of a Resolution Authorizing an Agreement Between the City of Olympia, Thurston County, and the Housing Authority of Thurston County for Producing the Thurston County 2023-2027 Assessment of the Fair Housing Plan

The resolution was adopted.

4.E [22-0669](#) Approval of a Resolution Authorizing an Agreement Between the City of Olympia and Thurston County for Permit Processing

The resolution was adopted.

4.F [22-0671](#) Approval of a Resolution Authorizing an Agreement with Clarity Investigations and Consulting, P.L.L.C. for Police Auditor Services

The resolution was adopted.

4.G [22-0681](#) Approval of a Resolution Authorizing an Agreement Between the Department of Ecology and the City of Olympia to Sponsor Bioretention Hydrologic Performance Studies

The resolution was adopted.

4.H [22-0682](#) Approval of a Resolution Authorizing an Agreement Between the City of Olympia and the Washington State Department of Transportation for Bridge Inspection

The resolution was adopted.

4.I [22-0683](#) Approval of a Resolution Declaring an Emergency for a Watermain Break on Harborview Drive

The resolution was adopted.

4. SECOND READINGS (Ordinances)

4.J [22-0660](#) Approval of an Ordinance Amending Ordinance 7320 (Second Quarter

Budget Amendment)

The ordinance was adopted on second reading.

4. FIRST READINGS (Ordinances)

- 4.K** [22-0680](#) Approval of an Ordinance Establishing the Cultural Access Program Advisory Board and Adding a New Article XI to Olympia Municipal Code Chapter 2.100

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

Approval of the Consent Agenda

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

Aye: 6 - Mayor Selby, Mayor Pro Tem Gilman, Councilmember Cooper, Councilmember Huỳnh, Councilmember Madrone and Councilmember Payne

Excused: 1 - Councilmember Parshley

5. PUBLIC HEARING - NONE

6. OTHER BUSINESS

- 6.A** [22-0686](#) LOTT Reclaimed Water Infiltration Study Briefing

LOTT Assistant Executive Director/P.E. Matt Kennelly presented a briefing on the LOTT Reclaimed Water Infiltration Study that LOTT has been conducting regarding the infiltration of reclaimed groundwater.

Councilmembers asked clarifying questions.

The information was received.

7. CONTINUED PUBLIC COMMENT - NONE

8. COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers reported on meetings and events attended.

9. CITY MANAGER'S REPORT AND REFERRALS

City Manager Burney announced Assistant City Manager Keith Stahley will be leaving the City to be the City of Salem, OR City Manager.

10. ADJOURNMENT

The meeting adjourned at 8:05 p.m.



City Council

Approval of a Resolution Authorizing an Amendment Number 1 to the Operating Agreement with the Washington Center for the Performing Arts

Agenda Date: 8/9/2022
Agenda Item Number: 4.B
File Number: 22-0745

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

Title

Approval of a Resolution Authorizing an Amendment Number 1 to the Operating Agreement with the Washington Center for the Performing Arts

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the Resolution authorizing Amendment Number One to the Operating Agreement with the Washington Center for the Performing Arts, Incorporated (WCPA).

Report

Issue:

Whether to approve the Resolution authorizing Amendment Number One to the Operating Agreement with the WCPA.

Staff Contact:

Thanh Jeffers, Director of General Services, Public Works Department, 360.753.8278

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The City owns the facility located at 512 Washington Street, South East and currently has an Operating Agreement with the WCPA, a nonprofit organization, to operate and market the facility. The term of the Operating Agreement is valid through 2034.

The WCPA was awarded a Building for the Arts (BFA) grant through the Department of Commerce. The BFA grant will be used to fund major improvement work at the main theater house which includes the replacement of 990 new theater chairs, and lobby upgrades. The lobby upgrades include

approximately 17,000 square feet of new carpet, concession area remodel, new light fixtures, and paint throughout the five lobby areas and three stories of art gallery/lobby space.

The BFA grant required the WCPA Operating Agreement term to be at least 15 years from the date of the final payment. The current Operating Agreement does not meet the BFA grant requirement and staff recommendation is to extend the Operating Agreement term through 2042.

Neighborhood/Community Interests (if known):

There are no known community concerns regarding this operating agreement. The operating agreement allows for continued public entertainment, meetings, and cultural events for the community.

Options:

1. Approve the resolution authorizing the City Manager to sign the Amendment No.1 to extend the term of the Operation Agreement with WCPA through 2042.
2. Do not approve the Amendment No.1. WCPA will not be able to receive the BFA grant to contribute to the key improvement projects at the Center.
3. Take other action.

Financial Impact:

There is no financial impact to the City to extend the Operating Agreement term with WCPA.

Attachments:

Resolution

Amendment Number 1

Current Operating Agreement

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING
AMENDMENT NO. 1 TO THE OPERATING AGREEMENT BETWEEN THE CITY OF OLYMPIA AND THE
WASHINGTON CENTER FOR THE PERFORMING ARTS BY EXTENDING ITS TERM THROUGH
DECEMBER 31, 2042**

WHEREAS, the City of Olympia ("City") is the owner of a performing arts theater commonly known as The Washington Center ("Center"); and

WHEREAS, The Washington Center For The Performing Arts ("WCPA") is a public benefit corporation organized for the express purpose of occupying, managing, and operating the Center, as provided in the Operating Agreement dated June 27, 2018, and attached hereto as Exhibit A ("Operating Agreement"); and

WHEREAS, the City and WCPA desire the Center be managed and operated as a place for public entertainment, meetings, and cultural events in accordance with the provisions, terms, and conditions of the Operating Agreement, so that the Center serves as an economic and cultural stimulant for the people and community of the City of Olympia, and so the City may be relieved of the responsibility of operating the Center; and

WHEREAS, the Operating Agreement was to run through December 31, 2034, and provided that its terms could be amended; and

WHEREAS, the City and WCPA desire to amend the Operating Agreement to extend the term through December 31, 2042, to accommodate the conditions of a grant award from the Building for the Arts program;

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

1. The Olympia City Council hereby approves the form of the Amendment No. 1 between the City of Olympia and The Washington Center for the Performing Arts, and the terms and conditions contained in the Operating Agreement dated June 27, 2018, for the purpose of operating a performing arts center owned by the City of Olympia, located at 512 Washington Street SE, in Olympia, Washington.
2. The City Manager is authorized and directed to sign on behalf of the City of Olympia the Amendment No. 1 between the City of Olympia and The Washington Center for the Performing Arts and any other documents necessary to execute said Amendment, and to make any minor modifications as may be required and are consistent with the intent of the attached Amendment, or to correct any scrivener's errors.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2022.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

AMENDMENT NO. 1
OPERATING AGREEMENT
WASHINGTON CENTER FOR THE PERFORMING ARTS
512 Washington Street SE, Olympia, WA 98501

THIS AMENDMENT NO. 1 is effective as of the date of the last authorizing signature affixed hereto by and between the **CITY OF OLYMPIA**, a Washington municipal corporation ("City") and **THE WASHINGTON CENTER FOR THE PERFORMING ARTS**, Incorporated, a Washington non-profit corporation, ("Washington Center").

RECITALS

1. On June 27, 2018, the City and the Washington Center entered into an Operating Agreement to occupy, operate, and manage the Washington Center according to the provisions, terms, and conditions of the Operating Agreement, and in accordance with all applicable laws as shall relate thereto.
2. The term of the Operating Agreement was to run until December 31, 2034, provided that the City and the Washington Center shall review this agreement in 2021 and every five years thereafter.
3. The Operating Agreement also provided that its terms could be amended.
4. The City and the Washington Center desire to amend the Operating Agreement to extend the term through December 31, 2042.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Section C.1 of the Operating Agreement, TERM/VOLUNTARY TERMINATION, is hereby amended to read as follows:

This Agreement shall be in full force and effect until December 31, ~~2038-2042~~; provided that the City and the Washington Center shall review this agreement in 2022 and every five years thereafter. If said review does not result in agreed amendments on or before the anniversary date for which said notice is given, the Agreement shall continue in full force and effect as then written for at least another five-year period. Provided further, that either party may terminate this Agreement during its initial term, or after extension thereof, by giving the other party at least one year's notice thereof.


2. The Title of the Washington Center Operating Agreement 2018 to 2034 shall be amended by the City Clerk's office to note, The Washington Center Operating Agreement 2018 to **2042**.
3. All remaining provisions of the Operating Agreement between the City and the Washington Center dated June 27, 2018, 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 Washington Center have executed this **Amendment No. 1** of the Operating Agreement as of the date and year written below.

CITY OF OLYMPIA

By: _____
Steven J Burney, City Manager
P.O. Box 1967
Olympia WA 98507-1967
Date of Signature: _____

APPROVED AS TO FORM:



Deputy City Attorney

THE WASHINGTON CENTER FOR THE PERFORMING ARTS

By: Jill Barnes
Jill Barnes, Executive Director
512 Washington Street SE
Olympia, WA 98501
Date of Signature: 07/29/2022

**THE WASHINGTON CENTER OPERATING AGREEMENT
2018 to 2034**

THIS AGREEMENT is entered into by and between the City of Olympia, a Washington municipal corporation, hereinafter referred to as "the City," and The Washington Center for the Performing Arts, Incorporated, a Washington non-profit corporation, hereinafter referred to as "The Washington Center," and is effective as of the date of the last authorizing signature affixed hereto.

WITNESSETH:

WHEREAS, the City is the owner of a performing arts theater, hereinafter referred to as "the Center," which is situated upon the real property located in Thurston County, State of Washington, more fully described in **Exhibits A1 and A2** attached hereto; and

WHEREAS, the goal of The Washington Center is to operate a quality and financially sound performing arts center to be enjoyed and supported by the entire community; and

WHEREAS, The Washington Center has been organized for the express purpose of occupying, managing and operating the Center as provided by this Agreement; and

WHEREAS, both parties desire that the Center be managed and operated as a place for public entertainment, meetings and cultural events in accordance with the provisions, terms and conditions of this Agreement, so that the Center will serve as an economic and cultural stimulant for the community and the people of the City of Olympia and the environs, and so that the City may be relieved of the responsibility of operating the Center; and

WHEREAS, the City and The Washington Center first entered into an Operating Agreement dated December 17, 1992, which was thereafter amended in January of 2006 and June of 2016; and

WHEREAS the parties wish to update their Operating Agreement; and

WHEREAS this updated Agreement shall supersede any and all prior operating agreements between the City and The Washington Center;

NOW, THEREFORE, in consideration of the mutual undertakings and promises contained herein and the benefits to be realized by each party, and in further consideration of the benefit to the general public by the enhancement of the economic climate of the City and its environs to be realized by the performance of this Agreement, and as a direct benefit to the City, the parties agree as follows:

A. RESPONSIBILITIES OF WASHINGTON CENTER

1. Occupy, Operate and Manage: The Washington Center shall occupy, manage and operate the Center according to the provisions, terms and conditions of this Agreement, and in accordance with all applicable laws as shall relate thereto. The Washington Center shall promote the Center through brochures or other means of advertising designed to attract performances and stage events to the Center and shall schedule, rent and book such performances, exhibits and events to occur at the Center.

Except as specifically set forth herein, The Washington Center shall be solely responsible for the costs of administration and daily operations as the same shall directly relate to such facility's use as a performing arts theater. The Washington Center shall be the sole operator of the facility and shall do all things necessary for such operation, including but not limited to approving or denying requests for the use of said facility, operating concessions, obtaining a liquor license and adopting complimentary ticket policies. The Washington Center shall be solely responsible for the control and security of the Center and all property pertaining thereto.

The Washington Center shall allow the City to tastefully display artifacts and gifts from the City's sister cities, so long as such display does not interfere with the operation of the Center and in cooperation with The Washington Center's own visual art program. The City shall consult with The Washington Center and be responsible for setting up and removing the displays.

Further, The Washington Center shall allow the City use of the Center when it is available and when reserved in advance in accordance with the policy set out in **Exhibit B** attached hereto and incorporated herein by reference. The City shall be responsible for all reasonable out-of-pocket expenses incurred by The Washington Center related to said rent-free use of the Center.

2. **Facility Maintenance:** The Washington Center shall perform its maintenance duties hereunder at the same level and in accordance with the same standards the City applies to other City owned property. This shall include a reasonable program of preventive maintenance.
 - a. **General Maintenance:** The Washington Center shall be responsible for general maintenance of the Center building and premises including, but not limited to day-to-day janitorial and cleaning services, day-to-day operation of the heating, ventilation and air conditioning (HVAC) system, light bulb changes (with the exception of lights requiring specialized equipment to reach), and removal of snow, ice and debris from pedestrian walkways and the rear alley. The Washington Center shall pay for the above mentioned services, including utility costs, as part of its annual operating budget.

The Washington Center will promptly repair any damage caused by employees, agents, contractors, or invitees. The Washington Center shall notify the City of any City repair items which require attention promptly after The Washington Center becomes aware of the need for repair.

The Washington Center may also be allowed, following written approval from the City's Public Works Director, to perform general maintenance to the Center's major building systems including HVAC equipment, plumbing, building exterior, fixtures, and roof. The Washington Center shall be allowed to execute emergency repairs related to the building if the repair is necessary for safety purposes or for operational continuity.

- b. Performance Related Maintenance and Repair: The Washington Center shall be responsible for repair and maintenance of Center premises, property and equipment which are considered "performance related." For purposes of this agreement, performance related shall mean such items as the stage rigging system, the sound system, the stage lighting system and other items which uniquely relate to performances within the Center, as opposed to items which are common to general use structures.
- c. Major Repair and Replacement: The Washington Center shall withhold an amount from each ticket service charge collected, which shall be deposited and retained in a separate account by The Washington Center and designated as the "Equipment Repair & Replacement Fund." These funds are to be used for stage equipment replacement and purchase, carpet replacement, interior paint, seat repair and replacement, and other major repair and replacement or capital items.

The Washington Center shall, by October 1 of each year, submit to the City for its concurrence a multi-year capital plan which outlines proposed major capital purchases and/or repairs for the years indicated in said plan. The Washington Center shall obtain City approval, and comply with all applicable bidding and procurement requirements, prior to making any improvement, alteration, repair or changes to the Center, except for work which qualifies as ordinary maintenance under RCW 39.04.010. All documentation related to such work shall be maintained in compliance with applicable public records requirements. By way of example, work or improvements requiring prior City approval include but are not limited to additions or removal of walls, electrical, plumbing systems or other fixtures.

- 3. Insurance: The Washington Center shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with The Washington Center's operation and use of the premises.

- a. The Washington Center shall obtain insurance of the following types:

Commercial General Liability insurance shall be written on Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover premises and contractual liability. The City shall be named as an insured on The Washington Center's Commercial General Liability insurance policy using ISO Additional Insured-Managers of Lessors of Premises Form CG 20 11 or substitute endorsement providing equivalent coverage.

- b. The Washington Center shall maintain the following insurance limits:

Commercial General Liability insurance shall be written with limits no less than \$5,000,000 each occurrence, \$6,000,000 annual aggregate.

- c. The insurance policies are to contain, or be endorsed to contain, the following provisions for Commercial General Liability insurance:

- (i) The Washington Center's insurance coverage shall be primary insurance with respect to the City. Any Insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of The Washington Center's insurance and shall not contribute with it.
 - (ii) The Washington Center's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
- d. Acceptability of Insurers: Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.
- 4. Indemnification: The Washington Center shall indemnify, defend and hold harmless the City from any claims, actions, suits or liability whatsoever arising due to The Washington Center's occupancy, management, operation or maintenance of the Center; provided, that this section shall not apply to any claims, actions, suits or liability arising due to defects in the conditions of the building caused by a party other than The Washington Center.
- 5. Rules and Regulations: The Washington Center, for information purposes, shall adopt policies, rules and regulations, rental procedures, charges, hours of operation, uses to which the Center may be put, together with sample license agreements and contracts entered into with the performers, concessionaires and so forth.
- 6. Complimentary Tickets: The rules and regulations adopted by The Washington Center shall specifically address the issue of complimentary tickets or other free entry to performances or events.
- 7. Fiscal Responsibility: The Washington Center agrees that it shall maintain fiscal records and accounts in accordance with systems and procedures prescribed by law or regulation as applicable to financial affairs of the City. The Washington Center shall, annually, provide an independent audited financial report to the City within ninety (90) days of the end of its fiscal year. The Washington Center shall also submit to the City a quarterly financial report in a form acceptable to the City with cash flow, revenue, and expenditure information for both the operations and capital funds for the Center. In like manner, The Washington Center shall submit to the City an annual activity report that includes facility usage.

Further, The Washington Center shall submit to the City its operating budget for its fiscal year July 1 to June 30 on or before July 1 of each year. In the event The Washington Center changes its fiscal year, The Washington Center shall submit to the City on or before September 1, its proposed budget for The Washington Center's next succeeding fiscal year.

If The Washington Center fails to timely submit any or all reports, plans or budgets, the City shall have the option to withhold payment provided under Section (C)(4) herein until receipt of said report(s) or budget(s).

- 8. Books and Records – Inspection: The Washington Center agrees that its books and records pertaining to management of the Center shall be open and available for

examination at all times by the City's City Manager or Director of Administrative Services and/or any other City personnel designated by either of them. The City Manager and others designated by him/her shall have the right to enter upon and inspect the premises at any reasonable time.

9. **Non-assignable Duties:** The Washington Center shall not subcontract or assign to any person, firm or corporation any rights or obligations of The Washington Center under this Agreement.
10. **Nondiscrimination:** The Washington Center agrees and promises to manage and operate the Center and afford its services to the public on a fair, equal and non-discriminatory basis to all users thereof, and further agrees and promises it will not discriminate against any person or group of person(s) based on any class legally protected from such discrimination by local, state or federal laws and regulations.
11. **Equal Benefits:** The Washington Center shall comply as a contractor with Olympia Municipal Code Chapter 3.18 and submit an Equal Benefits Compliance Declaration as a part of this Agreement, as outlined in **Exhibit C**.
12. **Clean Clothes:** The Washington Center shall comply with Resolution No. 1545 with respect to purchases made with funds received from the City under this Agreement (**Exhibit D**).

B. RESPONSIBILITIES OF CITY

1. **Fire Insurance:** The City shall maintain any and all fire casualty and extended coverage insurance, or self-insurance plan, on the building and its contents in such amount as the City deems appropriate. Any funds derived from such insurance shall be used to repair or replace the damaged items or property; except should said property as a whole be damaged to an extent of over fifty percent (50%) of its value, either party may cancel this Agreement by notice in writing within sixty (60) days of the date of damage. The Washington Center and the City hereby release and discharge each other from and against all liability arising either from fire loss or extended coverage or damage caused by any of the perils covered by insurance policies which are in force and effect at the time of such loss or damage, even though such loss or damage may be due to the negligence, acts, or omissions of either party. It is expressly understood and agreed that it is the intention of the parties that this provision constitutes a waiver and release of any and all subrogation rights which the insurance companies might have under such insurance policies. It is also agreed that the foregoing shall apply to self-insurance or pooled self-insurance.
2. **Maintenance and Repair:** The City shall perform or cause to be performed by contract all other repair, maintenance or upkeep of the Center property premises and equipment not identified in Section A as the responsibility of The Washington Center. While The Washington Center shall be responsible for the operation of the HVAC system, the City shall be responsible for the maintenance and repair of the HVAC system.

3. Maintenance Funding and Payments: On or about January 1 of any year within the term of this Agreement, the City shall allocate an amount equal to Thirty-Six Thousand and no/100 Dollars (\$36,000), and shall deposit this sum in a separate "The Washington Center Maintenance Account," hereinafter referred to as the "Maintenance Account." The City will allocate and reimburse up to Eighteen Thousand and no/100 Dollars (\$18,000) on or around January 1 of any year to The Washington Center for the exclusive use of facility maintenance as defined in Section A of this Agreement.

The City may reimburse itself from the Maintenance Account up to Eighteen Thousand and no/100 Dollars (\$18,000) annually for its general repair and maintenance obligations for the Center. The City shall keep records of repairs and maintenance for which payment is made hereunder and shall report it to The Washington Center annually. Any sum remaining in the Maintenance Account for a fiscal year, after said year concludes, shall return to the Endowment Fund, except when the source of such funding allows for carryover.

The amount allocated to the Maintenance Account under this Section shall be considered a part of the compensation paid by the City to The Washington Center for the same year pursuant to Section (C)(4) of this Agreement. The Washington Center shall keep records of repairs and maintenance for which payment is made hereunder and shall report same to the City.

