



Meeting Agenda

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, February 7, 2023

6:00 PM

Council Chambers, Online and
Via Phone

Special Meeting

Register to Attend: https://us02web.zoom.us/webinar/register/WN_RcHHdKfnR9mGrG-nNL_AQ

1. ROLL CALL

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

2. SPECIAL RECOGNITION

2.A [23-0143](#) Special Recognition - Proclamation Recognizing Black History Month

Attachments: [Proclamation](#)

[Registration for February 16, 2023 Virtual Lecture Link](#)

[Registration for February 17, 2023 In-Person Keynote and Symposium Link](#)

[Information about February 18, 2023 Community Celebration Link](#)

[Thurston Regional Planning Council Data - Population by Race \(2020\) Link](#)

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** [23-0153](#) Approval of the January 31, 2023 City Council Study Session Meeting Minutes
Attachments: [Minutes](#)
- 4.B** [23-0154](#) Approval of the January 31, 2023 City Council Meeting Minutes
Attachments: [Minutes](#)
- 4.C** [23-0155](#) Approval of a Resolution to Engage the Parks and Recreation Advisory Committee and the Community in Park Funding Discussions in the Event of Significant Loss of General Fund Revenues
Attachments: [Resolution](#)

4. SECOND READINGS (Ordinances)

- 4.D** [23-0120](#) Approval of an Ordinance Amending Olympia Municipal Code Section 2.04.050 Relating to City Council Meetings
Attachments: [Ordinance](#)

4. FIRST READINGS (Ordinances)

- 4.E** [23-0140](#) Approval of an Ordinance Amending Olympia Municipal Code Subsection 6.04.060(A) Relating to Animal Cruelty
Attachments: [Ordinance](#)
- 4.F** [23-0141](#) Approval of an Ordinance Amending Title 5 of the Olympia Municipal Code by Repealing Chapter 5.11 - Transportation Network Companies
Attachments: [Ordinance](#)

5. PUBLIC HEARING - NONE**6. OTHER BUSINESS**

- 6.A** [23-0158](#) Jail Facility 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. EXECUTIVE SESSION**

- 10.A** [23-0156](#) Executive Session Pursuant to RCW 42.30.110(1)(b); RCW 42.30.110 (1)
(c) - Real Estate Matter

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 Black History Month

Agenda Date: 2/7/2023
Agenda Item Number: 2.A
File Number:23-0143

Type: recognition **Version:** 2 **Status:** Recognition

Title

Special Recognition - Proclamation Recognizing Black History Month

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Proclaim February as Black History Month in the City of Olympia.

Report

Issue:

Whether to proclaim February as Black History Month in the City of Olympia.

Staff Contact:

Olivia Salazar de Breaux, Equity, Inclusion, and Belonging Specialist, Parks, Arts and Recreation,
360.753.8343

Presenter(s):

Olivia Salazar de Breaux, Equity, Inclusion and Belonging Specialist, City of Olympia
Javoen Byrd, Director, Hawk Foundation for Research and Education in African Culture

Background and Analysis:

Black History Month is an annual celebration of achievements by African Americans and a time for recognizing the central role of Black individuals in U.S. history.

The creation of noted historian Carter G. Woodson and other prominent African Americans in 1926, every U.S. president since 1976 has officially designated the month of February as Black History Month. Other countries around the world, including Canada and the United Kingdom, also devote a month to celebrating black history.

In February 2022, the City of Olympia partnered with the Hawk Foundation for Research and Education in African Culture to host the first annual Black History Month Celebration. The City, its employees, elected officials, community members, and visitors enthusiastically participated. This year

the City is pleased to partner again with the Hawk Foundation, along with the Olympia School District, to host a series of three Black History Month events that allow time for learning, celebration and community building from February 16-18, 2023. All events are free of charge.

- Thursday, February 16, 1-2:30 p.m.: Virtual educational lecture with Dr. Sylviane A. Diouf, historian on African Diaspora and Visiting Scholar at the Center for the Study of Slavery and Justice at Brown University and Lloyd International Honors College. Dr. Diouf will be presenting on the Maroon Peoples of the Southern United States.
- Friday, Feb. 17, 6:00-8:30 p.m.: In-person keynote and symposium with Dr. Joy DeGruy, researcher, educator and author of “Post Traumatic Slave Syndrome”. Dr. DeGruy will be presenting about Steps to Healing and Mental Wellness Within the Black Community at the Black Box Theater (Washington Center for the Performing Arts) Space is limited.
- Saturday, Feb. 18, 11 a.m. to 3 p.m.: Community celebration with presentations, music performances, and food at The Olympia Center. No registration required.