C. MISCELLANEOUS TERMS OF AGREEMENT

1. Term/Voluntary Termination: This Agreement shall be in full force and effect until December 31, 2034; provided, however, that the City and The Washington Center shall review this Agreement in 2021 and every five (5) years thereafter. If said review does not result in agreed amendments on or before the anniversary date for which said notice is given, this Agreement shall continue in full force and effect as then written for at least another five-year period. Provided further, that either party may terminate this Agreement during its initial term, or after extension thereof, by giving the other party at least one (1) year's notice thereof. In the event The Washington Center cannot operate the Center within a balanced budget, The Washington Center may terminate this Agreement by giving at least six (6) months advance written notice to the City.
2. Termination for default: In the event The Washington Center shall fail to perform the terms and conditions of this Agreement, then and in that event, the City shall be entitled to terminate this Agreement by giving The Washington Center ninety (90) days written notice by registered or certified mail, return receipt required, at the address provided in Section (C)(6) below, of its desire to terminate the Agreement, which notice shall contain a complete and itemized list of all matters in which The Washington Center is in default. During said ninety (90) day period, The Washington Center shall be entitled to reinstate itself by correcting such default.
3. Independent Contractor: The Washington Center shall be considered as an independent contractor in the operation of the Center, and this Agreement shall not be construed as creating any form of partnership between the City and The Washington Center. Employees of The Washington Center shall not be employees of the City of Olympia.

4. Compensation: The City and The Washington Center agree that the success of the Center is dependent on the Endowment Fund and that, therefore, only the interest of the Endowment Fund is to be utilized to meet any component of this Agreement, and the principal of the Endowment Fund is to be left intact.

In consideration for the services provided herein, the City shall pay or allocate, as provided herein, to The Washington Center during each calendar year of the agreement an amount equal to the 2% Lodging Tax authorized by RCW 67.28.180 and collected by the City from all lodging establishments located within the City limits. Additionally, the City shall pay to The Washington Center interest earnings of The Washington Center Endowment Fund.

The amount of Lodging Tax and interest earnings of The Washington Center Endowment Fund payable to The Washington Center shall be equal to the amount of tax collected and interest earned thereon for the twelve (12) months ending September 30 of the preceding year.

All payments hereunder shall be paid on a monthly basis, based on vouchers submitted by The Washington Center which outline budgeted expenditures included therein.

Compensation shall be limited to those costs incurred for which The Washington Center has not been reimbursed or paid by another source. Further, in no case shall the City reimburse or pay The Washington Center for donated, pro-bono, in-kind or like services.

The Washington Center shall also seek operating grants, endowment funds and contributions from private and public sources.

5. Arbitration: In the event that any dispute shall arise as to the interpretation of this Agreement, or in the event of a notice of default as to whether such default does constitute a breach of the contract and if the parties hereto cannot mutually settle such differences, then either party hereto shall be entitled to submit the determination of such matters to arbitration as provided by the laws of the State of Washington, or to seek such relief as may be available by the laws of the State of Washington in the Superior Court for Thurston County.
6. Notices: Any notice herein provided to be given to the City shall be addressed and delivered to Olympia's Administrative Services Director, Olympia City Hall, 601 4th Avenue, E, Olympia, Washington 98501. Any notice to be given to The Washington Center shall be addressed and delivered to The Washington Center, 512 Washington Street SE, Olympia, Washington 98501.

D. CENTER ASSETS

1. City Assets: The City owns the Center and all equipment not otherwise listed.

THE WASHINGTON CENTER FOR PERFORMING ARTS:

Jill Barnes
Jill Barnes, Executive Director

4.26.18
Date

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

On the 26th day of April 2018, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared before me Jill Barnes, known to me as the Executive Director of The Washington Center for Performing Arts, a Washington non-profit corporation, who executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said non-profit corporation for the uses and purposes therein mentioned and on oath states that she is authorized to execute the said instrument.

WITNESS my hand and official seal the day and year first above written.



Matt Hargrave
Signature
Print Name: Matt Hargrave
NOTARY PUBLIC in and for the State of
Washington, residing at Olympia
My commission expires Dec 21, 2018

PROJECT NAME: Washington Center Exhibit
DATE: February 16, 2018

EXHIBIT "A2"

WASHINGTON CENTER FOR THE PERFORMING ARTS LEGAL DESCRIPTION

THAT PART OF LOTS 1 AND 2, BLOCK 25 OF SYLVESTER'S PLAT OF OLYMPIA, ACCORDING TO THE RECORDED PLAT THEREOF IN THE OFFICE OF THE AUDITOR OF THURSTON COUNTY, IN VOLUME 1 OF PLATS, PAGE 14, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 1, 30.0 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF SAID LOT 1; RUNNING THENCE SOUTHERLY ON THE WEST LINE OF SAID LOT 1, A DISTANCE OF 60.20 FEET; RUNNING THENCE EASTERLY ALONG THE SOUTH FACE OF THE SOUTH WALL OF THE OLYMPIA THEATRE BUILDING, 116.44 FEET, MORE OR LESS, TO AN ANGLE IN SAID WALL; THENCE SOUTHERLY 2.05 FEET, MORE OR LESS, TO AN ANGLE POINT IN SAID WALL; THENCE EASTERLY ALONG THE SOUTH FACE OF WALL, 3.67 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF SAID LOT 2, 92.15 FEET, MORE OR LESS, SOUTHERLY FROM THE NORTHEAST CORNER OF SAID LOT 2; THENCE RUNNING NORTHERLY ALONG THE EAST LINE OF SAID LOT 2 A DISTANCE OF 62.15 FEET; THENCE RUNNING WESTERLY ALONG THE NORTH FACE OF THE NORTH WALL OF OLYMPIC THEATRE BUILDING A DISTANCE OF 120.11 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT PART OF LOTS 1 AND 2 LYING SOUTHERLY OF A LINE DESCRIBED AS BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 1, 90.2 FEET SOUTHERLY OF ITS NORTHWEST CORNER AND RUNNING THENCE ALONG THE SOUTH AND WEST FACE OF BUILDING WALL, EASTERLY 116.44 FEET, MORE OR LESS, SOUTHERLY 2.05 FEET, MORE OR LESS, AND EASTERLY 3.67 FEET, MORE OR LESS, TO THE EAST LINE OF SAID LOT 2, AND THE NORTHERLY ONE-HALF OF LOTS 7 AND 8 IN BLOCK 25 OF SYLVESTER PLAT OF OLYMPIA AS RECORDED IN VOLUME 1 OF PLATS, PAGE 14;

TOGETHER WITH VACATED ALLEY BETWEEN SAID LOTS 1, 2, 7 AND 8.

SUBJECT TO: RESTRICTIONS, RESERVATIONS, EASEMENTS, COVENANTS, CONDITIONS, AGREEMENTS AND SLOPE RIGHTS OF RECORD.



Washington Center Rent Waiver Policy

Exhibit B

POLICY FOR FREE USE OF THE WASHINGTON CENTER (Rental Fee Waived)

The City of Olympia owns The Washington Center building and has an agreement with the non-profit Washington Center Board to manage the building and its use.

Policy: It is the policy of the City of Olympia to periodically make The Washington Center available free of charge for events in which the City has a major policy interest, with the following conditions:

1. The requesting group is a non-profit organization.
 2. The event does not occur more frequently than once each year.
 3. The desired date does not conflict with other events already scheduled for The Center.
 4. No admission is charged, and the event is not for fund-raising purposes (i.e. no soliciting donations or assessing of fees).
 5. The group or individual using The Center agrees to hold the City of Olympia and The Washington Center Board harmless for any claims resulting from their use of The Center.
 6. The City determines there is a general community interest in the proposed event.
 7. The City determines that the activity constitutes a public use that the City is authorized to sponsor.
-

If a rent waiver is granted by the City, the sponsoring group must execute a use agreement with The Washington Center, pay Washington Center fees other than the rent cost, provide insurance, and make a deposit if requested by The Washington Center.

To request a rent waiver, please contact:

Kellie Purce Braseth
Strategic Communications Director
City of Olympia
PO Box 1967
Olympia, WA 98507-1967
Phone: 360.753.8361
Email: kbraseth@ci.olympia.wa.us

Exhibit C
EQUAL BENEFITS COMPLIANCE DECLARATION

Contractors on City contracts estimated to cost \$50,000 or more are required to comply with Olympia's Equal Benefits Ordinance, Olympia Municipal Code 3.18, and must complete this Equal Benefits Compliance Declaration. Please note: No City contract can be executed until the contractor has completed this Declaration and submitted it to the City.

Contractor Information

Name of Contractor: _____ Contact Person: _____

Phone Number: _____ Fax: _____ Email: _____

Approximate Number of Employees in the U.S.: _____ Project #: _____

I, _____
(Name)

on behalf of _____
(Contractor Name)

declare that said Contractor complies with City of Olympia Municipal Code 3.18 and does not unlawfully discriminate in providing benefits to Contractor's employees.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, and that I am authorized to bind this entity contractually.

Executed this _____ day of _____, 20____, at _____,
(City)

(State)

Signature

Name (please print)

Title

Contractor Tax Identification Number

Date

RESOLUTION NO. M-1545

A RESOLUTION Establishing Guidelines to Address the Purchase of Clothing and Footwear from Responsible and Ethical Contractors.

WHEREAS, it is in the interest of the City of Olympia to purchase clothing and footwear from responsible and ethical contractors who provide quality goods and services at a competitive price; and

WHEREAS, certain manufacturers in these industries in the United States of America and around the world have been found to maintain sweatshop conditions including below-subsistence wages; unhealthy and unsafe working environments; excessively long hours; child, indentured, and prison labor; persistent disregard for local and international labor laws and workplace regulations; and systematic repression of fundamental women's rights, human rights, and workers' rights; and

WHEREAS, the City of Olympia is guided by the philosophy of sustainability, which tasks citizens to consider how today's decisions will affect the quality of life for future generations with the goal of establishing ways of living that can be sustained indefinitely; and

WHEREAS, the City of Olympia resolution of Sustainable City Philosophy states: "The City of Olympia acknowledges its responsibility for leadership in creating a sustainable community locally, regionally, and globally. A sustainable community is one that persists over generations and is far-sighted enough, flexible enough, and wise enough to maintain its natural, economic, social, and political support systems"; and

WHEREAS, standards outlining responsible and ethical practices can be found in: the International Labor Organization's Convention on the Rights of the Child, the United Nations Declaration on Gender Equity, the U.N. General Assembly Universal Declaration of Human Rights; and

WHEREAS, sweatshops threaten the jobs and wages of workers in our region and nation, undermine our goals for a sustainable economy, and exploit workers in developing economies as well as in the United States; and

WHEREAS, appropriate government purchasing practices can be effective in combating sweatshop production practices and ensuring the appropriate expenditure of public funds; and

WHEREAS, information about the manufacturing practices of clothing providers is increasingly available through distributors, union-sponsored organizations such as UNITE, non-profit citizens groups, independent non-profit monitoring organizations, and investment companies that screen for "socially responsible" companies; and

WHEREAS, current vendors for City purchases of clothing and footwear are valued business associates, and the City will inform our current vendors about how to comply with City purchasing requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OLYMPIA THAT:

Section 1. The City will implement sweatshop-free purchasing guidelines in phases. In Phase I, to be implemented by July 1, 2004, City staff making bulk purchases of t-shirts, sweatshirts, and baseball caps shall choose from a list of manufacturers proven to be free of sweatshop working conditions, and offering items at a competitive price. Application of sweatshop-free purchasing guidelines to other items of clothing or footwear shall occur in future phases as directed by the Olympia City Council.

Section 2. All requests for bid or quote on t-shirts, sweatshirts, and baseball caps shall include a copy of this Resolution.

Section 3. To determine whether a bid is responsive in terms of these criteria, the City may consider information obtained independently from the bid from the following: the manufacturer, the distributor from whom the goods are purchased, reputable national and international organizations, well documented media reports, and well-documented information from local citizens groups that are knowledgeable about this topic.

Section 4. City staff shall provide individual employees who receive a clothing or footwear allowance, or who make reimbursable purchases of work clothes or footwear, information on local retailers, wholesalers, or known manufacturers of sweatshop-free items, and encourage those employees to make purchases from those sources.

Section 5. The City Council Budget Committee shall review the progress in implementing this resolution annually through 2006 to determine its effectiveness in assisting the City and its employees in purchasing covered goods from responsible and ethical manufacturers, any impact that this policy may have on the ability of the City to purchase such items at competitive prices, and the timing and means of including additional clothing items under the purchasing guidelines.

PASSED AND APPROVED this 9th day of March, 2004.


MAYOR PRO TEM

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY



City Council

Approval of an Ordinance Establishing the Cultural Access Program Advisory Board and Adding a New Article XI to Olympia Municipal Code Chapter 2.100

Agenda Date: 8/9/2022
Agenda Item Number: 4.C
File Number: 22-0680

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

Title

Approval of an Ordinance Establishing the Cultural Access Program Advisory Board and Adding a New Article XI to Olympia Municipal Code Chapter 2.100

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Adopt on second reading the Ordinance Establishing the Cultural Access Program Advisory Board and Adding a New Article XI to Olympia Municipal Code Chapter 2.100

Report

Issue:

Whether to create a Cultural Access Program (CAP) Advisory Board.

Staff Contact:

Mark Barber, City Attorney, 360.753.8338

Presenter(s):

Consent Calendar Item.

Background and Analysis:

Background and Analysis did not change from first to second reading.

On December 14, 2021, the Olympia City Council adopted Resolution No. M-2280 (Ballot Resolution) authorizing submission to the qualified voters of the City a proposition authorizing an additional sales and use tax of not more than one-tenth of one percent (0.1%) pursuant to RCW 82.14.525 for a period of seven consecutive years to be used for the purpose of funding arts, science, cultural, and heritage programs (Proposition No.).

Section 6 of the Ballot Resolution provides in part that a CAP Advisory shall be created:

Section 6. General Authorization. ... Should the voters approve this ballot proposition, the Olympia City Council shall create and codify formation of the Olympia Cultural Access Program Advisory Board, whose purpose will be to guide, recommend, oversee, and implement the program and to deliver an annual progress report to the public so that Olympia's residents may easily understand the benefits provided and achieved, among other performance indicators important for transparency and accountability of these public resources.

Proposition No. 1 was approved by the requisite number of voters at the election held on April 26, 2022, and its passage was certified by the Thurston County Auditor on May 6, 2022.

The Olympia City Council enacted Ordinance No. 7232 on May 24, 2022, imposing the additional sales and use tax at a rate of one-tenth of one percent (0.1%) of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. The tax became effective on the earliest practicable date consistent with RCW 82.14.055 following enactment of the Ordinance.

Creation of a CAP Advisory Board to advise the City Council concerning the formulation of processes, procedures, and criteria for carrying out the goals of the CAP will assist in ensuring that expenditures of Olympia CAP revenues and other resources are invested in the priorities and commitments made to voters by the City of Olympia.

Neighborhood/Community Interests (if known):

Options:

1. Approve on second reading the Ordinance Establishing the Cultural Access Program Advisory Board and Adding a New Article XI to Olympia Municipal Code Chapter 2.100.
2. Direct staff to modify the ordinance based on Council input.

Financial Impact:

None.

Attachments:

Ordinance

Ballot Resolution

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, ESTABLISHING THE CULTURAL ACCESS PROGRAM ADVISORY BOARD AND ADDING A NEW ARTICLE XI TO CHAPTER 2.100 OF THE OLYMPIA MUNICIPAL CODE

WHEREAS, on December 14, 2021, the Olympia City Council adopted Resolution No. M-2280 (the "Ballot Resolution") authorizing submission to the qualified voters of the City a proposition authorizing an additional sales and use tax of not more than one-tenth of one percent (0.1%) pursuant to RCW 82.14.525 for a period of seven consecutive years to be used for the purpose of funding arts, science, cultural, and heritage programs ("Proposition No. 1"); and

WHEREAS, Proposition No. 1 was approved by the requisite number of voters at the election held on April 26, 2022, and its passage was certified by the Thurston County Auditor on May 6, 2022; and

WHEREAS, on May 24, 2022, the Olympia City Council enacted Ordinance No. 7232 imposing the additional sales and use tax at a rate of one-tenth of one percent (0.1%) of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. The tax became effective on the earliest practicable date consistent with RCW 82.14.055 following enactment of the Ordinance; and

WHEREAS, Ordinance No. 7232 provided that the additional sales and use tax receipts provided by RCW 82.14.530 shall only be used for the purposes set forth in RCW 36.160.110 for the Olympia Cultural Access Program; and

WHEREAS, the Olympia City Council wishes to create a Cultural Access Program Advisory Board for the purpose of advising the City Council concerning the formulation of processes, procedures, and criteria for carrying out the goals of the Cultural Access Program and ensuring the expenditures of Olympia Cultural Access Program revenues and other resources are invested based upon the priorities and commitments made to voters by the City of Olympia;

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

Section 1. Amendment of OMC 2.100. Olympia Municipal Code Chapter 2.100 is hereby amended to read as follows:

Chapter 2.100

COMMUNITY-MEMBER ADVISORY BOARDS, COMMISSIONS AND COMMITTEES

2.100.000 Chapter Contents

Sections:

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

2.100.010 Purpose.

2.100.020 Boards, Commissions and Committees Established.

2.100.030 List--Community-Member Boards, Commissions and Committees Appointed by the Olympia City Council.

2.100.040 Members.

2.100.050 Term of Office.

- 2.100.060 Vacancies.
- 2.100.070 Rules of Procedure and Bylaws.
- 2.100.080 Annual Work Plan.
- 2.100.090 Staff Liaison Support.

Article II. ARTS COMMISSION

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

Article III. BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

- 2.100.250 Established--Purpose.
- 2.100.270 Duties.

Article IV. LODGING TAX ADVISORY COMMITTEE

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

Article V. PARKS AND RECREATION ADVISORY COMMITTEE

- 2.100.320 Established--Purpose.
- 2.100.340 Duties.

Article VI. PLANNING COMMISSION

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

Article VII. UTILITY ADVISORY COMMITTEE

- 2.100.420 Established--Purpose.
- 2.100.440 Duties.

Article VIII. HOME FUND ADVISORY BOARD

- 2.100.450 Established--Purpose.
- 2.100.480 Duties.

Article IX. COMMUNITY MEMBER REPRESENTATIVES FOR POLICE USE OF FORCE EVENTS

- 2.100.500 Established--Purpose.
- 2.100.520 Qualifications.
- 2.100.530 Duties.

Article X. SOCIAL JUSTICE AND EQUITY COMMISSION

- 2.100.600 Established--Purpose.
- 2.100.610 Membership--Appointment.
- 2.100.620 Duties.
- 2.100.630 Budget.

Article XI. CULTURAL ACCESS PROGRAM ADVISORY BOARD

- 2.100.700 Established--Purpose.
- 2.100.710 Duties.

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

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

2.100.010 Purpose

The purpose of this chapter is to create specific community-member advisory boards, commissions and committees appointed by the City Council, and provide uniform policies for the boards, commissions and committees enabled herein, to the extent possible. From time to time, the City Council may create advisory ad hoc boards, commissions and committees and appoint community members to such advisory groups. Ad hoc boards, commissions and committees shall be of a limited duration determined by the Olympia City Council. Community members appointed to the City Council's ad hoc boards, commissions and committees shall serve without compensation unless specifically retained as consultants, except for the stipend provided in OMC 2.100.040.C below.

2.100.020 Boards, Commissions and Committees Established

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

2.100.030 List--Community-Member Boards, Commissions and Committees Appointed by the Olympia City Council

The boards, commissions and committees appointed by the City Council are:

- A. Arts Commission (See OMC 2.100.100 - 2.100.240)
- B. Bicycle and Pedestrian Advisory Committee (See OMC 2.100.250 - 2.100.270)
- C. Design Review Board (See OMC 18.76)
- D. Heritage Commission (See OMC 18.12)

- E. Lodging Tax Advisory Committee (See OMC 2.100.280 - 2.100.310)
- F. Parks and Recreation Advisory Committee (See OMC 2.100.320 - 2.100.340)
- G. Planning Commission (See OMC 2.100.350 - 2.100.410)
- H. Utility Advisory Committee (See OMC 2.100.420 - 2.100.440)
- I. Home Fund Advisory Board (See OMC 2.100.450 - 2.100.480)
- J. Community Member Representatives for Police Use of Force Events (See OMC 2.100.500 - 2.100.530).
- K. Social Justice and Equity Commission (See OMC 2.100.600 - 2.100.630)
- L. Cultural Access Program Advisory Board (See OMC 2.100.700 – 2.100.710)

2.100.040 Members

- A. Number of Members. Except as may be otherwise provided by ordinance, each board, commission or committee shall consist of nine (9) members appointed by the City Council.
- B. Residency. Except as may be otherwise provided in the Olympia Municipal Code regarding a specific board, commission or committee, the majority of members on each board, commission and committee shall reside within the corporate limits of the City of Olympia or the City of Olympia Urban Growth Area.
 - 1. This provision shall not apply to a board, commission or committee member when there is a member vacancy during a term of office resulting in less than a majority of the remaining members residing within the corporate limits of the City of Olympia or the Urban Growth Area. In this case, the residency requirement may be suspended for the remainder of the term that was vacated.
- C. Compensation. All board, commission and committee members shall serve without compensation, but shall receive a stipend of Twenty-Five and no/100 Dollars (\$25.00) per meeting attended to defray expenses such as transportation, meals and child care. A member may waive receipt of any stipend offered by the City of Olympia. If a member certifies in writing they are a low-income person, as administratively determined by the City of Olympia, the stipend shall be \$50.00 per meeting attended.
- D. Appointment.
 - 1. Members are appointed by majority vote of the Olympia City Council in an open public meeting.
 - 2. Members serve at the discretion of the City Council and may be removed from office for any reason by majority vote of the City Council in a public meeting.
 - 3. City employees are not eligible for appointment to a board, commission or committee during the term of their employment with the City.
- E. Recruitment. The City Council's Community Livability and Public Safety Committee shall develop and implement a public process to recruit potential board, commission and committee members.
- F. Diversity. Given the applicant pool and qualifications at the time of member recruitment, the City Council shall strive, to the best of its ability, to achieve diversity in geographic residence within the City, gender, age, profession, race and ethnicity on each board, commission and committee. No geographic, gender, age, profession, race, nor ethnicity restrictions shall be placed on applicant eligibility.
- G. Non-Partisan. All board, commission and committee positions are non-partisan.

2.100.050 Term of Office

A. The term of office for board, commission and committee positions shall be three (3) years, except as modified by the City Council, and such terms shall commence on April 1.

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

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

2.100.060 Vacancies

A. Vacancies on boards, commissions or committees occurring during the term of office shall be filled based upon a timeline determined by the City Council's Community Livability and Public Safety Committee.

B. Any person appointed to fill a vacancy shall be appointed for the remainder of the unexpired term.

2.100.070 Rules of Procedure and Bylaws

The Community Livability and Public Safety Committee of the City Council shall establish Rules of Procedure and Bylaws for boards, commissions and committees.

2.100.080 Annual Work Plan

Each board, commission and committee, except the Design Review Board, and Community Member Representatives for Police Use of Force Events, shall present an annual work plan to the City Council for approval in a format and within parameters determined by the City Council's Community Livability and Public Safety Committee. Substantive changes to the work plan after approval by the City Council shall be submitted to the Community Livability and Public Safety Committee for consideration and recommendation to the full Council.

2.100.090 Staff Liaison Support

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

Article II. ARTS COMMISSION

2.100.100 Established--Purpose

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

A. To promote and encourage public programs to further the development and public awareness of, and interest in, the fine and performing arts and the cultural heritage of the area; and

B. To advise the City Council in connection with the artistic and cultural development of the Olympia area; and

C. To provide local artistic and cultural services to community members of the Olympia area by making available to the City and its community members expertise on the subject of visual and performing arts and cultural heritage; and

D. To encourage donations, grants or other support to further expand artistic, cultural programs and services for the community members of the Olympia area; and

E. To reach out to and work with the governments, institutions and community members of neighboring jurisdictions in connection with these purposes, and ultimately to include representatives of said jurisdictions on the Commission.

2.100.110 Duties of Commission

The Commission is empowered to take the following actions:

A. To encourage, conduct, sponsor or cosponsor, on behalf of the City, public programs to further the development and public awareness of, and interest in, the fine and performing arts, and the area's cultural heritage;

B. To provide recommendations to the City Council and other groups on cultural and artistic endeavors and projects in which the City becomes involved and to act as a representative of the community in such matters;

C. To advise the City Council concerning the receipt of or purchase of works of art to be placed on municipal property;

D. To encourage donations, grants and other support to further expand arts and cultural services and programs available to community members of Olympia and the region;

E. To encourage participation in local artistic and cultural events and programs by community members and governments of neighboring jurisdictions;

F. Review all proposed donations for art programs and services to ensure that such donations are consistent with the goals of the Commission and the authority of the City of Olympia. After such review, submit a recommendation on the proposed donation(s) to the Director of the Parks, Arts, and Recreation Department and the City Manager for formal acceptance or rejection provided the donation is under \$10,000 in value;

G. Prepare and recommend to the City Council a plan that outlines the expenditures of donations received and held in the Community Art Account for art programs and services; and

H. To take such other actions as the City Council may direct from time to time.

2.100.120 Budget

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

2.100.130 Public Art--Purpose

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

2.100.140 Public Art--Duties of Commission

To carry out its responsibilities hereunder, the Commission shall:

A. Prepare and recommend to the City Council for approval a Municipal Art Plan and guidelines to carry out the City's Public Art Program, which shall include, but not be limited to:

1. a method for the selection of artists or works of art and for placement of works of art at municipally owned, leased or rented property; and
2. support of performing art programs, if consistent with the Municipal Art Plan.

B. Recommend purchase of works of art or commission the design, execution and/or placement of works of art. The arts program staff shall advise the department responsible for a particular construction project of the Arts Commission's recommendation regarding the design, execution and/or placement of a work of art in connection with such construction project.

C. Review all proposed donation of works of art to the City, proposed donation of funds for the acquisition of works of art, if restricted or dedicated in any way, and proposed donation of sites for works of art to ensure that such donations are consistent with the goals of the Commission and the City.

D. Promulgate rules and regulations consistent with Sections 2.100.130 through 2.100.170 to facilitate the implementation of the Arts Commission's responsibilities.

2.100.150 Public Art--Allocation of Municipal Funds

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

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

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

2.100.160 Public Art--Definitions

A. "Commission" means the Olympia Arts Commission.

B. "Conservation" means those activities required to conserve, repair, or preserve the integrity of the artwork and setting within which the artwork is located.

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

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

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

F. "Routine maintenance" means:

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

2.100.170 Public Art--Funds for Public Art

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

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

B. All requests for appropriations from the General Fund for new construction projects visible and usable by the public, and exceeding five hundred thousand and no/100 dollars (\$500,000.00) shall include an amount equal to one percent of the estimated construction cost of such project for Public Art.

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

2.100.180 Public Art--Municipal Art Fund

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

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

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

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

2.100.200 Public Art--Maintenance and Conservation of Public Art

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

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

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

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

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

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

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

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

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

2.100.240 Appropriation of Donations for Art Programs and Services

Any donation given and received without conditions may be appropriated, pursuant to the Municipal Art Plan, for the enhancement or expansion of existing City art programs and services, or for the development of new art programs or services. If an approved donation is conditional, it shall be deposited in the Community Arts Account and may be used only for purposes set forth in the condition. In either event, a proper credit shall be given to the fund source, such as "this program sponsored by the City of Olympia Arts Commission with support provided by the Community Arts Account." Enhanced or expanded art programs and services funded from the Community Arts Account will continue only if funds are available to continue such programs.

Article III. BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE**2.100.250 Established--Purpose**

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

2.100.270 Duties

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

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

- I. Other duties as appropriate.

Article IV. LODGING TAX ADVISORY COMMITTEE

2.100.280 Established--Purpose

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

2.100.290 Membership--Appointment

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

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

2.100.300 Duties

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

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

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

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

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

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

Article V. PARKS AND RECREATION ADVISORY COMMITTEE

2.100.320 Established--Purpose

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

2.100.340 Duties

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

A. To make recommendations to the City Council concerning the future park, playground and other recreation resources of the City through the planning and development of a parks capital improvement plan;

B. To update the Comprehensive Park Plan to comply with the Interagency Committee for Outdoor Recreation Grant in Aid programs;

C. To make recommendations to the City Council regarding planning and development of public recreational facilities and programs;

- D. To cooperate with any departments and advisory bodies of the City and with public school authorities, Thurston County, the State of Washington, other cities and public and private entities in the furtherance of a well-rounded parks and recreation program;
- E. To make recommendations to the City Council on rules and regulations regarding use of City recreational facilities to best serve the interests of the public;
- F. To serve as liaison between community members and the City Council on parks and recreation related matters;
- G. To make recommendations to the City Council regarding any matters affecting parks and recreation programs;
- H. If requested by the City Council or City Manager, to provide advice regarding the employment of parks and recreation personnel; and
- I. To carry out other parks and recreation related subjects assigned by the City Council or by ordinance.

Article VI. PLANNING COMMISSION

2.100.350 Established--Membership--Purpose

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

2.100.360 Duties

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

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

.100.370 Powers of City Council

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

2.100.380 Use Districts--Development Plan

For any or all of such purposes the City Council, on recommendation of the Planning Commission, may divide the City or any portion thereof into districts of such size, shape and area, or may establish such official maps, or development plans for the whole or any portion of the area of the City as may be

deemed best suited to carry out the purposes of this chapter; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2.100.390 Comprehensive Plan--Purpose and Preparation

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

2.100.400 Comprehensive Plan--Public Hearing--Copy Filing

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

2.100.410 Comprehensive Plan--Modification Procedure

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

Article VII. UTILITY ADVISORY COMMITTEE

2.100.420 Established--Purpose

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

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

2.100.440 Duties

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

- A. The Utility Advisory Committee may conduct research, perform analysis and prepare and develop reports and recommendations to the City regarding utility policy choices on issues such as utility rates, the utility related chapters of the Comprehensive Plan, the utility master plans, utility franchises, regulatory compliance with state and federal laws, levels of customer service and satisfaction, and the capital facilities of each of the City's four public utilities.
- B. The Utility Advisory Committee shall also foster opportunities for expanding the public's involvement in the planning and delivery of public utility services.
- C. In addition, the Utility Advisory Committee will provide advice to the City on management strategies to:
 - 1. Maintain the community's investment in its utility infrastructure;
 - 2. Respond to state and federal regulations;
 - 3. Define the role the utilities play in managing and accommodating growth in the community; and
 - 4. Evaluate operations to ensure the utilities are operated in a sustainable manner which assures stewardship for our natural, business, material, and human resources.
- D. The Utility Advisory Committee shall present an annual work plan to the City Council for approval.
- E. The Utility Advisory Committee shall present an annual report to the City Council for approval on the state of the utilities and the other work of the Utility Advisory Committee, including recommendations to improve the operations of the committee.

Article VIII. HOME FUND ADVISORY BOARD

2.100.450 Established--Purpose

There is hereby established a Home Fund Advisory Board to accomplish the following:

- A. Advise the City Council concerning the formulation of processes, procedures and criteria for carrying out the goals of the Olympia Home Fund; and
- B. Ensure the expenditures of Olympia Home Fund dollars and other resources are invested based upon the priorities and commitments made to voters by the City of Olympia.

2.100.480 Duties

The Home Fund Advisory Board shall have the following powers and duties:

- A. Priority Setting.
 - 1. To review the overall housing needs of vulnerable populations within the City.
 - 2. To coordinate with other stakeholders, City boards, commissions and committees, government funders and other public and private partners to develop categories of need and priority projects to meet those needs consistent with statutory limitations on use of Home Fund dollars; and
 - 3. To make recommendations to the City Council concerning appropriate low income housing projects and housing and mental health related services.
- B. Public Communication. To facilitate and recommend outreach to the community about the Home Fund priorities, projects, services and investments.

C. Home Fund Allocations. To provide advice to the City Council on any proposed allocation of Home Fund dollars. This may be done through a subcommittee to expedite awards and reduce potential conflicts of interest.

D. Coordination. To be familiar with other funding plans and funding sources in order to maximize investment in Home Fund projects. Partners may include, but are not limited to:

Thurston County Five-Year Plan

Olympia's CDBG Annual Plan and Five-Year Plan

The Regional Housing Council

Housing Action Team

Thurston County Housing Authority

Continuum of Care

Housing Finance Commission

Housing Trust Fund.

Article IX. COMMUNITY MEMBER REPRESENTATIVES FOR POLICE USE OF FORCE EVENTS

2.100.500 Established--Purpose

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

2.100.520 Qualifications

The following qualifications are required in order to serve as a community member representative:

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

G. Must not be a City of Olympia officer, official, or employee, or an immediate family member of a City of Olympia officer, official, or employee. "Immediate family member" means parents, spouse, siblings, children, or dependent relatives;

H. Must reside within the city limits of Olympia;

I. Must be able to serve for the duration of a three-year term without compensation, except for the stipends permitted in OMC 2.100.040, and serve for one term only; and

J. Must be willing to sign a confidentiality agreement at the inception of their service on an investigative team and maintain strict confidentiality through the end of any criminal trial and appeal period.

2.100.530 Duties

A. When selected to do so, each community member representative shall, fairly and impartially, monitor independent investigations regarding any police use of deadly force that results in substantial harm or great bodily harm to inform whether such use of force meets the good faith standard established in RCW 9A.16.040, as instructed by the lead investigator of such team.

B. Each community member representative must attend the City of Olympia Police Department Community Member's Academy, as well as other training determined relevant to participation on an investigative team prior to assignment to an investigation;

C. Each community member representative must maintain strict confidentiality throughout any investigation to which they have been assigned until its end and the conclusion of any subsequent trial and appeal period.

Article X. SOCIAL JUSTICE AND EQUITY COMMISSION

2.100.600 Established--Purpose

A. There is hereby established in the City of Olympia an eleven (11) member Social Justice and Equity Commission whose overall purpose is to respond to the problem of unlawful discrimination on the basis of race, religion, color, national origin or ancestry, sex, gender identity, sexual orientation, age, marital status, familial status, honorably discharged veteran or military status, disability, or source of income, with the goal of eliminating racism and unlawful discrimination and fulfill human rights for all residents of the City of Olympia for a just and equitable Olympia for all people.

2.100.610 Membership--Appointment

A. There shall be eleven (11) members of the Social Justice and Equity Commission. Members represent a reasonably broad cross-section of the residents of the City of Olympia, including education, race, ethnicity, gender, gender identity, sexual orientation, national origin, age, religion, and geographic identification.

2.100.620 Duties

A. Receive complaints that occur within the City of Olympia relating to unlawful discrimination based upon race, religion, color, national origin or ancestry, sex, gender identity, sexual orientation, age, marital status, familial status, honorably discharged veteran or military status, disability, or source of income, with the goal of eliminating racism and unlawful discrimination and fulfilling human rights for all residents of the City of Olympia for a just and equitable Olympia for all people;

B. Mediate, conciliate, and investigate complaints of unlawful discrimination, and issues related to racial, social justice, human rights, or other forms of discrimination;

C. Advise the City on projects, events, policies, procedures, practices, and other issues to identify and proactively address potential disproportionate impacts to historically marginalized communities;

D. Participate in community and educational outreach to build relationships and seek community feedback regarding the work of the Social Justice and Equity Commission; and

E. Serve as commissioners of the Social Justice and Equity Commission, in accordance with all appropriate local, state, and federal laws, and within the legal geographic boundaries of the City of Olympia, to receive and conduct impartial investigations of complaints that have been filed by individuals who believe they have been discriminated against due to their race, religion, color, national origin or ancestry, sex, gender identity, sexual orientation, age, marital status, familial status, honorably discharged veteran or military status, disability, or source of income, and seek the satisfactory adjustment of such complaints through fact-finding hearings and to issue findings of fact, conclusions of law, and to issue written decisions, as may be required in the matter; provided, that no such action shall be taken with respect to any complaint within the exclusive jurisdiction of any state or federal agency.

2.100.630 Budget

The Commission's programs and operating expenses shall be funded from the City's General Fund. The City Manager shall include said budget within the annual operating budget of the City.

Article XI. CULTURAL ACCESS PROGRAM ADVISORY BOARD

2.100.700 Established--Purpose

There is hereby established in the City of Olympia a Cultural Access Program Advisory Board to accomplish the following:

A. Advise the City Council concerning the formulation of processes, procedures, and criteria for carrying out the goals of the Cultural Access Program; and

B. Ensure the expenditures of Olympia Cultural Access Program dollars and other resources are invested based upon the priorities and commitments made to voters by the City of Olympia.

2.100.710 Duties

The Cultural Access Program Advisory Board shall have the following powers and duties:

A. Priority Setting.

1. To review arts, science, cultural, and heritage programs to support public benefit throughout Olympia.

2. To coordinate with other stakeholders in the community to take into account goals regarding equity and access to cultural programs for all residents of the City, including historically marginalized racial and gender communities, ethnic backgrounds, age, and other aspects of personal and professional identity.

3. To act in an advisory capacity to the Olympia City Council on cultural programming that meets statutory requirements of RCW Chapter 36.160.110.

B. Review and Recommend to Council.

1. To review and recommend funding guidelines for cultural access programming consistent with state law.

2. To review and recommend funding levels for grant applicants.

3. To review and provide input on reporting processes to ensure alignment with public benefit goals.

4. To review outcomes from funded organizations to ensure compliance with statutory mandates and to ensure effective stewardship of Cultural Access Program funds.

5. To participate in the preparation of annual reports to the Olympia City Council regarding goals for programs that evidence public benefit.

6. To review grant applications for programming that meets criteria for providing public benefit as provided in RCW 36.160.110.

7. To review and provide input to Council on efforts to support cultural programs, building collaborative partnerships, and advancing the visibility of the Cultural Access Program in the community.

C. Public Communication.

1. To facilitate and recommend outreach to the community about cultural programming priorities, projects, services, and investments.

2. To serve as outreach ambassadors to the arts, culture, heritage, and science organizations and the general public.

D. Recommend Criteria and Guidelines to Council.

1. In consultation and with the approval of the Olympia City Council, the Cultural Access Program Advisory Board may make and alter any rules and regulations governing its organization and procedure not inconsistent with this chapter or any other ordinance of the City or state law, including RCW 36.160.110, the Open Public Meetings Act, and prohibition against conflict of interest.

2. The Advisory Board may recommend to Council funding programs to support a variety of types and sizes of organizations and programs that will provide public benefit in Olympia, with a demonstrated commitment to improving equity and access for Olympia's diverse populations.

3. Organizational requirements for equity and inclusion, will be detailed in funding application guidelines and evaluation criteria to address historical inequities in the cultural sector in Olympia, and shall be reviewed by the Olympia City Council.

4. The Board shall recommend programming, among others, which will support public programs in arts, culture, heritage, or science, and that will address:

a. Increasing public access to cultural programs and/or facilities;

b. Providing neighborhood and community-based programs; or

c. Providing educational programs for youth;

5. Pursuant to RCW 36.160.110, the Advisory Board shall recommend to Council a percentage of funds, not to exceed ten percent (10%) available annually to be reserved for a public school cultural access program established and managed by the City to increase opportunities for cultural activities and programming for public school students in the Olympia School District. Public school programs will be recommended that benefit students and increase opportunities for cultural activities. Such programming may include expanded learning opportunities with before or after school classes, or summer classes, or school day or school break field trips to off-campus arts, culture, heritage, or science learning, including bus transportation.

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

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

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

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

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber
CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

RESOLUTION NO. M-2280

A RESOLUTION OF THE OLYMPIA CITY COUNCIL PROVIDING FOR THE SUBMISSION TO THE VOTERS OF THE CITY OF OLYMPIA AT THE APRIL 26, 2022, SPECIAL ELECTION, A PROPOSITION AUTHORIZING THE CITY OF OLYMPIA TO LEVY A SALES AND USE TAX AT THE INCREASED RATE OF ONE-TENTH OF ONE PERCENT PURSUANT TO RCW 82.14.525 FOR A PERIOD OF SEVEN YEARS, TO BE USED FOR THE PURPOSE OF FUNDING ARTS, SCIENCE, CULTURAL AND HERITAGE PROGRAMS; SETTING FORTH THE BALLOT PROPOSITION; REQUIRING AN ANNUAL REPORT; AND DIRECTING THE CITY CLERK TO TRANSMIT TO THE THURSTON COUNTY AUDITOR A CERTIFIED COPY OF THIS RESOLUTION

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

SECTION 1. Findings and Determinations. The following recitals are hereby adopted as legislative findings and determinations made by the Olympia City Council (the "Council"):

- a. Pursuant to RCW 36.160.010(1)(c), the Washington State Legislature set forth its intent to provide local governments and communities the fiscal tools needed ". . . to provide public and educational benefits and economic support for cultural organizations [by] [p]roviding local support for the state's cultural organizations [which] is in the public interest and will serve multiple public purposes including, among others, enhancing and extending the education reach and offerings of cultural organizations; ensuring continued and expanded access to the facilities and programs of cultural organizations by economically and geographically underserved populations; and providing financial stability to the organizations to continue and extend the numerous public benefits they provide."
- b. Access to arts, science, culture and heritage programs in the City of Olympia will advance and promote equity, diversity, and opportunity for Olympia's residents and communities by leveraging Olympia's arts and cultural assets, potential partnerships, and the need to invest in Olympia's youth.
- c. The City of Olympia seeks to promote greater civic engagement and to use arts and culture as a vehicle to address and support Olympia's values and priorities including education, neighborhood and economic development, community building, equity and inclusion, including minority cultural and ethnic groups and underserved populations.
- d. Olympia's residents would greatly benefit from improved public access to programs produced by nonprofit arts, science, culture, and heritage organizations that would be enabled by an increase in public funding for those organizations.
- e. The Olympia City Council finds that increased funding would advance fair and equitable access to arts, science, culture, and heritage programs throughout the City and remove barriers to access faced by many segments of Olympia's population due to poverty, isolation, bias, racism, stigma, discrimination, disability, chronic illness, and/or other systemic barriers.