Climate Analysis:

There are no impacts to any of the climate mitigation sectors.

Equity Analysis:

Black History Month raises awareness about the sacrifices, contributions, and achievements made by generations of African Americans here in the Pacific Northwest and across the nation. This recognition benefits Olympia residents as well as those in neighboring communities by increasing a sense of belonging and inclusion.

Attachments:

- Proclamation
- Registration for February 16, 2023 Virtual Lecture Link
- Registration for February 17, 2023 In-Person Keynote and Symposium Link
- Information about February 18, 2023 Community Celebration Link
- Thurston Regional Planning Council Data - Population by Race (2020) Link

PROCLAMATION

WHEREAS, in February, the United States recognizes and reflects on the sacrifices, contributions, and achievements made by generations of African Americans in the storied history of our nation and acknowledges the ongoing struggle to keep America's founding promise of a more perfect and more equal union; and

WHEREAS, the African American experience is woven into the historical fabric of the Pacific Northwest: from York's full membership in the Lewis and Clark Expedition, through the first African American pioneer in the Northwest, George W. Bush, who established Bush Prairie, now known as our neighbor, the City of Tumwater, and on through today; and

WHEREAS, the history of the City of Olympia would be far less rich and diverse without the contributions of Olympia's African American residents – such as Rebecca Howard, the beloved 19th Century entrepreneur, who owned and managed the popular Pacific House in downtown Olympia; and

WHEREAS, today 3 percent of Olympia's population is Black or African American. Of the 9,000 new Olympia residents added between 2010-2020, 11 percent were Black or African American which suggests increasing population over time; and

WHEREAS, in 1915, Dr. Carter Godwin Woodson, noted black scholar and son of formerly enslaved people, founded the Association for the Study of African American Life and History, and initiated Black History Week on February 12, 1926; and

WHEREAS, in 1976, as part of the nation's bicentennial, Black History Week was expanded and became established as Black History Month, and is now celebrated all over North America; and

WHEREAS, the observance of Black History Month demands our attention to the continued need to dismantle racism and build a community that lives up to its democratic ideals; and

WHEREAS, our community acknowledges the systemic racism perpetuated by individuals and our nation's government through slavery, segregation, mass-incarceration, police brutality, and economic disparity; and

WHEREAS, African Americans have countless achievements despite these past and present cruelties; and

WHEREAS, the City of Olympia proudly embraces the cultural diversity of our community, and honors organizations, families, and individuals of African American descent in appreciation of their invaluable contributions that continue to enrich the history and culture of our city, and unite and sustain us as a community; and

WHEREAS, the City of Olympia is honored to partner with the Hawk Foundation for Research and Education in African Culture and the Olympia School District to host a series of three public events that explore and celebrate Black History during February 2023; and

NOW, THEREFORE, BE IT RESOLVED, the Olympia City Council does hereby proclaim the month of February 2023 as

BLACK HISTORY MONTH

in the City of Olympia and encourage all Olympians to recognize and honor the African American experience and work toward a nation where all people have equal opportunity to thrive.

SIGNED IN THE CITY OF OLYMPIA, WASHINGTON THIS SEVENTH DAY OF FEBRUARY 2023.

OLYMPIA CITY COUNCIL

***Cheryl Selby
Mayor***



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

City Council

Approval of the January 31, 2023 City Council Study Session Meeting Minutes

Agenda Date: 2/7/2023
Agenda Item Number: 4.A
File Number:23-0153

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

Title

Approval of the January 31, 2023 City Council Study Session Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, January 31, 2023

5:30 PM

Council Chambers, Online and Via
Phone

Study Session

Attend: [https://us02web.zoom.us/j/86935721812?](https://us02web.zoom.us/j/86935721812?pwd=NnFmYmluNk02MEEvOFgvdIFjcm90dz09)
[pwd=NnFmYmluNk02MEEvOFgvdIFjcm90dz09](https://us02web.zoom.us/j/86935721812?pwd=NnFmYmluNk02MEEvOFgvdIFjcm90dz09)