- f. Increased funding for arts, science, culture, and heritage organizations would allow such organizations to expand open public hours, offer discounted and free admission for Olympia's residents, award scholarships, participate in public school access programs, and make more programs available in Olympia's communities that do not have spaces for cultural activities.
- g. Additional funding would foster the creation and development of new cultural organizations throughout the City, reduce geographic barriers, and facilitate access to arts, science, culture, and heritage resources for all residents.
- h. Providing increased financial support for arts, science, culture, and heritage organizations in Olympia will result in multiple public benefits, including but not limited to: (1) ensuring K-12 public school students in all Olympia Public Schools will have greater access to arts, science, culture, and heritage organizations during students' formative years through programs in and out of classrooms, before and after school programs, and during the summer, and opportunities for free visits to cultural attractions, leading to better engagement in the classroom, improved educational attainment, support for social and emotional growth, and higher graduation rates; (2) creating new resources to support or promote cultural activities, events, or projects reflecting our diverse lifestyles, interests and cultures, including learning about the Native American heritage of Olympia and its environs; (3) expanding access and opportunities for the general public, including students, seniors, and economically underserved populations or those on a fixed income, to attend and experience cultural events, performances, festivals, exhibits, and related programs and activities; (4) boosting the City's economy through enhanced cultural community, job creation, and increased tourism; and (5) ensuring that arts, culture, science, and heritage organizations are financially healthy and able to provide public programs and services within their facilities, in neighborhoods and communities, and in public schools.
- i. Increased funding will provide transportation for school age children to access and attend arts, science, cultural, and heritage programs, so as to overcome one of the recognized barriers for such participation.
- j. In order to provide such public benefits, the Olympia City Council shall create and establish an advisory board consistent with RCW 36.160.060, consisting of nine (9) members, and to be known as the Olympia Cultural Access Program Advisory Board. The Cultural Access Program Advisory Board (the "CAP Advisory Board") shall make recommendations for funding of arts, science, cultural, and heritage programs to the City Council. The CAP Advisory Board shall ensure that a minimum of eighty percent (80%) of all collected revenues will be dedicated to providing public and educational benefits and economic support for arts, science, cultural and heritage organizations, and for programming for youth, neighborhood and community activities, and for capital expenditures or acquisitions including, but not limited to, the acquisition of or construction improvements to real property as permitted by RCW 36.160.110(6). Up to ten percent (10%) of collected revenues shall be used to fund youth transportation for such activities; and ten percent (10%) shall be used for administrative costs.

- k. The CAP Advisory Board will make its recommendations to the City Council and shall be accountable for funding recommendations through regular reporting of expenditures and program data, including measurable outcomes and records of participants within the City of Olympia.
- l. As a further accountability measure, applicants for and recipients of City grants will be required to identify and demonstrate community benefit, based on criteria to be adopted by the Olympia City Council, which will ensure benefit to all Olympia residents, communities, and generations, for free or reduced cost programs, neighborhood or community-based programs, economic development, and arts incubation on all levels.
- m. The Olympia City Council supports the growth and development of arts, science, culture, and heritage programs in Olympia's neighborhoods and communities to promote a healthy, more inclusive, and vibrant Olympia.
- n. RCW 36.160.030(3) provides that "A city may create a cultural access program if the county legislative authority in which the city is located adopts a resolution stating the county forfeits its option to create a program or does not place a proposition before the people to create such a program by June 30, 2017. In the event the exception in this subsection occurs, all references in this chapter to a county must include a city that has exercised its authority under this subsection, unless the context clearly requires otherwise." The Olympia City Council finds that Thurston County did not exercise its option under RCW 36.160.030(3) to create a cultural access program by June 30, 2017, and therefore the City of Olympia, through the legislative discretion of the Olympia City Council, wishes to create a cultural access program for Olympia's residents.
- o. The Olympia City Council further finds that in creating a cultural access program under Chapter 36.160 RCW, it must affirm that any funding the City usually and customarily provides to cultural organizations similar to funding that would be available to those organizations ". . . under this chapter may not be replaced or materially diminished as a result of funding becoming available under this chapter." In accord with RCW 36.160.050, the Council hereby makes such affirmation.
- p. In accord with RCW 36.160.080(1)(a), a city creating a cultural access program under Chapter 36.160 RCW, may impose a sales and use tax as provided by RCW 82.14.525. Per RCW 36.160.080(4) "All revenue from taxes imposed under [Chapter 36.160 RCW] must be credited to a special fund in the treasury of the [city] imposing such tax and used solely for the purpose of paying all or any part of the cost of cultural access programs as provided in this chapter."
- q. RCW 82.14.525(1) provides "The legislative authority of a county or a city may impose a sales and use tax of up to one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax, for the purposes authorized under chapter 36.160 RCW. The legislative authority of the county or city may impose the sales and use tax by ordinance and must condition its imposition on the specific authorization of a majority of the voters voting on a proposition submitted at a special or general election held after June 30, 2016. The ordinance and ballot proposition may provide for the tax to apply for a period of up to seven consecutive years."
- r. RCW 82.14.525(3) further provides that "The legislative authority of a county or city may reimpose a tax imposed under this section for one or more additional periods of up to seven consecutive years."

The legislative authority of the county or city may only reimpose the sales and use tax by ordinance and on the prior specific authorization of a majority of the voters voting on a proposition submitted at a special or general election.

- s. Moneys collected under RCW 82.14.525(4) “. . . may only be used for the purposes set forth in RCW 36.160.110.” The department of revenue shall collect taxes under RCW 82.14.525 on behalf of a county or city at no cost to the county or city.

SECTION 2. Authorization of a Cultural Access Program Sales and Use Tax. The Olympia City Council directs the submission of a proposition to the voters of the City of Olympia, substantially as set forth in this Resolution, to authorize the City to impose pursuant to RCW 82.14.525 a sales and use tax of one-tenth of one percent to create the “Olympia Cultural Access Program” (“OCAP”).

SECTION 3. Use of Tax Proceeds. If approved, the City shall use the moneys collected under RCW 82.14.525(4) “. . . only . . . for the purposes set forth in RCW 36.160.110, including but not limited to, start-up funding provided to the program under RCW 36.160.040 with the expectation “that the funding will be repaid . . .;” that the funding forming such a program to be reserved for program costs, including direct administrative costs, and repaying any start-up funding provided under RCW 36.160.040; the percentage of total funds available annually to be reserved for a public school cultural access program established and managed by the City to increase access to cultural activities and programming for public school students, including transportation to off-site cultural experiences for all students at schools in the City that are located within a school district in which at least forty percent of the district’s students are eligible for the federal free and reduced-price school meals program; and the City may limit its spending on the transportation benefit to no more than five percent of funds collected each year under RCW 36.160.080; and remaining funds available annually, including all funds not initially reserved under RCW 36.160.110(1), (2), and (3), as well as funds not distributed by the City from the reserved funds, must be distributed by the City to entities designated by the legislative authority of the City creating the program, after creating guidelines and criteria for the award of funds to eligible cultural organizations, including designated entity administrative costs. In accord with RCW 36.160.110(5), the City in “. . . evaluating requests for funding authorized under this chapter, the designated entity responsible for the distribution of the funds must consider the public benefits that any cultural organizations represented will be derived from proposed projects. Funds distributed to cultural organizations may be used to support cultural and educational activities, programs, and initiatives, public benefits and communications, and basic operations. Funds may also be used for (a) capital expenditures or acquisitions including, but not limited to, the acquisition of or construction of improvements to real property and (b) technology, equipment, and supplies reasonably related to or necessary for a project otherwise eligible for funding under Chapter 36.160 RCW.

SECTION 4. Calling of Election. The Olympia City Council requests the Thurston County Auditor, as *ex officio* supervisor of elections in Thurston County, Washington, to call and conduct a special election in the City of Olympia, in the manner provided by law, to be held therein on April 26, 2022, for the purpose of submitting to the voters of the City, for their approval or rejection, the question of whether or not the City shall impose the additional sales and use tax permitted by RCW 82.14.525 of one-tenth of one percent over a period of seven years for the sole purpose of funding arts, science, culture, and heritage programs in the City of Olympia. If such proposition is approved by the requisite number of voters, the

City shall be authorized to impose the additional sales and use tax and to use the revenues as authorized by this Resolution.

SECTION 5. Ballot Proposition. The City Clerk is authorized and directed to certify, no later than December 20, 2021, to the Thurston County Auditor, as *ex officio* supervisor of elections in the City of Olympia and Thurston County, a copy of this Resolution and the proposition to be submitted at that election in the form of ballot title prepared by the City Attorney, substantially in the form as set forth below, as required by RCW 29A.36.071, as follows:

**CITY OF OLYMPIA
PROPOSITION NO. 1**

The Olympia City Council passed Resolution No. _____ concerning a sales and use tax increase to support cultural programs.

If approved, this proposition authorizes the City of Olympia to impose an additional sales and use tax of 0.1% beginning July 1, 2022, and expiring in seven years. The revenue generated shall be used to provide free and discounted access to arts, science, cultural, and heritage programs for Olympia's residents, free transportation to programs for Olympia public school children, and capital improvements. It would also expand services to Olympia's diverse, underserved and low-income populations.

Should this proposition be approved?

- ☐ Yes
☐ No

For purposes of receiving notice of any matters related to the ballot title, as provided in RCW 29A.36.080, the Council hereby designates its City Attorney as the person to whom such notice shall be provided.

SECTION 6. General Authorization. The proper City officials are authorized to perform such duties as are necessary or required by law to the end that the question of whether or not the additional sales and use tax shall be submitted to the voters. Should the voters approve this ballot proposition, the Olympia City Council shall create and codify formation of the Olympia Cultural Access Program Advisory Board, whose purpose will be to guide, recommend, oversee, and implement the program and to deliver an annual progress report to the public so that Olympia's residents may easily understand the benefits provided and achieved, among other performance indicators important for transparency and accountability of these public resources.

SECTION 7. Use of Funds if Ballot Proposition is Approved. Should the voters in the City of Olympia approve this proposition, of the tax revenues collected: (a) a minimum of eighty percent (80%) of all revenues will be dedicated for cultural programs in Olympia, including programs for youth, neighborhood or community events, and arts, science, cultural and heritage organizations, and including reduced or free admission for Olympia residents; (b) up to ten percent (10%) of all revenues will be

dedicated to provide children enrolled in Olympia Public Schools transportation to cultural programs funded by the Olympia Cultural Access Program (CAP); and (c) ten percent (10%) shall be used for administrative costs.

SECTION 8. Authorization for Publication and Distribution of Local Voters' Pamphlet. In accord with RCW 29A.32.210, the Olympia City Council authorizes the publication and distribution by the Thurston County Auditor of a Local Voters' Pamphlet for the foregoing ballot proposition at a special election to be conducted on April 26, 2022.

SECTION 9. City Manager Authorized to Bring Forward Ordinance if Proposition is Approved. Should the voters in the City of Olympia approve this proposition, the City Manager is directed to bring forward to the Olympia City Council, an ordinance establishing the Olympia Cultural Access Program (CAP) Fund for the purpose of dedicating and restricting funds and any revenue generated as a result of this ballot measure, so that such funds are used as outlined in the approved ballot measure.

SECTION 10. Severability. If any provision of this Resolution is declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be severable from the remaining provisions of this Resolution and shall in no way affect the validity of the other provisions of this Resolution.

SECTION 11. Effective Date. This Resolution shall take effect and be in full force immediately upon passage and publication as provided by law.


SECTION 12. Ratification. Any action taken consistent with the authority of this Resolution, after its passage but prior to the effective date, is ratified, approved, and confirmed.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, AT A REGULAR MEETING this 14th day of December 2021.



MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY



City Council

Public Hearing - Program Year 2021 Community Development Block Grant Annual Action Plan Substantial Amendment

Agenda Date: 8/9/2022
Agenda Item Number: 5.A
File Number: 22-0742

Type: public hearing **Version:** 1 **Status:** Public Hearing

Title

Public Hearing - Program Year 2021 Community Development Block Grant Annual Action Plan
Substantial Amendment

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Hold a public hearing for a proposal to amend the Program Year (PY21) Community Development Block Grant (CDBG) Annual Action Plan to reallocate existing CDBG-CV (Covid) Funds to a new Public Service activity.

Report

Issue:

Whether to hold a public hearing t a public hearing for a proposal to amend the Program Year (PY21) Community Development Block Grant (CDBG) Annual Action Plan to reallocate existing CDBG-CV (Covid) Funds to a new Public Service activity.

Staff Contact:

Anastasia Everett, CDBG Program Specialist, 360.233.6197

Presenter(s):

Anastasia Everett, CDBG Program Specialist

Background and Analysis:

The CDBG Public Service Activity "Evening Downtown Ambassadors" originally received an award of \$100,000 of CDBG-CV funds. The pilot program ended in April of 2022 before the award was fully spent. The \$14,916.91 of unspent funds are being proposed to be allocated to the City's Familiar Faces Program. An additional \$6,685.36 of unallocated CDBG-CV funds are also being proposed to fund the activity, for a total of \$21,602.27.

The funds would provide for a temporary expansion of the Familiar Faces Program. One temporary peer specialist position would be created, and the position would serve low-income individuals who are street dependent or experiencing homelessness in downtown Olympia. The funds expand the ability of the City to provide a compassionate and effective trauma-informed response to needs and impacts related to homelessness and street dependency in downtown, an important part of recovery from the COVID-19 pandemic. The project is designed to test the concept of expanding the Familiar Faces program to provide a dedicated resource for non-threatening but more time-consuming individuals in the downtown core.

Amendments to the CDBG Annual Action Plan normally require at least a 30-day process. The public comment period will begin on July 18 and end on August 19 at 12:00pm. The amendment will be brought to Council for consent approval on August 23.

Neighborhood/Community Interests (if known):

CDBG funds can be spent to meet the needs of low to moderate income individuals throughout the community.

Options:

1. Hold a Public Hearing.
2. Hold a Public Hearing at a later meeting date.
3. Do not hold a Public Hearing and provide City staff with feedback on the proposed allocations

Financial Impact:

\$21,602.27 of CDBG-CV funds are proposed to fund the Familiar Faces program. Upon successful allocation and spenddown of these funds, all the City's CDBG-CV award will be fully allocated, which helps us meet our timeliness goal of 80% spenddown by 2023.

Attachments:

Draft PY21 Substantial Amendment

PROPOSED SUBSTANTIAL AMENDMENT – OLYMPIA CDBG PROGRAM YEAR 2021

Overview: Staff recommend a *Substantial Amendment* to the current Program Year 2021 (9/1/21 – 8/31/22) CDBG Annual Action Plan to **reallocate CDBG-CV funding**. The City proposes a total of \$21,602.27 in unspent CDBG-CV federal funds to be allocated towards a new Public Service activity.

Project: Friendly Faces Program Funds would provide for a temporary expansion of the Familiar Faces Program. One temporary peer specialist position would be created, and the position would serve low-income individuals who are street dependent or experiencing homelessness in downtown Olympia. The funds expand the ability of the City to provide a compassionate and effective trauma-informed response to needs and impacts related to homelessness and street dependency in downtown, an important part of recovery from the COVID-19 pandemic. The project is designed to test the concept of expanding the Familiar Faces program to provide a dedicated resource for non-threatening but more time-consuming individuals in the downtown core.

Proposed Substantial Amendment: This proposed Substantial Amendment must go through our “CDBG Citizen Participation Plan” with 30 days for public comment. This public process can run concurrent to the Program Year 2021 Annual Action Plan public process. This meets the definition of a Significant Amendment to the Annual Action Plan because of the following:

- A change in allocation priorities, which is considered a change of federal funds awarded to a project of greater than 30 percent or \$30,000, whichever is greater;
- A major change in the scope of an activity;
- The addition or deletion of a specific activity;
- A change in the beneficiaries of an activities; or

CDBG Eligibility: Rental Rehabilitation is eligible for CDBG funding and meets the national objective of Low-Moderate-Income Limited Clientele Activity:

Other Public Services Not Listed in 03T and 05A-05Y 24 CFR 570.201(e)

DRAFT AMENDMENT OF PROGRAM YEAR 2021 CDBG ANNUAL ACTION PLAN

Highlighted in yellow is the proposed amendment to the Olympia PY 2021 Plan, to be funded by re-allocated funds from prior CDBG years:

Recipient	Project	HUD Goal(s)	HUD Objectives	Proposed Funding
City of Olympia	Friendly Faces	Public Services	LMC – Low/Moderate Income Limited Clientele	21,602.27
Olympia Community Solar	Housing	Energy Efficiency Rehabilitation	LMH – Low/Moderate Housing	\$186,488.60

Catholic Community Services	Housing	Homeless Facilities Rehabilitation	LMC – Low/Moderate Limited Clientele	\$90,000
Rebuilding Together South Sound	Housing	Rental Rehabilitation	LMH – Low/Moderate Housing	\$100,000
Northwest Coop Development Center	Business Training and Technical Assistance	Economic Development	LMJ – Low/Moderate Jobs	\$50,000
Housing Authority Thurston County	Housing	Rental Rehabilitation	LMH – Low/Moderate Housing	\$50,000
Homes First	Housing	Housing Administration	LMH – Low/Moderate Housing	\$50,000
City of Olympia	Olympia Downtown Ambassadors	Public Services	LMC – Low/Moderate Income – Limited Clientele	\$50,000
City of Olympia	Program Administration	N/A	N/A	\$91,548
		PY 2021	ALLOCATIONS	\$709,638.87

PUBLIC COMMENT

The 30-Day public comment period runs from **July 18, 2022 – August 19, 2022**, offering the following options:

- **Written comments:** Olympia City Council, 601 4th Ave E, Olympia, WA 98501 ATTN: CDBG
- **Emails:** cdbg@ci.olympia.wa.us,
- **Phone calls:** 360.233.6197
- **Public hearing:** August 9, 2022 at 7:00 p.m. at City Council
- **Council Approval:** August 23, 2022 at 7:00 p.m. at City Council

For more information:

Anastasia Everett Community Development Block Grant Program Specialist
aeveryett@ci.olympia.wa.us | 360.233.6197





City Council

Approval of an Ordinance Amending the Rental Housing Code, OMC Chapter 5.82

Agenda Date: 8/9/2022
Agenda Item Number: 6.A
File Number: 22-0738

Type: ordinance **Version:** 1 **Status:** 1st Reading-Not Consent

Title

Approval of an Ordinance Amending the Rental Housing Code, OMC Chapter 5.82

Recommended Action

Committee Recommendation:

Land Use & Environment Committee recommends adoption of the Ordinance amending the Rental Housing Code, OMC Chapter 5.82.

City Manager Recommendation:

Approve on first reading and forward to second reading the Ordinance Amending the Rental Housing Code, OMC Chapter 5.82.

Report

Issue:

Whether to approve on first reading and forward to second reading the Ordinance Amending the Rental Housing Code, OMC Chapter 5.82., related to move-in costs, fees, and deposits.

Staff Contact:

Christa Lenssen, Housing Program Specialist, City Manager's Office, 360.570.3762

Presenter(s):

Christa Lenssen, Housing Program Specialist, City Manager's Office

Background and Analysis:

In March of 2019, Tumwater City staff approached regional jurisdictions regarding potential policy actions to provide additional stability to renters. At the October 2019 Land Use & Environment Committee, Olympia staff presented policy options prioritized by Tumwater and policies recently adopted by peer cities.

In October 2019, renters and tenant advocates from Washington Community Action Network held a rally outside City Hall and presented a proposed ordinance to Olympia City Council. This ordinance proposed several policies, including:

- Limiting move-in costs, to include non-refundable fees and security deposits to one month's rent.
- Allowing payment of move-in costs and last month's rent in installments.
- Limiting pet deposits to 25% of first month's rent and allowing payment over three monthly installments.

The City Council held a Work Session in November 2019 in response to community interest. Staff provided an overview of the ordinance proposed by tenant advocates, policy options greenlighted by City of Tumwater, as well as other recently adopted peer city policies.

A community meeting was held in March 2020 to listen to community members' experiences and challenges related to rental housing. Around that time, tenant advocates proposed a Just Cause Eviction sample ordinance for consideration by Olympia City Council. A statewide eviction moratorium was enacted in late March 2020 in response to COVID-19. In May 2020, staff drafted a Just Cause eviction code language for review by the Land Use & Environment Committee.

In October 2020, the Olympia City Council enacted an emergency ordinance prohibiting evictions due to COVID-19 and requiring landlords to offer rent payment plans. Due to the changing landscape of legal protections under the moratorium and public health crisis, tenant protections conversations were put on hold temporarily.

The Washington State Legislature enacted several landlord-tenant provisions, which addressed some of the policies previously under consideration, to include:

- Allowing installment payments of move-in fees, security deposit, and last month's rent (adopted 2020).
- Requiring just cause to terminate a tenancy (adopted 2021).

State law preempts local jurisdictions from enacting rent control or rent stabilization measures under RCW 35.21.830.

The City's Housing Action Plan developed in 2021 identifies tenant protections as a key strategy to make it easier for households to access housing and stay housed.

Public Input Process

In May 2021, staff provided an update on statewide changes to landlord-tenant law to the Land Use & Environment Committee (LUEC). The LUEC approved an engagement plan to contract a consultant who would facilitate a robust community conversation about rental housing policies. Staff worked with consultant Jason Robertson to plan a community engagement effort to identify policy priorities, as well as better understand unintended consequences to policy adoption. Staff researched policy options adopted by other cities and counties, and interviewed several jurisdictions (Aberdeen, Auburn, Bellingham, Burien, Renton, Tacoma, and Seattle). Staff interviewed key stakeholders locally, including tenant advocates and property managers. In December 2021, staff provided a briefing to LUEC on policy options adopted in other cities and counties, research conducted, and preliminary feedback from stakeholders.