1. ROLL CALL

Present: 7 - Mayor Cheryl Selby, Mayor Pro Tem Clark Gilman, Councilmember Jim Cooper, Councilmember Yến Huỳnh, Councilmember Dani Madrone, Councilmember Lisa Parshley and Councilmember Dontae Payne

2. BUSINESS ITEM

2.A [23-0092](#) Washington State Office of Independent Investigations Briefing

Mayor Selby welcomed the team from the Washington State Office of Independent Investigations (OII).

OII Director Roger Rogoff gave an overview of the legislation creating the OII and the work that is being done to establish the office to include the creation of protocols, procedures, training and hiring.

Councilmembers asked clarifying questions.

The study session was completed.

3. ADJOURNMENT

The meeting adjourned at 6:50 p.m.



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

City Council

Approval of the January 31, 2023 City Council Meeting Minutes

Agenda Date: 2/7/2023
Agenda Item Number: 4.B
File Number:23-0154

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

Title

Approval of the January 31, 2023 City Council Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, January 31, 2023

7:00 PM

Council Chambers, Online and Via
Phone

Register to Attend:

https://us02web.zoom.us/webinar/register/WN_mu07hbyQS0ihxibz_mlrZg

1. ROLL CALL

Present: 7 - Mayor Cheryl Selby, Mayor Pro Tem Clark Gilman, Councilmember Jim Cooper, Councilmember Y n Hu nh, Councilmember Dani Madrone, Councilmember Lisa Parshley and Councilmember Dontae Payne

1.A ANNOUNCEMENTS

Police Chief Rich Allen made a statement regarding the death of Tyre Nichols.

1.B APPROVAL OF AGENDA

The agenda was approved.

2. SPECIAL RECOGNITION - NONE

3. PUBLIC COMMENT - NONE

4. CONSENT CALENDAR

4.A [23-0095](#) Approval of the January 17, 2023 City Council Meeting Minutes

The minutes were adopted.

4.B [23-0122](#) Approval of Bills and Payroll Certification

Payroll check numbers 93951 through 93953, 93968 through 93977, 93979 through 93991, 93997 through 94007 and Direct Deposit transmissions: Total: \$7,565,054.01; Claim check numbers 3752943 through 3753587: Total: \$15,179,627.27.

The decision was adopted.

4.C [23-0118](#) Approval of the 2023 Community Livability and Public Safety Committee Work Plan

The decision was adopted.

- 4.D [23-0121](#) Approval of the 2023 Finance Committee Workplan

The decision was adopted.

- 4.E [23-0117](#) Approval of the 2023 Land Use and Environment Committee Work Plan

The decision was adopted.

- 4.F [23-0077](#) Approval of a Resolution Authorizing a Grant Agreement with the Washington State Department of Ecology for the Boulevard Nursery Contaminated Soil Stockpile Removal Project

The resolution was adopted.

- 4.G [23-0032](#) Approval of a Resolution Authorizing an Interlocal Agreement with the City of Tumwater for Fire Training

The resolution was adopted.

- 4.H [23-0106](#) Approval of a Resolution Authorizing an Amendment to the Plum Street Village Property Lease Agreement with the Low Income Housing Institute

The resolution was adopted.

- 4.I [23-0108](#) Approval of a Resolution Authorizing an Interlocal with the State of Washington Department of Enterprise Services for Street Sweeping Services

The resolution was adopted.

- 4.J [23-0109](#) Approval of a Resolution Authorizing an Agreement Between the Cities of Olympia, Lacey and Tumwater for Transfer of Assets Related to the Brewery Wellfield

The resolution was adopted.

- 4.K [23-0119](#) Approval of a Resolution Authorizing Amendment No. 2 to the City Manager Employment Agreement with Steven J. ("Jay") Burney and Authorizing Mayor Cheryl Selby to Sign Amendment No. 2 on behalf of the Olympia City Council

The resolution was adopted.

- 4.L [23-0130](#) Approval of a Resolution Authorizing Renewal of an Agricultural Lease Agreement with Spooners Berry Farm for Lease of Property Lying Adjacent to Yelm Highway

The resolution was adopted.

4. SECOND READINGS (Ordinances)

- 4.M** [23-0036](#) Approval of an Ordinance Amending Olympia Municipal Code Regarding Regulations of Fencing

The ordinance was adopted on second reading.

- 4.N** [23-0071](#) Approval of an Ordinance Adopting the City of Olympia Comprehensive Emergency Management Plan

The ordinance was adopted on second reading.

4. FIRST READINGS (Ordinances)

- 4.O** [23-0120](#) Approval of an Ordinance Amending Olympia Municipal Code Section 2.04.050 Relating to City Council Meetings

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

Approval of the Consent Agenda

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

Aye: 7 - Mayor Selby, Mayor Pro Tem Gilman, Councilmember Cooper, Councilmember Huynh, Councilmember Madrone, Councilmember Parshley and Councilmember Payne

5. PUBLIC HEARING - NONE

6. OTHER BUSINESS

- 6.A** [23-0102](#) Housing and Homeless Response Update

Housing and Homeless Response Director Darian Lightfoot gave an overview and updates of the City's Housing and Homeless response program.

Interfaith Works Executive Director Meg Martin shared information regarding the opening of Sergio's Place, a daytime service center, hazardous weather shelter and future site of permanent housing.

Councilmembers asked clarifying questions.

The report was received.

7. CONTINUED PUBLIC COMMENT - NONE

8. COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers reported on meetings and events attended.

Mayor Selby reported Council meetings will begin at 6:00 p.m. starting next week.

9. CITY MANAGER'S REPORT AND REFERRALS - NONE

10. ADJOURNMENT

The meeting adjourned at 8:44 p.m.



City Council

Approval of a Resolution to Engage the Parks and Recreation Advisory Committee and the Community in Park Funding Discussions in the Event of Significant Loss of General Fund Revenues

Agenda Date: 2/7/2023
Agenda Item Number: 4.C
File Number:23-0155

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

Title

Approval of a Resolution to Engage the Parks and Recreation Advisory Committee and the Community in Park Funding Discussions in the Event of Significant Loss of General Fund Revenues

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve a Resolution to engage the Parks and Recreation Advisory Committee (PRAC) and the community in park funding discussions in the event of significant loss of general fund revenues.

Report

Issue:

Whether to approve a Resolution to engage PRAC and the community in park funding discussions in the event of significant loss of general fund revenues.

Staff Contact:

Jay Burney, City Manager, 360.753.8740

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Olympia community members have voted two times to increase funding for the Olympia Parks Arts and Recreating Department in order to support the acquisition, development, and maintenance of the City's parks.

The City of Olympia has adopted comprehensive Parks and Recreation Plans and Capital Improvement Programs that direct municipal investments in the acquisition, development, and

maintenance of new and existing park lands and facilities.

Funding from the general fund is dependent upon the state of the economy and collection of tax revenues. The City Council is committed to working with the PRAC and Community to find solutions to any future significant loss of funding that adversely affects OPARD.

The Resolution outlines the process for identifying solutions to alleviate or lessen future economic impacts to OPARD funding from any significant loss of general revenues; to include working with PRAC or a subcommittee of PRAC, as well as convening a community process.

Climate Analysis:

The maintaining and acquisition of parks in the community contributes to the preservation and management of forests and other ecosystems to sequester carbon. The preservation of, and management of urban tree canopy to provides shade and mitigated urban heat island effects.

Equity Analysis:

OPARD is committed to improving equity, inclusion and belonging throughout the culture of the organization and the services provided to the community; to include maintaining the facilities, programs, and services so that they are open and accessible to all. OPARD has established a formal Equity and Belonging program to ensure equity, inclusion, and belonging throughout their programming.

Neighborhood/Community Interests (if known):

Olympia voters have voted twice to increase funding for OPARD in order to support the acquisition, development, and maintenance of Olympia parks.

Financial Impact:

There is no direct financial impact related to the passing of the Resolution. The Resolution commits the Council to working with PRAC and the community should there be a significant loss of general fund revenue that could impact Parks funding.