Staff and consultant Jason Robertson developed community surveys and a focus group structure to

gather feedback on policy options and offer opportunity to brainstorm solutions not yet considered. In March 2022, three surveys (geared toward tenants, landlords, and interested third parties) were posted on the Engage Olympia webpage. Around 450 responses were submitted in three weeks (193 tenants, 107 landlords, and 131 third parties).

Survey respondents had an opportunity to express interest in focus group participation. Four community focus groups were held in March for tenants, tenant advocates, property managers/larger scale property owners, and smaller ‘mom and pop’ landlords.

A total of eleven landlords or property managers participated in the two focus group options. Seven tenants participated in the renter focus group and six renter advocates participated. LUEC Chair Dani Madrone attended all four focus groups. Staff presented findings of the survey and feedback from focus groups to LUEC in April 2022. Based on the priorities and considerations gathered, committee members directed staff to present options on the following policy areas at the May meeting:

- Caps on move-in fees, deposits and last month’s rent in other jurisdictions.
- Caps on pet deposits and fees in other jurisdictions.
- Longer notice periods required for rent increases.

Committee members also directed staff to continue work on other potential renter solutions, including a rental housing registry. Committee members also expressed interest in pursuing more information about tenant relocation assistance and methods for providing or requiring resource information to landlords and tenants. Staff was asked to continue tracking peer jurisdictions’ policies and litigation related to:

- Screening requirements (criminal history, credit history)
- Statewide Just Cause protection loopholes

Summary of Proposed Ordinance

At the May 2022 LUEC meeting, committee members voted to draft an ordinance that:

- Caps move-in costs (move-in fees, deposits and last month’s rent) at one month’s rent.
- Caps pet deposits at 25% of monthly rent and abolishes monthly pet rent.
- Requires 120 days’ notice for rent increases over 5% and 180 days’ notice for rent increases over 10%.

Committee Members directed staff to conduct further outreach with community service providers to determine whether the ordinance should include an exception to allow tenants who receive rental assistance from a nonprofit organization or governmental agency to offer a higher deposit or last month’s rent to a landlord.

In the focus groups, 2-3 nonprofit case managers provided feedback that they sometimes offer a double deposit and/or last month’s rent to incentivize landlords to accept tenants with higher barriers to entry into rental housing. Committee members did not want to prohibit social service providers from using this tool to help higher barrier tenants access rental housing.

Staff contacted several nonprofit case managers (mostly those who administer Rapid Rehousing

funds). Case managers informed staff that recently landlords were not willing to rent to their clients without a guarantee of 12 months' rent assistance (typically Rapid Rehousing funds cover 3-6 months of rent), even when an additional deposit is offered. Housing Authority of Thurston County has very limited ability to help with any move-in costs for program participants. One agency's primary HUD funding source for rent assistance does not allow payment of nonrefundable fees. Rent assistance funds and move-in costs are not differentiated, so the more move-in costs the agency provides, the less funding is available for rent.

Some case managers felt that if the exception is normalized, landlords would expect a higher deposit from any tenants who are working with nonprofit agencies. There was some concern that this practice would conflict with source of income protections. There was general support for policies that positively impact all vulnerable renters (not just renters connected with a nonprofit agency), such as capping move-in costs and limiting barriers such as credit history requirements and high rent to income ratio requirements.

As recommended by staff, the proposed ordinance does not include an exception for tenants working with a nonprofit or governmental agency to offer a higher deposit or last month's rent in addition to a security deposit.

In light of the feedback from case managers and other stakeholders, staff recommends adopting further prohibitions on non-refundable move-in fees, outlined in Option 1.

The proposed ordinance allows for installment payments of the pet deposit, as outlined in subsection C under section 5.82.050 (Pet Damage Deposits). Language drafted in the ordinance mirrors Seattle's pet deposit provisions.

The proposed ordinance also excludes prohibitions on monthly pet rent due to state restrictions on rent control. State Landlord-Tenant law defines 'rent' as 'recurring and periodic charges identified in the rental agreement for the use and occupancy of the premises.'

Neighborhood/Community Interests (if known):

The proposed amendments to Olympia's Rental Housing Code (OMC 5.82) are a topic of significant interest to renters and rental housing owners/operators within the City and in Thurston County. Thurston Regional Planning Council estimates that 54% of Olympia residents are renters. Any work on this topic will draw a great deal of local and regional attention and public engagement.

Options:

1. Approve on first reading and forward to second reading the Ordinance Amending the Rental Housing Code, OMC Chapter 5.82.
2. Direct staff to modify the ordinance based on Council input and forward to second reading.
3. Do not adopt the ordinance and direct staff to take other action.

Financial Impact:

Implementation of an ordinance will require staff time to conduct education and outreach to renters and landlords. Development of any printed materials or mailers will require additional cost.

Attachments:

Ordinance

Option 1 OMC 5.82.060 Alternative Language
Community Survey Findings

Ordinance No. _____

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING
OLYMPIA MUNICIPAL CODE CHAPTER 5.82 RELATING TO THE RENTAL
HOUSING CODE**

WHEREAS, housing affordability and homelessness are a growing problem, and the City Council of the City of Olympia has declared that homelessness is a public health emergency; and

WHEREAS, average rents in Olympia have increased significantly while vacancies in rental housing are low, making it increasingly difficult for tenants, especially people with limited finances, to obtain rental housing; and

WHEREAS, over 7,600 households are cost-burdened in Olympia, which means they spend over 30% of their income on rent, mortgage payments, and other housing expenses; and

WHEREAS, the majority of Olympia residents are renters; and

WHEREAS, the Housing Action Plan finds that “people of color are more likely to rent and more likely to have lower incomes than their white, non-Hispanic counterparts. This makes them particularly vulnerable to eviction when rent increases exceed their ability to pay. This concern is reflected in the population experiencing homelessness, which is also disproportionately people of color”; and

WHEREAS, the City Council finds that adoption of the proposed tenant protections aligns with its Housing Action Plan, Strategy 2 (“Make it easier for households to access housing and stay housed.”) Tenant protections are specifically outlined in Strategy 2a (“Identify and implement appropriate tenant protections that improve household stability.”; and

WHEREAS, in the face of the affordable housing crisis, several other cities, such as Seattle, Auburn, Burien, Kenmore, Kent, Tukwila, and Federal Way, and King County have adopted tenant protections; and

WHEREAS, rent increases may cause a tenant to move due to inability to pay the increased rent; and

WHEREAS, these conditions in the rental market have created a barrier to relocation, because tenants, especially people with limited finances, may be unable to save money to pay security deposits, non-refundable move-in fees, and last month’s rent; and

WHEREAS, before moving into a rental unit, landlords typically require that tenants pay some type of security deposit to ensure that the tenant will comply with certain provisions of the rental agreement, such as payment for damage to the dwelling unit or cleaning the unit when the tenant vacates the unit; and

WHEREAS, some landlords require that before a tenant may move into a rental unit, the tenant must pay non-refundable fees such as fees for cleaning; and

WHEREAS, before moving into a rental unit, landlords typically require that tenants prepay the last month’s rent; and

WHEREAS, payment of security deposits, nonrefundable move-in fees, and last month’s rent in advance of tenancy, especially for people with limited finances, is one of the barriers to obtaining housing; and

WHEREAS, limiting the amount a landlord can charge for a security deposit, non-refundable move-in fees, and last month's rent will help reduce this barrier and allow people to prepare for moving expenses with more certainty; and

WHEREAS, increasing the notice period required for significant rent increases will help tenants to prepare for moving expenses or seek assistance in locating new housing; and

WHEREAS, the City Council desires to amend Chapter 5.82 OMC to adopt the proposed tenant protections, and finds that this ordinance will protect and promote the health, safety, and welfare of the residents of Olympia;

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

Section 1. Amendment of OMC 5.82 Olympia Municipal Code Chapter 5.82, Rental Housing Code, is hereby amended to read as follows:

Chapter 5.82 RENTAL HOUSING CODE

5.82.000 Chapter Contents

Sections:

- 5.82.010 Purpose and Intent.
- 5.82.020 Definitions.
- 5.82.030 Temporary COVID-19 rental enforcement restrictions.
- 5.82.040 Rent Increase Notification.
- 5.82.050 Pet Damage Deposits.
- 5.82.060 Limits to Move in Fees.
- 5.82.070 Violations.

5.82.010 Purpose and Intent

The purpose of this chapter is to establish regulations supporting housing security to reduce homelessness and to establish standards and enforcement mechanisms as they relate to rental housing within the municipal boundaries of the City of Olympia. It is the intent of the Olympia City Council to continue its long-term commitment to maintain healthy, vibrant, and diverse neighborhoods within the City of Olympia. The regulations contained in this chapter balance the needs of the landlord, tenant, and the City of Olympia to ensure safe, healthy, and thriving rental housing within the City's municipal boundaries. The City recognizes that the renting of residential property is a commercial venture where owners and landlords must evaluate risk, profit, and loss. Providing housing for Olympia's residents directly impacts quality of life at the most basic level, and therefore requires regulations to ensure that this commercial venture is equitably undertaken. This chapter ensures housing security for current and future residents within the City of Olympia.

5.82.020 Definitions

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- A. "Days" means calendar days unless otherwise provided.

B. "Dwelling unit" means a structure or part of a structure used as a home, residence, or sleeping place by one or more persons maintaining a common household, including, but not limited to, single-family residences and units of multiplexes, apartment buildings, mobile homes, and rooms for which occupancy is authorized by a written or oral rental agreement.

C. "Landlord" means a landlord as defined in and within the scope of RCW 59.18.030 and RCW 59.18.040 of the Residential Landlord Tenant Act of 1973 ("RLTA") in effect at the time the rental agreement is executed or occurs. As of the effective day of this ordinance, the RLTA defines "landlord" as "the owner, lessor, or sub-lessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sub-lessor including, but not limited to, an agent, a resident manager, or a designated property manager."

D. "Occupancy" means the formal designation of the primary purpose of the building structure or portion thereof.

E. "Owner" means the owner of record as shown on the last Thurston County tax assessment roll or such owner's authorized agent.

F. "Rent" or "rental amount" means recurring and periodic charges identified in the rental agreement for the use and occupancy of the premises, which may include charges for utilities. These terms do not include nonrecurring charges for costs incurred due to late payment, damages, deposits, legal costs, or other fees, including attorneys' fees. PROVIDED, however, that if, at the commencement of the tenancy, the landlord has provided an installment payment plan for nonrefundable fees or deposits for the security of the tenant's obligations and the tenant defaults in payment, the landlord may treat the default payment as rent owing.

G. "Rental agreement" means all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

H. "Tenant" means any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement.

5.82.030 Temporary COVID-19 rental enforcement restrictions

A. During the term of the public health emergency Proclamations issued by the Governor related to the COVID-19 pandemic, including the Governor's Proclamation 20-05, and any amendments and extensions thereto, landlords, property owners, and property managers are prohibited from treating any unpaid rent or other charges related to a dwelling or parcel of land occupied as a dwelling as an enforceable debt or obligation that is owing or collectable, where such non-payment was as a result of the COVID-19 pandemic and its adverse economic impacts, and where it occurred on or after February 29, 2020, the date when the initial State of Emergency was proclaimed in all counties in Washington State. This includes attempts to collect, or threats to collect through a collection agency, by filing an unlawful detainer or other judicial action, withholding any portion of a security deposit, billing or invoicing, reporting to credit bureaus, or by any other means. This prohibition does not apply to a landlord, property owner, or property manager who demonstrates by a preponderance of the evidence to a court that the resident was offered, and refused or failed to comply with, a re-payment plan that was reasonable based on the individual financial, health, and other circumstances of that resident and tenant. The enforcement restrictions set forth herein shall only apply to rental payment amounts during the time the Governor's Emergency Proclamation 20-05, and any amendments and extensions thereto that are in effect.

B. OMC Section 5.82.030 shall automatically expire and shall be repealed without any other action by the Olympia City Council one year after the effective date of this Ordinance, unless extended by legislative action.

C. Where an unlawful detainer action is based on any reason enumerated in OMC Chapter 5.82, it is a defense to eviction if the eviction was initiated because of a failure to pay rent due before or by July 1, 2021. The defense is available only where the reason for termination of the tenancy is based on:

1. The tenant's failure to comply with a fourteen-day notice to pay rent or vacate under RCW 59.12.030(3); or
2. The tenant's habitual failure to comply with the material terms of the rental agreement to pay rent that causes the owner to serve a notice to comply or vacate or a notice to pay rent or vacate three or more times in a twelve-month period.

D. To assert the defense under subsection A of this section, the residential tenant must prove by a preponderance of the evidence that the failure to pay rent was due to the following circumstances occurring as a result of the COVID-19 pandemic:

1. The tenant's illness;
2. Loss or reduction of income;
3. Loss of employment;
4. Reduction in compensated hours of work;
5. Business or office closure;
6. A need to miss work to care for a family member or child, where that care is uncompensated; or
7. Other similar loss of income due to the COVID-19 pandemic.

E. A tenant who fails to pay rent due before or by July 1, 2021, may elect to pay the overdue rent in installments if the failure to pay was due to one or more reasons in subsections C and D of this section. If an unlawful detainer action is based on the circumstances enumerated in subsections A and C of this section, it is a defense to eviction that the landlord refused a request by a tenant to enter into a reasonable repayment plan.

1. The reasons for which a landlord shall allow residential tenants to pay overdue rent on a repayment plan shall be due to one or more of the following circumstances occurring as a result of the COVID-19 pandemic as set forth in subsection D above.
2. A reasonable written installment repayment plan shall be based on the tenant's individual financial, health and other circumstances, including the tenant's income, and shall be negotiated between the landlord and residential tenant in good faith, which shall include the following provisions:

- a. The plan does not require the tenant to pay more than one-third of the overdue rent per month unless agreed to by the tenant in writing; and
- b. All rental debt accumulated resulting from the reasons in subsections A and C of this section shall be paid in full to the landlord by October 1, 2021 or the sunset date of this ordinance, whichever occurs first; and
- c. Late fees, interest or other charges due to late payment of rent shall not accrue from the commencement of the effective date of this ordinance until this ordinance sunsets as provided in OMC 5.82.030.B, except that once a tenant has entered into a reasonable written installment repayment plan with a landlord, any default by the tenant for any reason other than due to COVID-19 as set forth in subsection D above, the tenant shall be responsible for late fees, interest or other charges from and after the date of default in the repayment plan.

5.82.040 Rent Increase Notification

A landlord may not increase a tenant's rent by more than five percent of the rent unless the landlord has provided the tenant with notice of the rent increase at least 120 days before such increase takes effect. A landlord may not increase the rent of a tenant by more than 10 percent of the rent unless the landlord has provided the tenant with notice of the rent increase at least 180 days before such increase takes effect.

Pursuant to RCW 59.18.140, if the rental agreement governs a subsidized tenancy where the amount of rent is based on the income of the tenant or circumstances specific to the subsidized household, a landlord shall provide a minimum of 30 days' prior written notice of an increase in the amount of rent to each affected tenant.

Any notice of a rent increase required by this section must be served in accordance with RCW 59.12.040. Notice of any rental increase of five percent or less may be served in accordance with RCW 59.12.040.

5.82.050 Pet Damage Deposits

A. Except as provided in subsection B of this section, a landlord may require payment of a pet damage deposit that may not exceed 25 percent of one month's rent, regardless of the time when the pet damage deposit is paid.

B. Exceptions

1. A landlord may not require a pet damage deposit for an animal that serves as an assistance animal for the tenant. This prohibition does not prohibit a landlord from bringing an action for damages resulting from damage to the landlord's property caused by the tenant's assistance animal. For purposes of this subsection, "assistance animal" means an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person's disability.

2. A landlord may not charge a pet damage deposit in that type of subsidized housing where the amount of rent is set based on the income of the tenant. This exception for subsidized housing does not include tenancies regulated under Section 8 of the Housing Act of 1937, 42 U.S.C. Sec. 1437f, commonly known as the choice voucher program.

C. If the tenant's pet's occupancy begins at the beginning of tenancy, the amount of the pet damage deposit must be specified in a rental agreement. If the tenant's pet's occupancy begins after the beginning of the tenancy, the amount of the pet damage deposit must be specified in an addendum to the rental agreement. The tenant may elect to pay the pet damage deposit in three consecutive, equal monthly installments that begin when the tenant's pet first occupies the rental unit or the tenant may propose an alternative installment schedule. If the landlord agrees to the tenant's alternative installment schedule the schedule must be described in the rental agreement.

D. A landlord may not keep any portion of the pet damage deposit for damage that was not caused by a pet for which the tenant is responsible. Not later than 21 days from the end of the tenancy, the landlord shall return to the tenant any portion of the pet damage deposit not applied to the costs of remediating damage caused by a pet for which the tenant is responsible, or the landlord shall provide to the tenant an itemized list of damages if a portion or the entirety of the deposit is retained for damage caused by a pet for which the tenant is responsible.

E. Other than the pet damage deposit authorized by subsection A of this section, a landlord may not charge the tenant any fee for keeping a pet.

5.82.060 Limits to Move in Fees

All move in fees (including any fee to hold a unit prior to the tenant taking possession, any security deposit, and last month's rent, but not including a pet damage deposit, as allowed in OMC 5.82.050) charged by a landlord before a tenant takes possession of a dwelling unit may not exceed one month's rent, except in that type of subsidized housing where the amount of rent is set based on the income of the tenant. The exception for subsidized housing does not include tenancies regulated under Section 8 of the Housing Act of 1937, 42 U.S.C. Sec. 1437f, commonly known as the choice voucher program. A landlord is prohibited from charging or accepting any move in fee in excess of that allowed in this section.

5.82.070 Violations

A. Any tenant claiming injury from any violation of this chapter may bring an action in Thurston County Superior Court or in any other court of competent jurisdiction to enforce the provisions of this chapter and is entitled to all remedies available at law or in equity appropriate to remedy any violation of this chapter, including declaratory or injunctive relief.

B. A landlord who violates this chapter is liable to the tenant in an action brought by the tenant under subsection A, above, for: (1) any actual damages incurred by the tenant as a result of the landlord's violation or violations of this chapter; (2) double the amount of any security deposit unlawfully charged or withheld by the landlord; (3) reasonable attorney fees and costs incurred by the tenant in bring such action.

C. A landlord's failure to comply with any of the provisions of this chapter is a defense in any legal action brought by the landlord to recover possession of the dwelling unit.

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

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

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

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

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

Optional substitute language for 5.82.060

Section 4. Amendment of OMC 5.82 Olympia Municipal Code Chapter 5.82 is hereby amended to add section 5.82.060 as follows:

5.82.060 Limits to Move in Fees

A refundable security deposit or last month's rent may be charged by a landlord before a tenant takes possession of a dwelling unit. Landlords are prohibited from charging tenants any other non-refundable fees or one-time fees at the beginning of the tenancy, including a fee to hold a unit prior to the tenant taking possession. The amount of the refundable security deposit or last month's rent may not exceed one month's rent, except in that type of subsidized housing where the amount of rent is set based on the income of the tenant. The exception for subsidized housing does not include tenancies regulated under Section 8 of the Housing Act of 1937, 42 U.S.C. Sec. 1437f, commonly known as the choice voucher program. A landlord is prohibited from charging or accepting any move in fee in excess of that allowed in this section. Nothing in this section prohibits a landlord from charging a pet damage deposit, as allowed in OMC 5.82.050.

SURVEY RESPONDENT PROFILES

This section provides overview of *who* responded. Stakeholder responses to specific policy options shown in separate section below.

Renters

Situational Awareness

- 193 (vast majority of +/-200 respondents) reside in Olympia
- 96% of respondents are renters
- Largest percentage (41%) live on westside
- Largest percentage work downtown (49%)
- Self-identify as female (54%), male (23%) and non-binary (13%)
- Majority of respondents born between 1970-1999 (77%)
- 79% of respondents identify as white, vs 21% for all other races combined
- 79% indicated interest in participating in a housing solutions focus group
- 33% consider themselves a person with a disability

Housing and Income

- 61% live in multi-family housing; 31% in a single-family home
- 50% pay 30-50% of monthly household income for rent (not including utilities)
 - 30% pay more than 50% of monthly household income for rent
- 81% say they have been able to pay rent every month over the past year
 - A combined 10% have not been able to pay rent for 10-11 months over the past year
- 80% say it has been a “lot” harder to pay rent this past year compared to prior years
 - 10% say it has been a “little” harder
 - 0% say it has been easier
- 64% of respondents have a single, primary job
 - 14% have multiple jobs
 - 10% receive income assistance
- Household income ranges:
 - \$50-75,000 = 25%
 - \$20-35,000 = 24%
 - Less than \$20,000 = 18%
 - \$35-50,000 = 16%
 - \$75-100,000 = 11%
 - More than \$100,000 = 8%

Renter Advocates/Interested Third Parties

Situational Awareness

- 115 of 131 respondents reside in Olympia (multiple choice selection allowed)
- Advocate location of residence (98 of 131 total responses):
 - Northeast = 36%
 - Westside = 29%
 - Southeast = 28%
 - Capitol/South Capitol = 7%
 - Downtown = 1%
- Advocate living situation:
 - 90% own their housing
 - 7% rent
 - 4% prefer not to say
- Advocate work location (55 responses, 76 skips):
 - Westside = 33%
 - Downtown = 31%
 - Northeast = 15%
 - Capitol/South Capitol = 11%
 - Southeast = 11%
- Gender:
 - Female = 54%
 - Male = 34%
 - Non-binary = 4%
 - Prefer not to say = 8%
- Ages cross the spectrum
- 96% of respondents identify as white, vs 4% for all other races combined
 - 14 respondents answered “prefer not to say”
- 73% indicated interest in participating in a housing solutions focus group
 - Note: only 20 of 131 respondents identify as advocate-first vs interested party
 - Respondents represented a variety of perspectives, including advocates for landlords, advocates for renters, and other interested third parties

Renter Solution Outcome Goals by Vote Total (multiple responses allowed – 131 respondents)

- Keeping people housed = 96
- Getting people housed = 90
- Ensuring safe and health housing = 76
- Finding balanced solutions = 49
- Protecting small landlords = 40
- Other = 15

Landlords

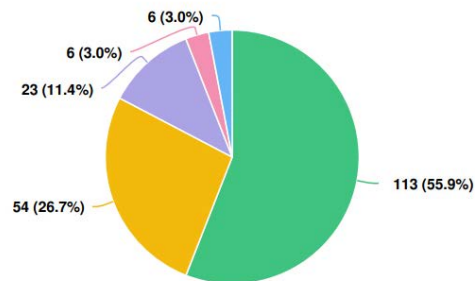
Situational Awareness

- 72 of 107 respondents live in Olympia (67%)
- Self-description (multiple choice allowed):
 - Landlord inside Olympia = 83%
 - Homeowner = 63%
 - Landlord outside Olympia = 36%
 - Interested community member = 21%
 - Property manager inside Olympia = 16%
- 67% of those who live in Olympia reside in Southeast or Northeast
- 76% of those who work in Olympia work in Westside (29%), Downtown (29%) or Northeast (18%)
 - The remaining 24% work in Southeast, or Capitol/South Capitol
- Gender:
 - Female = 43% / Male = 46% / Non-binary = 1% / Prefer not to say = 10%
- Age:
 - About 20% each born in 1950's, 60's, 70's and 80's
 - 12% born in 1940's / Less than 5% born after 1990
- Race:
 - White = 70%/Latinx = 4%/Asian = 4%/American Indian, Alaska Native, Native Hawaiian = 3%
 - Prefer not to say = 21%
- Rental units owned or managed by volume/percentage:
 - 1 = 32%
 - 2 = 14%
 - 3-5 = 29%
 - 6-10 = 9%
 - 11-20 = 4%
 - 21-50 = 8%
 - Over 50 = 4%
- Role rental income plays in landlord income profile:
 - Primary = 22% / Secondary = 65% / Other = 12%
- Percent of renters unable to pay rent, full rent or rent on time over past two years:
 - About the same = 30%
 - Not applicable = 30%
 - A little higher – 23%
 - Much higher = 15%
- 75% indicated interest in participating in a housing solutions focus group

RELATIVE LEVEL OF SUPPORT FOR RENTER SOLUTION POLICY OPTIONS

Policy concept 1: Establish a landlord registry to keep landlords updated on rental rules, codes, policies and resources. This could also include unit inspections to ensure health and safety requirements are met.

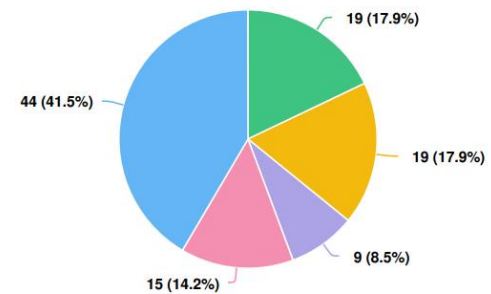
Renter Response



Question options

Very supportive Somewhat supportive Neutral Not very supportive Not at all supportive

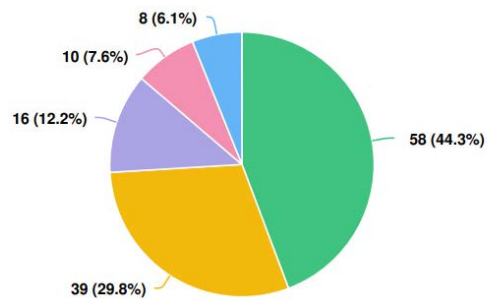
Landlord response



Question options

Very supportive Somewhat supportive Neutral Not very supportive Not at all supportive

Third Parties response

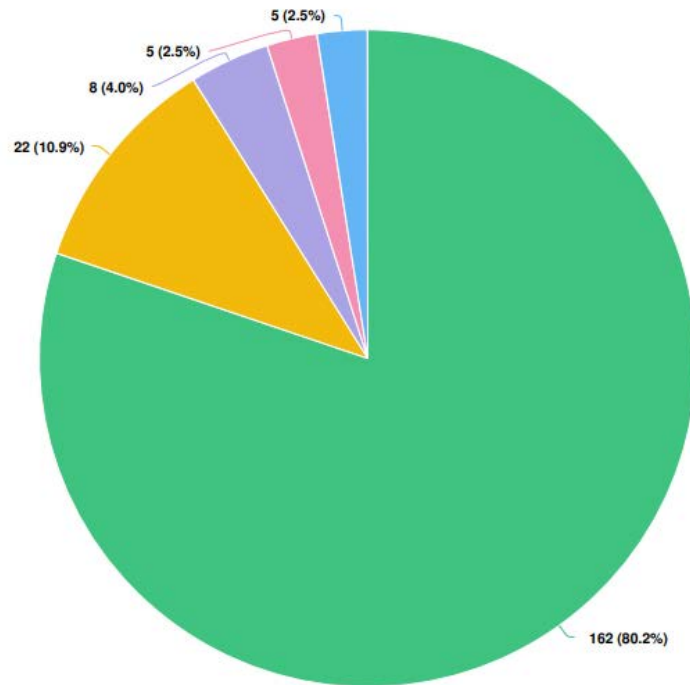


Question options

Very supportive Somewhat supportive Neutral Not very supportive Not at all supportive

Policy concept 2: Limit the total amount of deposits collected at move-in and/or the types of move-in fees that can be collected.

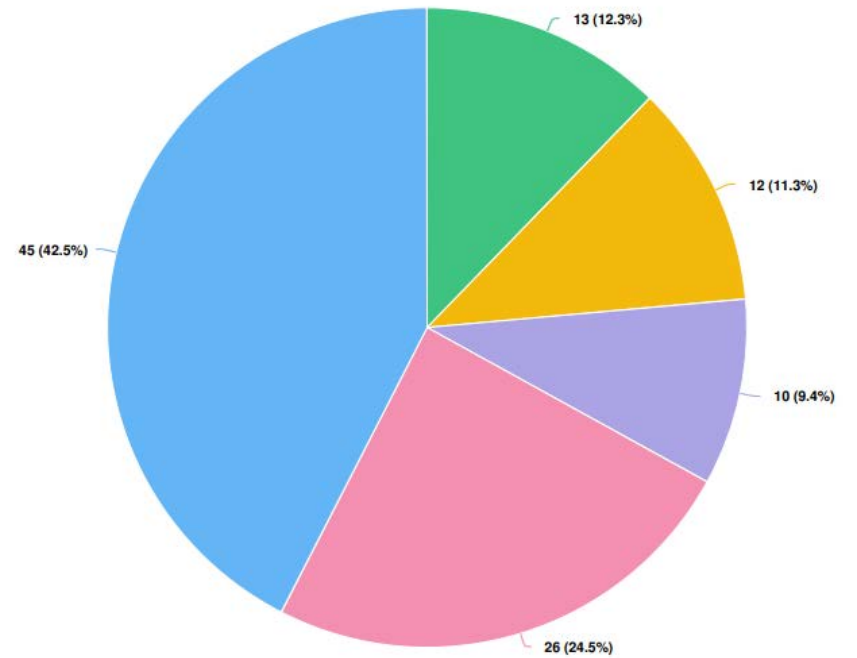
Renter Response



Question options

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Landlord Response

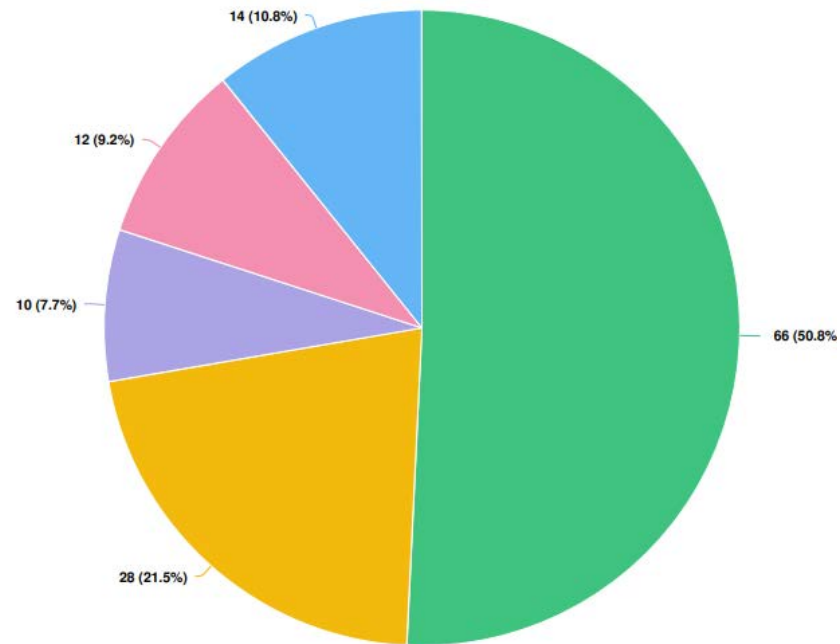


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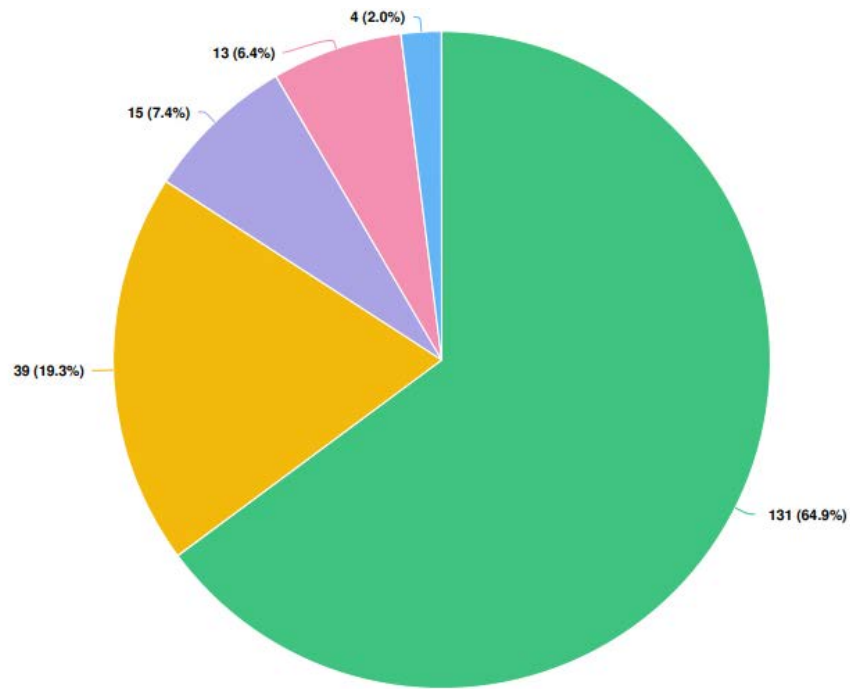


Question options

Very supportive Somewhat supportive Neutral Not very supportive Not at all supportive

Policy concept 3: Allow a longer period of time (e.g., longer than 3 months) to make installment payments to offset moving costs (first and last month, security deposit, etc.) that can make access to housing difficult.

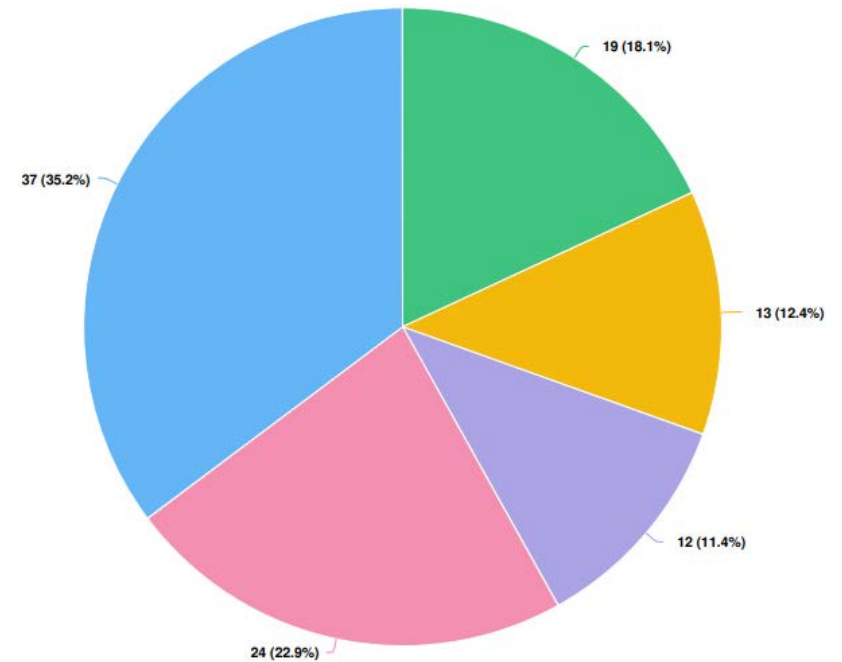
Renter response



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Landlord response

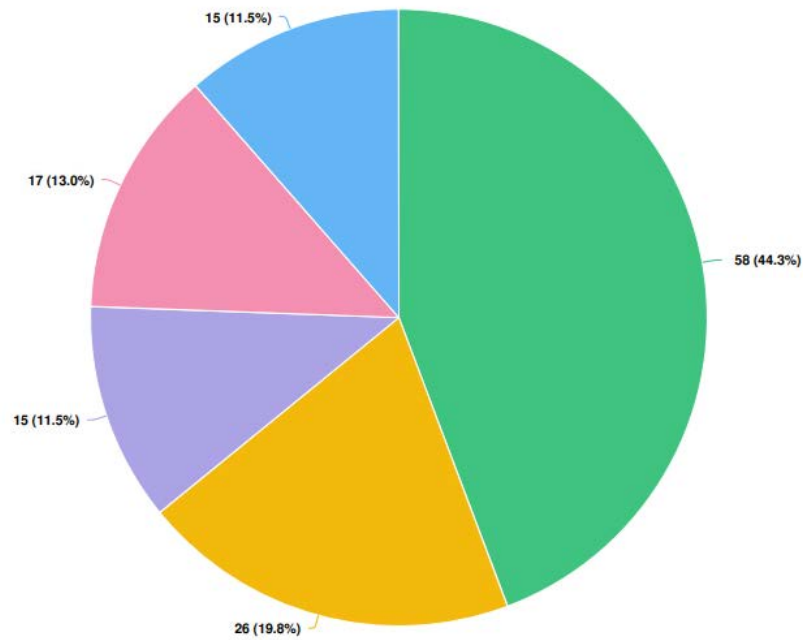


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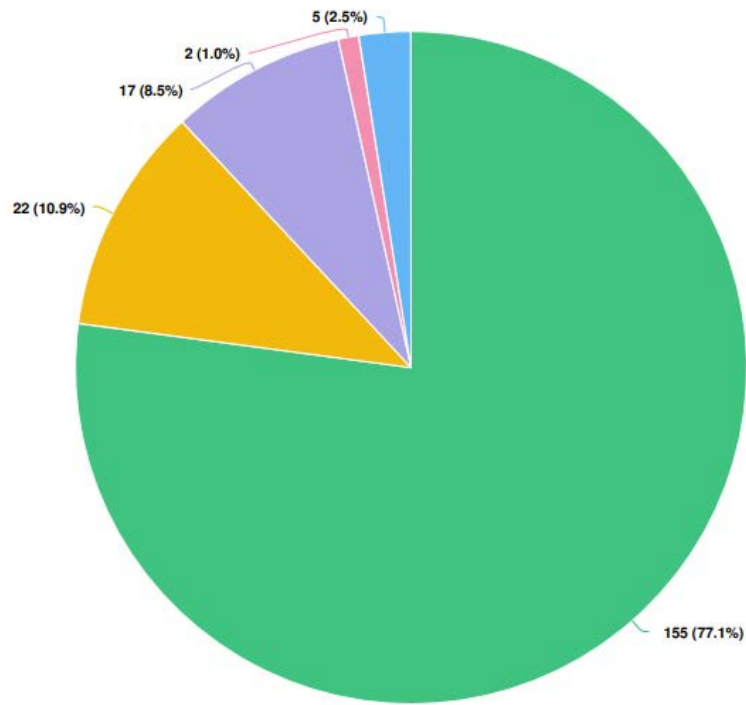


Question options

Very supportive Somewhat supportive Neutral Not very supportive Not at all supportive

Policy concept 4: Launch a relocation assistance program to help low-income households transition to new rental housing when forced to move because the property is deemed unsafe, undergoing a substantial remodel, demolition or change of use (e.g., apartments to condominium conversion).

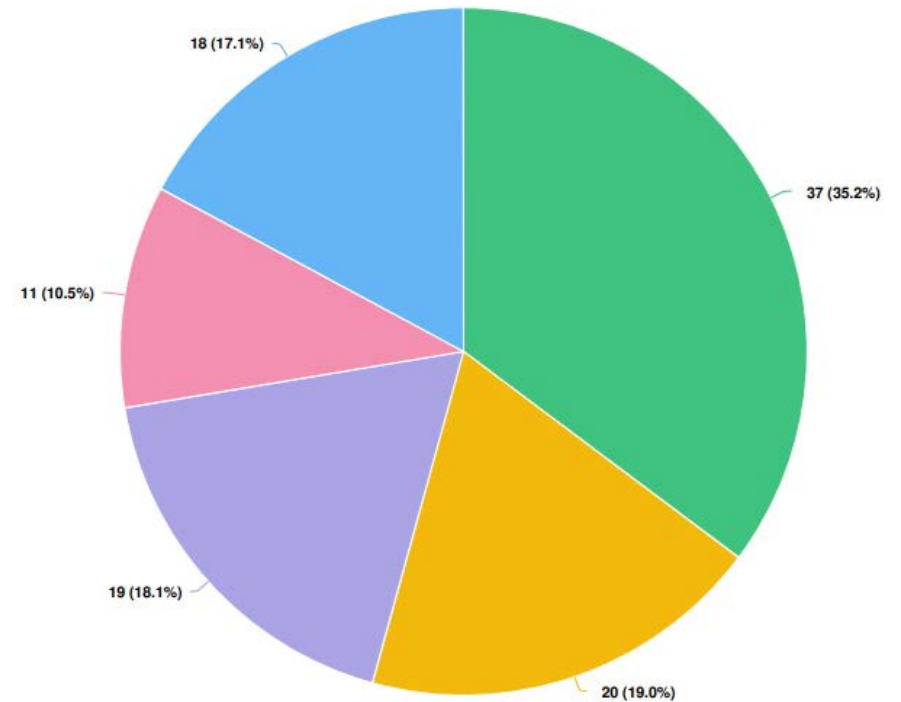
Renter response



Question options

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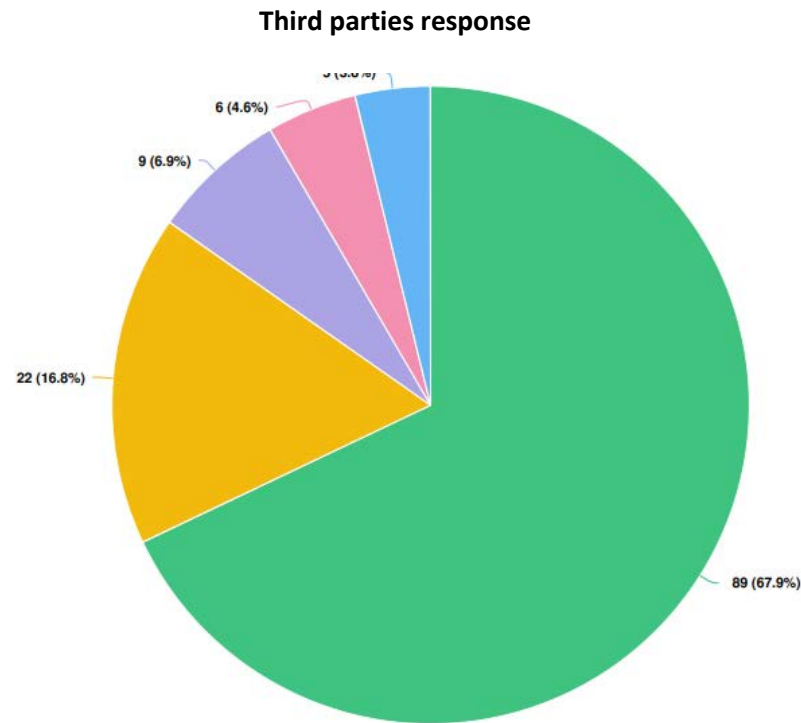
Landlord response



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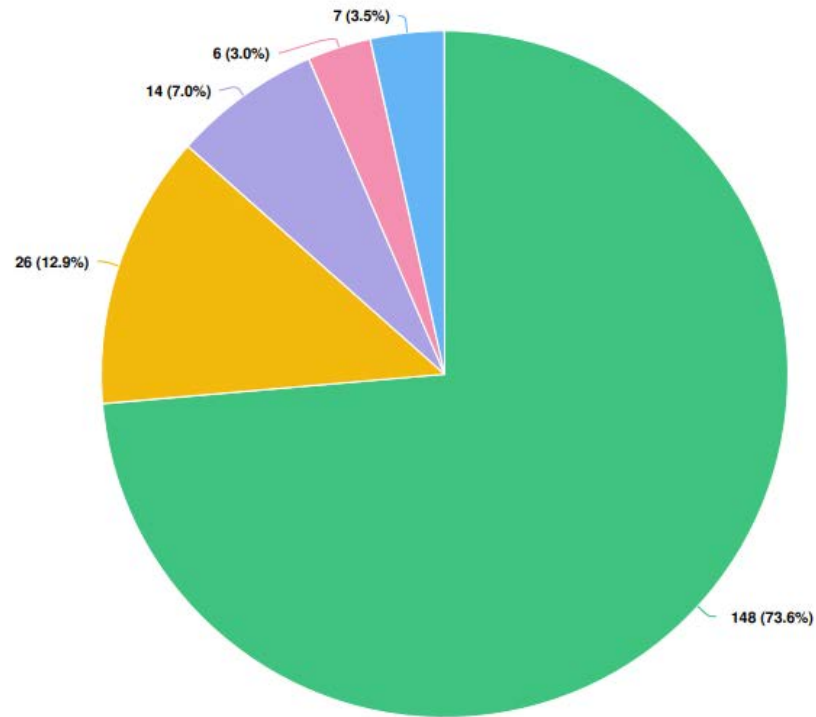


Question options

Very supportive Somewhat supportive Neutral Not very supportive Not at all supportive

Policy concept 5: Prohibit certain types of renter screening that may have little to do with whether an applicant would make a good tenant.