Options:

1. Approve the resolution.
2. Do not approve the resolution.
3. Amend the Resolution and approve as amended.

Attachments:

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, TO
ENGAGE RESIDENTS IN PARK FUNDING DISCUSSIONS IN THE EVENT OF SIGNIFICANT
LOSS OF GENERAL FUND REVENUES**

WHEREAS, the City of Olympia (City) has adopted a series of comprehensive Parks and Recreation Plans, and Capital Improvement Programs that direct municipal investments in the acquisition, development, and maintenance of a variety of new and existing park lands and facilities; and

WHEREAS, the City is committed to maintaining the facilities, programs, and services of the Olympia Parks Arts and Recreation Department (OPARD) so that they are open and accessible to all; and

WHEREAS, the voters of Olympia have twice voted to increase funding for OPARD in order to support the acquisition, development, and maintenance of these parks; and

WHEREAS, on March 1, 2016, the City of Olympia and the Olympia Metropolitan Park District (OMPD) entered into an Interlocal Agreement (ILA), which among other things, established provisions for the funding of OPARD; and

WHEREAS, the ILA is structured to provide a minimum base percentage of funding of general fund revenues for OPARD to meet the City's adopted plans and policies; and

WHEREAS, the ILA allows the City to exceed the minimum funding from the general fund to provide for stable OPARD funding; and

WHEREAS, funding from the general fund is dependent upon the state of the economy and collection of tax revenues; and

WHEREAS, the ILA also recognized that economic circumstances could impact general fund revenues and create exigent circumstances that may require the City to reduce its percentage of general fund revenues for OPARD; and

WHEREAS, the Council recognizes that although it cannot predict future economic conditions that could impact general fund revenues from a variety of possible future events, the Council will work with the Parks and Recreation Advisory Committee (PRAC) to find solutions to significant loss of funding that adversely affects OPARD, including but not limited to placing the ILA on the work plan of the Finance Committee to study solutions that may be available, with the goal of no loss in operating or capital fund levels for OPARD from those levels which would have occurred pursuant to the current ILA; and

WHEREAS, the Council has a variety of sources at its disposal that could alleviate or lessen future adverse impacts from loss of general fund revenues, and the Council will explore all sources available in an effort to find acceptable solutions; and

WHEREAS, the Council will work with PRAC to identify solutions to any possible funding concerns, including but not limited to holding public hearings to gather community input, ideas, and information on solutions;

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

Section 1. The Council shall utilize any or all sources at its disposal that could alleviate or lessen future adverse economic impacts to OPARD funding from loss of general fund revenues. In this effort, the Council will work with the Parks and Recreation Advisory Committee (PRAC) or a sub-committee of PRAC to find solutions to revenue loss that may adversely affect OPARD, including but not limited to placing the City and OMPD ILA on the work plan of the Finance Committee to study solutions that may be available to ameliorate or lessen any future adverse impacts to OPARD funding.

Section 2. The Council will also work with PRAC or a sub-committee of PRAC to find solutions to any possible funding concerns by holding public hearings to solicit community input, ideas, and information on potential solutions to any possible general fund revenue loss.

Section 3. The City Manager is directed to investigate possible solutions with staff and PRAC to alleviate or lessen adverse impacts on OPARD funding from any future loss of general fund revenues, and report to the City Council with any suggestions and recommendations.

PASSED BY THE OLYMPIA CITY COUNCIL this ____ day of February 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber
CITY ATTORNEY



City Council

Approval of an Ordinance Amending Olympia Municipal Code Section 2.04.050 Relating to City Council Meetings

Agenda Date: 2/7/2023
Agenda Item Number: 4.D
File Number:23-0120

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

Title

Approval of an Ordinance Amending Olympia Municipal Code Section 2.04.050 Relating to City Council Meetings

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve on second reading the Ordinance Amending Olympia Municipal Code Section 2.04.050 Relating to Council Meetings.

Report

Issue:

Whether to approve on second reading the Ordinance Amending Olympia Municipal Code Section 2.04.050 relating to Council Meetings.

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.

At the City Council retreat in January, Councilmembers and staff discussed changing the time regular meetings of the City Council are held to an earlier hour in order to make more efficient use of limited time and resources.

If the Ordinance is approved, the start time for the regular business meetings of the Olympia City Council would move from 7:00 p.m. to 6:00 p.m.