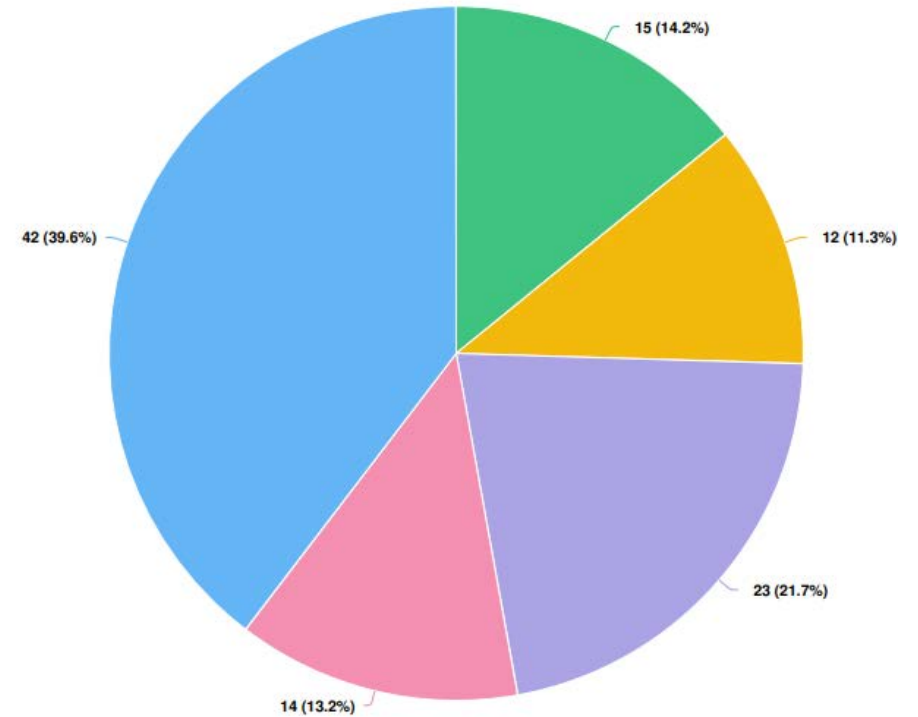
Renter response



Question options

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Landlord response

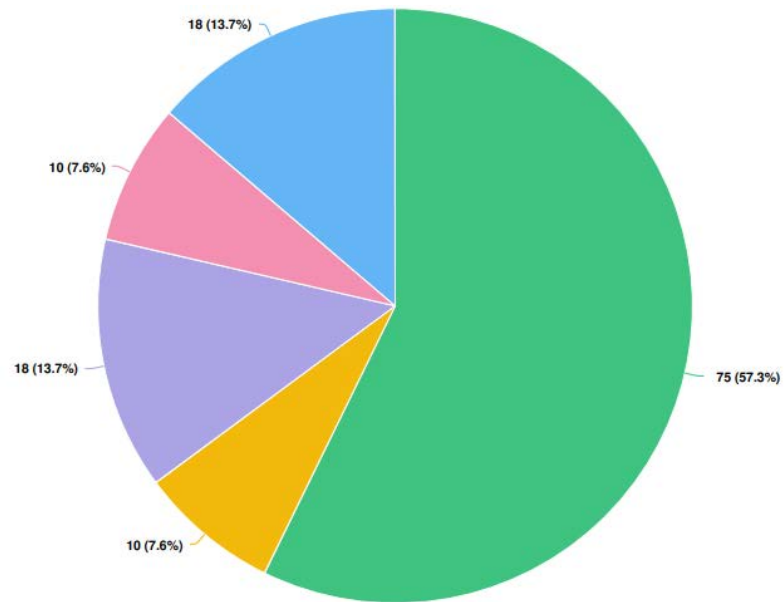


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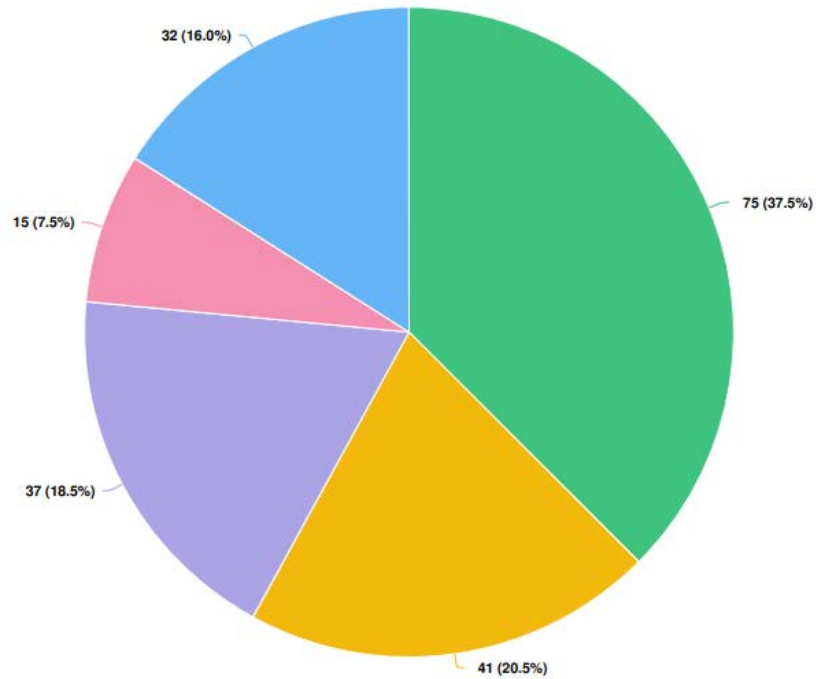


Question options

Very supportive Somewhat supportive Neutral Not very supportive Not at all supportive

Policy concept 6: Offer low-interest loans or grants to landlords to help expedite rental housing repairs.

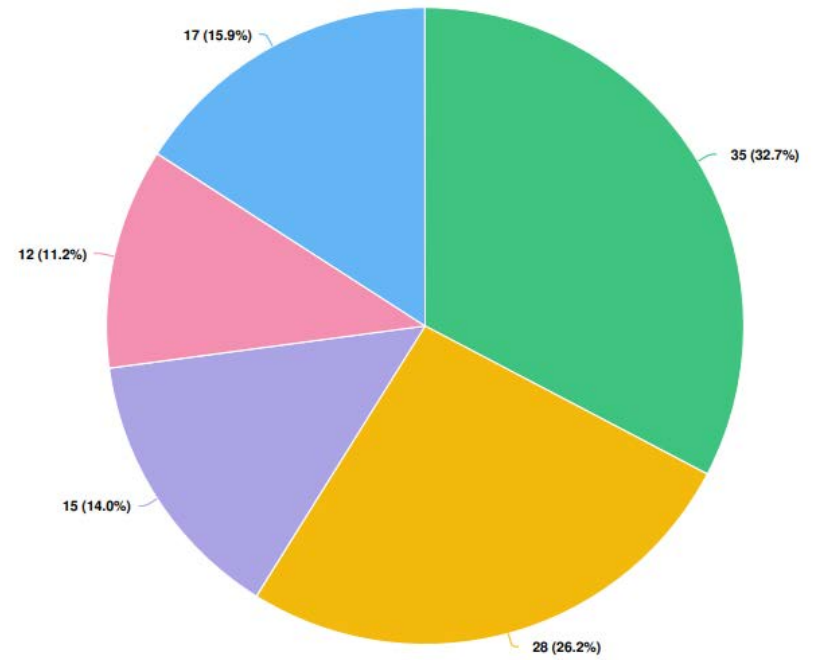
Renter response



Question options

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Landlord response

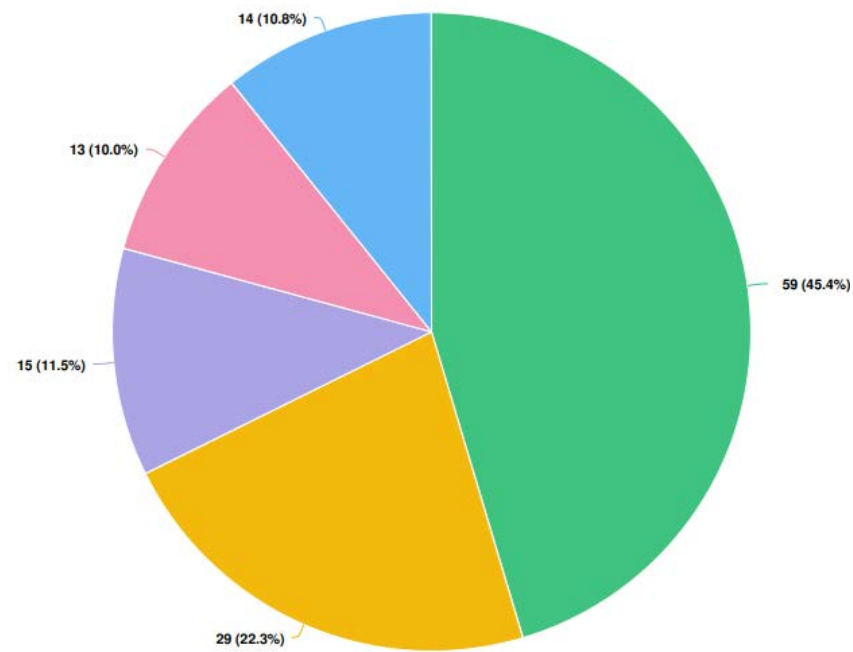


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Third parties response

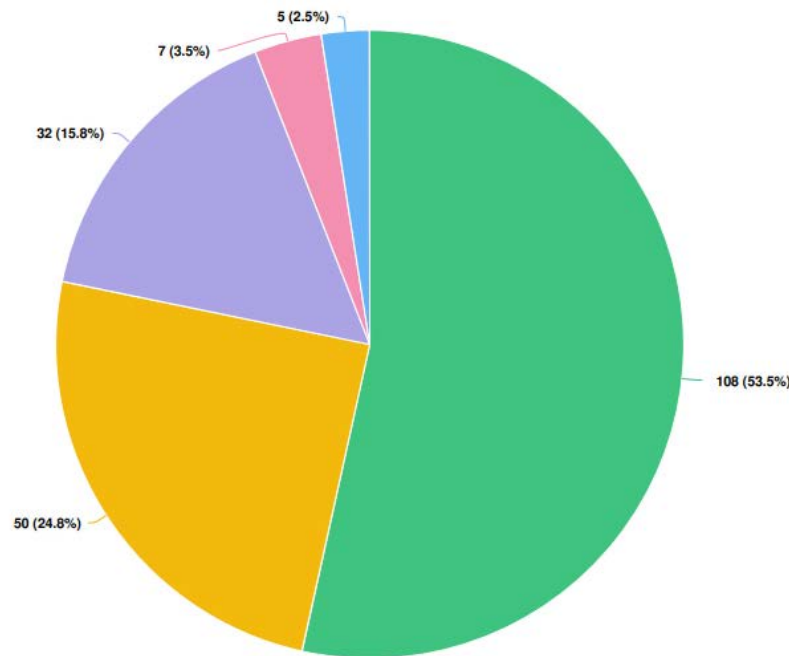


Question options

Very supportive Somewhat supportive Neutral Not very supportive Not at all supportive

Policy concept 7: Create a permanent mediation program or landlord-tenant navigator position to help prevent evictions, provide information and referrals, and identify solutions when payment or conflicts arise.

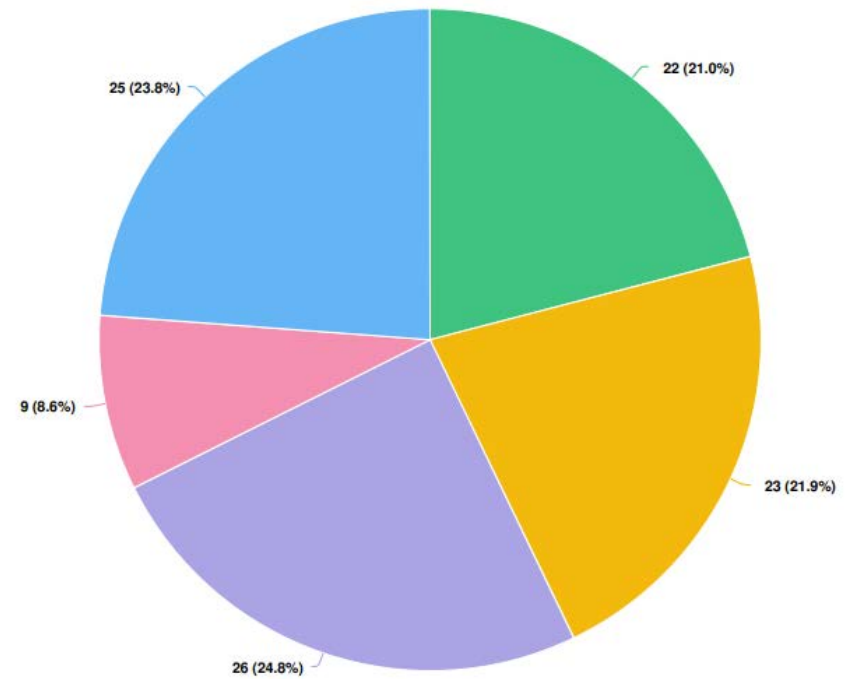
Renter response



Question options

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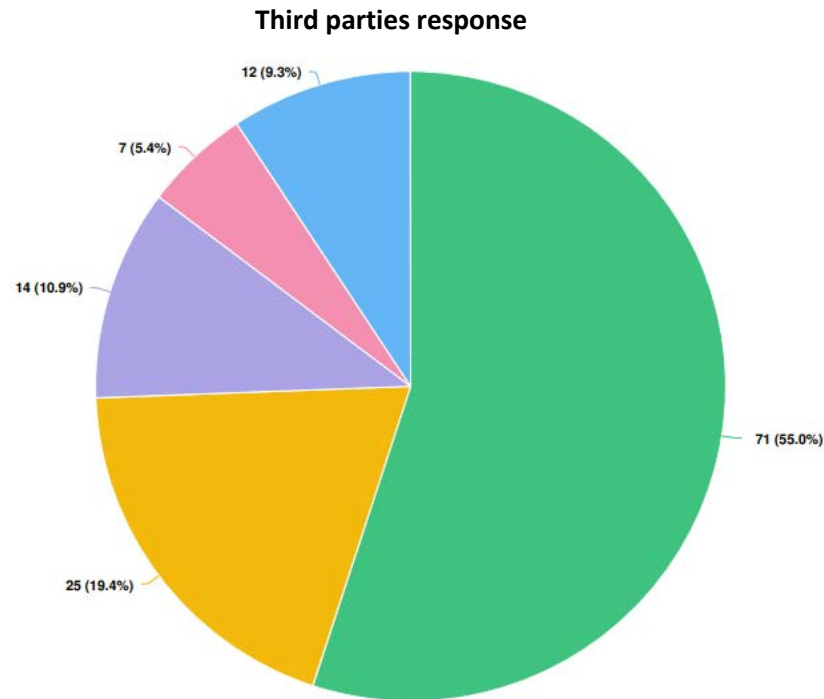
Landlord response



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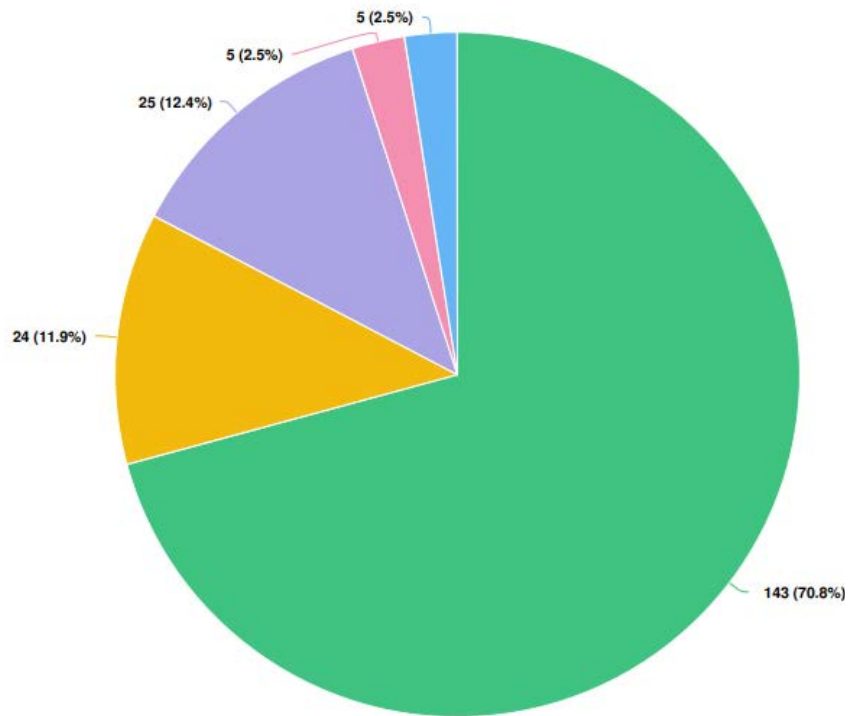


Question options

Very supportive Somewhat supportive Neutral Not very supportive Not at all supportive

Policy concept 8: Require landlords to supply or clearly direct renters to renters' rights and responsibilities information (possibly hosted online and managed by the City).

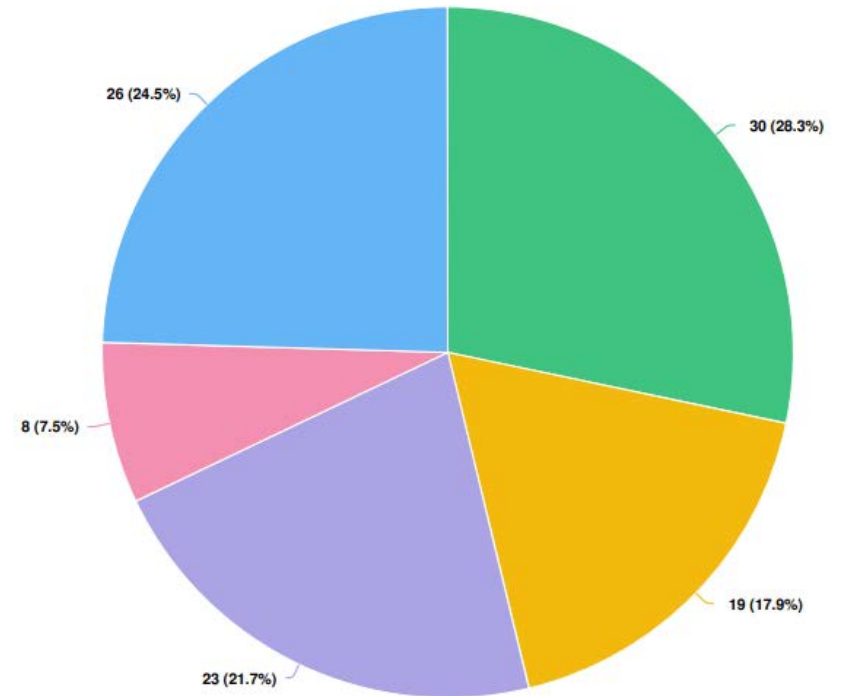
Renter response



Question options

Very supportive Somewhat supportive Neutral Not very supportive Not at all supportive

Landlord response

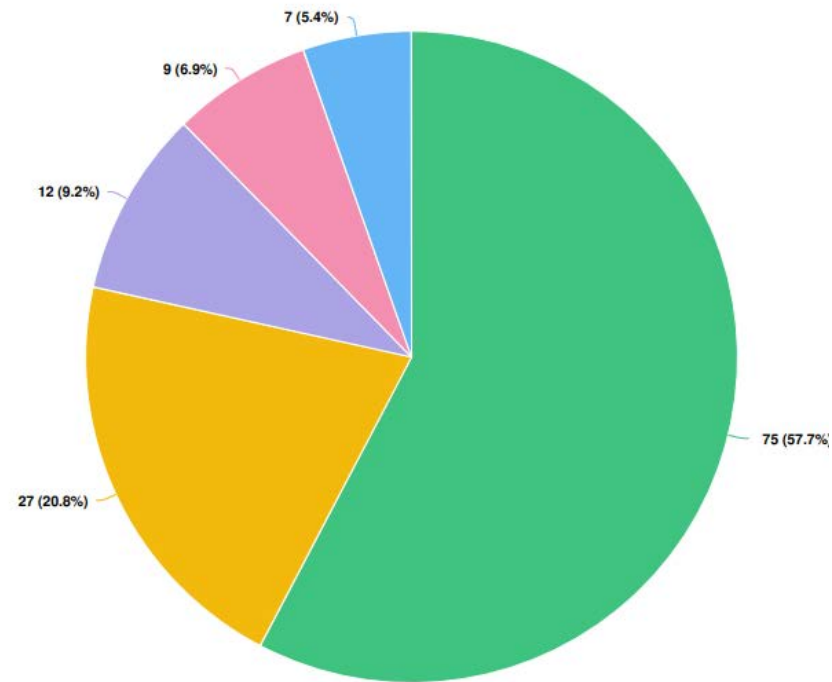


Question options

Very supportive Somewhat supportive Neutral Not very supportive Not at all supportive

Policy concept 8: Require landlords to supply or clearly direct renters to renters' rights and responsibilities information (possibly hosted online and managed by the City).

Third parties response

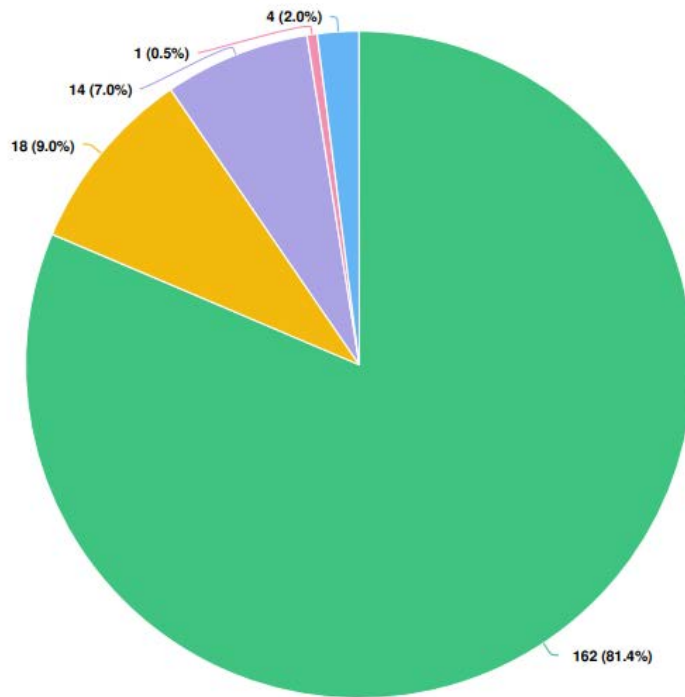


Question options

Very supportive Somewhat supportive Neutral Not very supportive Not at all supportive

Policy concept 9: Extend the rent increase notification period to 90 days or longer (60 day notice required now) to allow renters an opportunity to find and save money for new rental housing.

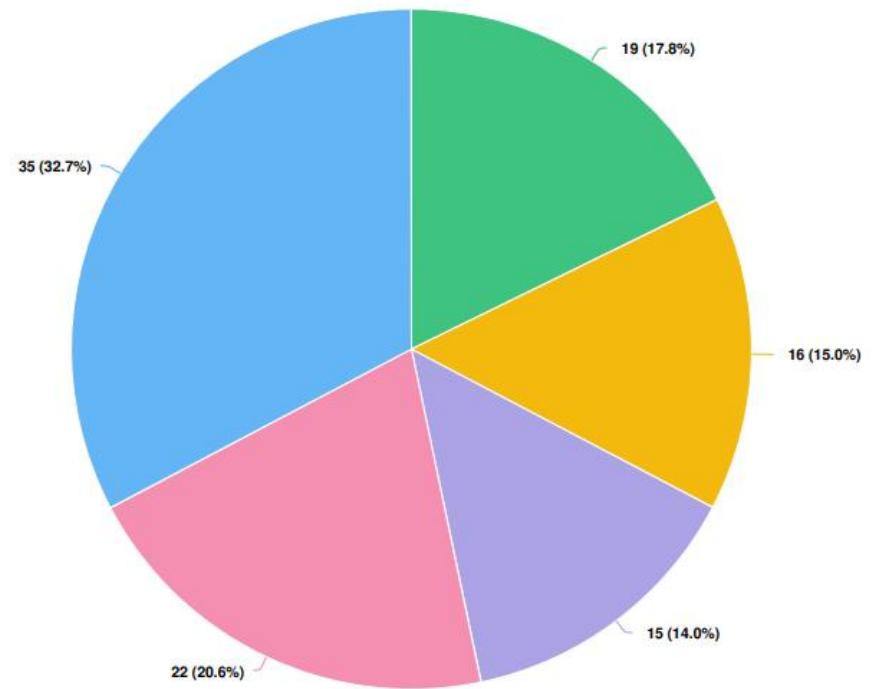
Renter response



Question options

Very supportive Somewhat supportive Neutral Not very supportive Not at all supportive

Landlord response

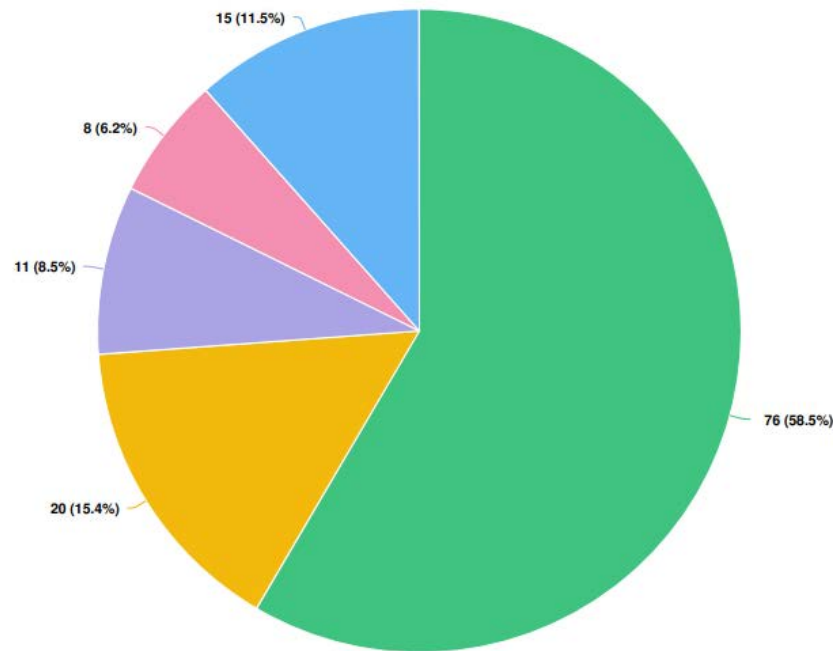


Question options

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Third Parties response

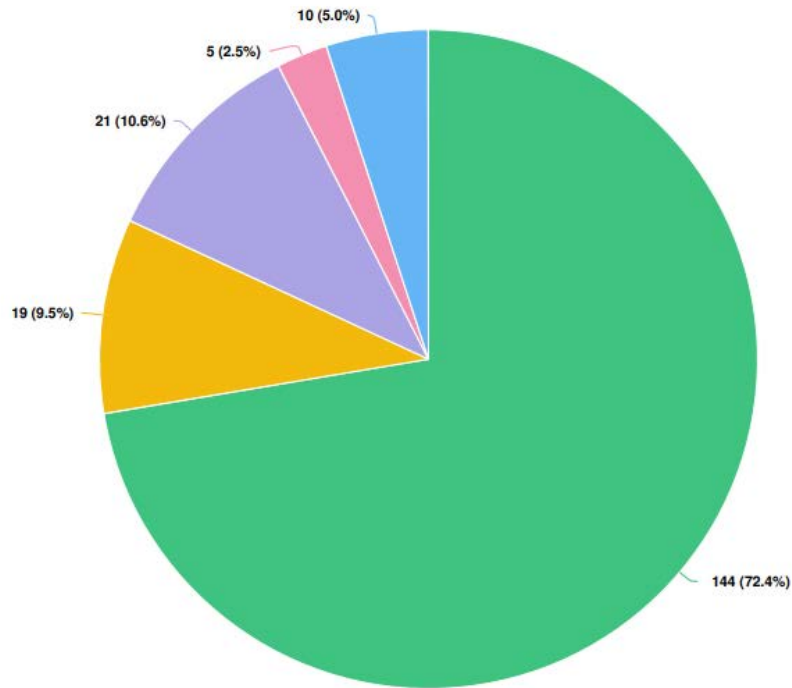


Question options

Very supportive Somewhat supportive Neutral Not very supportive Not at all supportive

Policy concept 10: Extend the requirement that landlords must provide a reason as defined by State law to end or refuse to renew any tenancy, without exceptions. Explanation: The State law passed in 2021 allows landlords to end a tenancy for no reason at the end of some 6-12 month lease terms, by providing the tenant with 60 days' written notice.

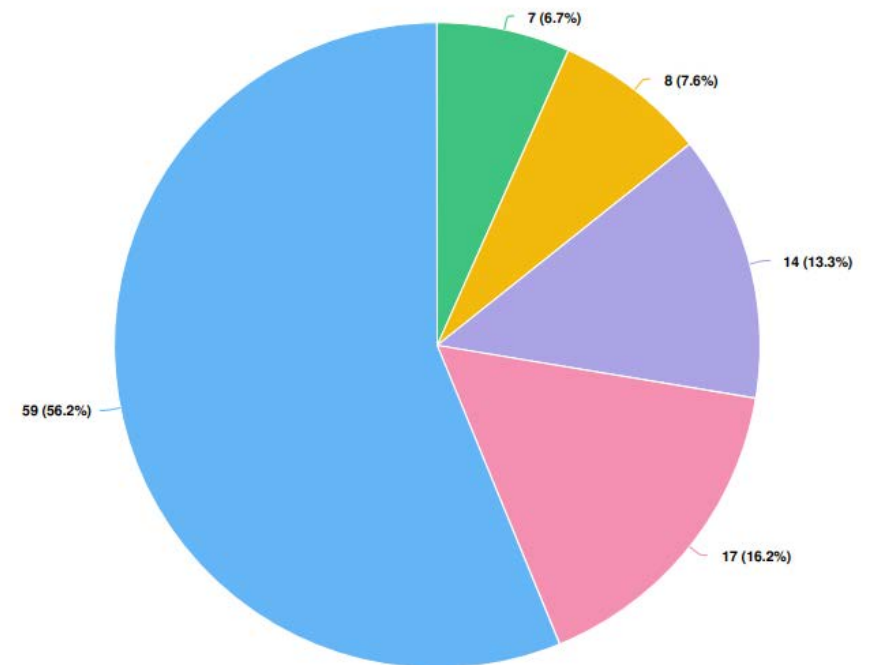
Renter response



Question options

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Landlord response

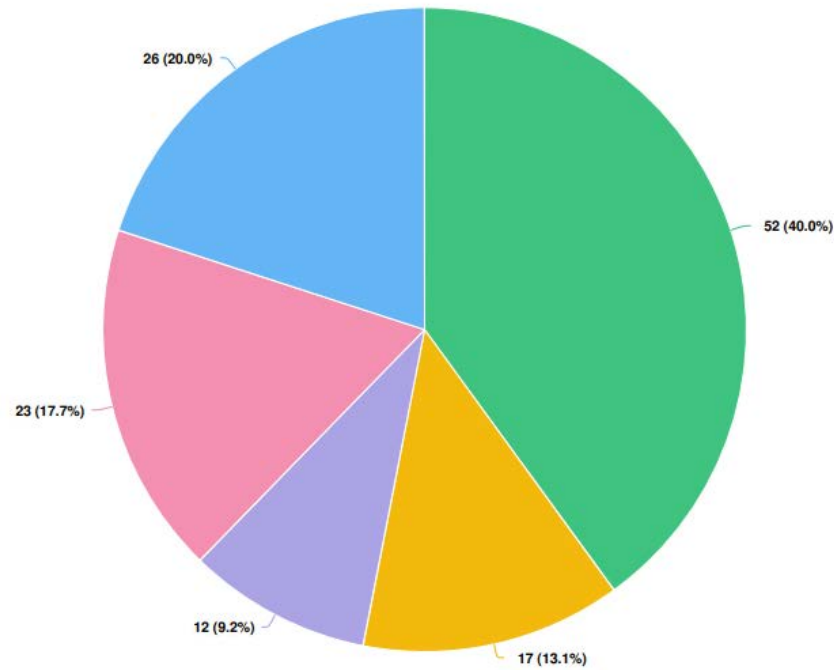


Question options

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Third parties response



Question options

Very supportive Somewhat supportive Neutral Not very supportive Not at all supportive

Please rank the following ten policy options according to how effective they would be in stabilizing rental housing conditions. Rank them from least (1) to most (10) effective. Each number from 1-10 can only be used once.

Renters		Landlords	
OPTIONS	AVG. RANK	OPTIONS	AVG. RANK
Require sharing of renters' rights and responsibilities info	5.21	Limit amount of deposit collected at move-in	4.26
Offer low-interest loans or grants for rental repairs	5.23	Landlords must give a reason for ending any tenancies	4.70
Create a landlord registry	5.24	Limit renter screening	4.78
Extend mediation or retain a landlord-tenant navigator to reduce evictions	5.38	Extend installment payments for move-in costs	4.97
Extend the rent increase notification period	5.44	Extend the rent increase notification period	5.12
Limit renter screening	5.50	Create a landlord registry	5.34
Extend installment payments for move-in costs	5.58	Create a relocation assistance program	5.67
Landlords must give a reason for ending any tenancies	5.61	Extend mediation or retain a landlord-tenant navigator to reduce evictions	5.76
Create a relocation assistance program	5.67	Require sharing of renters' rights and responsibilities info	5.78
Limit amount of deposit collected at move-in	5.74	Offer low-interest loans or grants for rental repairs	6.53

Please rank the following ten policy options according to how effective they would be in stabilizing rental housing conditions. Rank them from least (1) to most (10) effective. Each number from 1-10 can only be used once.

Third parties

OPTIONS

AVG. RANK

Create a landlord registry	4.99
Extend installment payments for move-in costs	5.13
Require sharing of renters' rights and responsibilities info	5.15
Limit amount of deposit collected at move-in	5.30
Extend the rent increase notification period	5.30
Create a relocation assistance program	5.38
Extend mediation or retain a landlord-tenant navigator to reduce evictions	5.51
Limit renter screening	5.63
Landlords must give a reason for ending any tenancies	5.87
Offer low-interest loans or grants for rental repairs	6.01



City Council

Regional Fire Authority Planning Briefing

Agenda Date: 8/9/2022
Agenda Item Number: 6.B
File Number: 22-0750

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

Title

Regional Fire Authority Planning Briefing

Recommended Action

Committee Recommendation:

The Regional Fire Authority Planning Committee recommends receiving a briefing on recommendations related to governance, organization and financing of a Regional Fire Authority. The Committee seeks input from the Council on proposed options, but no final action required at this time.

City Manager Recommendation:

Receive a briefing on recommendations related to governance, organization and financing of a Regional Fire Authority and provide input on proposed options, with no final action required at this time.

Report

Issue:

Whether to receive a briefing on recommendations related to governance, organization and financing of a Regional Fire Authority and provide input on proposed options, with no final action required at this time.

Staff Contact:

Jay Burney, City Manager, 360.753.8740

Presenter(s):

Jay Burney, City Manager
Karen Reed, Consultant

Background and Analysis:

In 2019, the City of Olympia participated with the City of Tumwater and other local Fire agencies in a study to evaluate options for an RFA.

The study looked at opportunities to improve emergency services in the Olympia and Tumwater communities and explored partnership opportunities to provide these services regionally. Findings from this study, which were presented at an elected official's workshop in November 2019,

recommended further exploration of a Regional Fire Authority as Olympia and Tumwater share similar risk profiles, histories, and organizational structures, there may be a potential to control costs and improve service delivery, it would level tax rates across the region, provide greater equity, and leverages individual agency strengths, and minimizes weaknesses.

On May 18, 2021, the City Council authorized an Interlocal Agreement between the City of Olympia and the City of Tumwater which provides the framework for a planning process that looks at the viability of a Regional Fire Authority between the cities of Olympia and Tumwater.

Staff will present a briefing outlining recommendations related to governance, organization and financing of a Regional Fire Authority and provide input on proposed options, with no final action required at this time. The RFA Planning Committee is seeking input on proposed options, but no final action is required at the time.

Neighborhood/Community Interests (if known):

An RFA may provide options to improve fire service delivery in the Olympia and Tumwater communities. An RFA planning process will engage both communities in this evaluation.

Options:

1. Receive a briefing outlining recommendations related to governance, organization and financing of a Regional Fire Authority and provide input on proposed options, with no final action required at this time.
2. Do not receive a briefing outlining recommendations related to governance, organization and financing of a Regional Fire Authority and provide input on proposed options, with no final action required at this time.
3. Receive the update at another time.

Financial Impact:

The cost of moving forward with a Regional Fire Authority planning process is estimated to cost \$150,000 (Olympia's share). Funding is available through 2020 Year End Savings.

Attachments:

None



City Council

Preliminary 2023-2028 Capital Facilities Plan Briefing

Agenda Date: 8/9/2022
Agenda Item Number: 6.C
File Number: 22-0734

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

Title

Preliminary 2023-2028 Capital Facilities Plan Briefing

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Receive a briefing on the Preliminary Capital Facilities Plan, 2023-2028 Financial Plan including key projects, revenues, and expenses.

Report

Issue:

Whether to receive a briefing on the Preliminary Capital Facilities Plan, 2023-2028 Financial Plan including key projects, revenues, and expenses.

Staff Contact:

Joyce Phillips, Principal Planner, Community Planning and Development, 360.570.3722

Presenter(s):

Joyce Phillips, Principal Planner, Community Planning and Development

Background and Analysis:

The Capital Facilities Plan (CFP) is a chapter in the City's 20-year Comprehensive Plan adopted by the City Council in 2014. The CFP portion of the Comprehensive Plan is updated annually.

The CFP identifies which capital facilities are necessary to support development and/or growth. Most projects listed are directly related to the applicable master plan or functional plan, such as the Parks, Arts and Recreation Plan, the Storm and Surface Water Plan, and other similar plans. The Comprehensive Plan covers a 20-year time horizon; however, the *Preliminary CFP, 2023-2028 Financial Plan* is a 6-year financial plan. It is required by the Growth Management Act and includes specific projects, cost estimates, funding sources and strategies to implement the plan.

City staff annually reviews and updates the 6-year plan to ensure it can fund and implement the

comprehensive plan's vision, showing how the city will provide governmental services at adopted levels of service standards for the existing and projected population growth in the City and Urban Growth Area.

On August 15, City staff will present the *Preliminary CFP, 2023-2028 Financial Plan* to the Planning Commission. The Commission is responsible for reviewing the plan for consistency with the other chapters of the Comprehensive Plan, holding a Public Hearing, and providing comment to the City Council.

The City Council is scheduled to hold a Public Hearing on October 18, with planned adoption of the updated CFP and Financial Plan in December.

Neighborhood/Community Interests (if known):

Specific neighborhood or community interests are not yet known. Community members will be given the opportunity to review and comment on this proposal.

In addition, City staff works closely with the Bicycle, Pedestrian Advisory Committee, the Parks & Recreation Advisory Committee and the Utility Advisory Committee to identify and prioritize projects in the CFP. These committees are likely to provide comments to the City Council.

Staff will post the Preliminary CFP on the City's website and distribute it to the various Committees, Commissions, as well as the Council of Neighborhoods Association.

Options:

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

Financial Impact:

The CFP will identify multiple projects, include project estimates, and identify funding sources for capital projects.

Attachments:

None