The Council will also shift to having one Tuesday night per month set aside for study/work sessions, with the other Tuesdays remaining in the month for regular business meetings.

Climate Analysis:

This issue will have no known effect on the climate.

Equity Analysis:

This issue will have no known effect on diversity, equity, and inclusion.

Neighborhood/Community Interests (if known):

The community has an interest in the public meetings of the City Council.

Options:

1. Pass the Ordinance Amending OMC 2.04.050 on second reading.
2. Pass the Ordinance with Council-directed changes on second reading.
3. Do not pass the Ordinance.

Financial Impact:

None

Attachments:

Ordinance

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE SECTION 2.04.050 RELATING TO CITY COUNCIL MEETINGS

WHEREAS, the City Council wishes to make more efficient use of limited time and resources by changing the hour that regular City Council meetings are held and amending Olympia Municipal Code Section 2.04.050 for this purpose;

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

Section 1. Amendment of OMC 2.04.050. Olympia Municipal Code 2.04.050 is hereby amended to read as follows:

2.04.050 Meetings

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

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

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:



City Council

Approval of an Ordinance Amending Olympia Municipal Code Subsection 6.04.060(A) Relating to Animal Cruelty

Agenda Date: 2/7/2023
Agenda Item Number: 4.E
File Number:23-0140

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

Title

Approval of an Ordinance Amending Olympia Municipal Code Subsection 6.04.060(A) Relating to Animal Cruelty

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve on first reading and forward to second reading the Ordinance Amending Olympia Municipal Code Subsection 6.04.060(A) Relating to Animal Cruelty.

Report

Issue:

Whether to approve on first reading and forward to second reading the Ordinance Amending Olympia Municipal Code Subsection 6.04.060(A) Relating to Animal Cruelty.

Staff Contact:

Mark Barber, City Attorney, 360.753.8338

Presenter(s):

Consent Calendar Item.

Background and Analysis:

Last year, the Joint Animal Services Commission (JASCOM) adopted a 5-year Strategic Plan for 2022-2026. Goal 2 of the Strategic Plan is to: "Expand and improve animal care and programming to support our community's pets and people." Within this goal, the Strategic Plan identifies the following strategy: "Review, identify, and recommend changes to local ordinances that impede or limit live-saving programs and services within Thurston County."

In alignment with this goal, JAS and JASCOM recommend updating language in the Olympia Municipal Code (OMC) to support the prosecution of animal cruelty. Current language only allows for the prosecution of owners in regard to cruelty and fails to include language for a person who

knowingly inflicts unnecessary suffering or pain upon an animal. This language closes that gap.

Climate Analysis:

The issue of animal cruelty has no impact on climate mitigation.

Equity Analysis:

The issue of animal cruelty has no impact on diversity, equity, or inclusion.

Neighborhood/Community Interests (if known):

The community has an inherent interest in the prevention of animal cruelty.

Options:

1. Approve on first reading and forward to second reading the Ordinance Amending Olympia Municipal Code Subsection 6.04.060(A) Relating to Animal Cruelty.
2. Approve the ordinance with Council-directed changes and forward to second reading.
3. Do not approve the ordinance. The gap for the prosecution of only animal owners for the crime of animal cruelty will remain.

Financial Impact:

There is no financial impact related to this code amendment.

Attachments:

Ordinance

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE SUBSECTION 6.04.060(A) RELATING TO ANIMAL CRUELTY

WHEREAS, in 2022, Joint Animal Services Commission (JASCOM) adopted a 5-year Strategic Plan for 2022-2026; and

WHEREAS, Goal 2 of the Strategic Plan is to, "Expand and improve animal care and programming to support our community's pets and people;" and

WHEREAS, within Goal 2, the Strategic Plan identifies the following strategy, "Review, identify, and recommend changes to local ordinances that impede or limit live-saving programs and services within Thurston County;" and

WHEREAS, in alignment with Goal 2, JAS and JASCOM recommend updating language in the Olympia Municipal Code (OMC) to support the prosecution of animal cruelty. Current language only allows for the prosecution of owners in regard to cruelty and fails to include language for a person who knowingly inflicts unnecessary suffering or pain upon an animal; and

WHEREAS, the City Council wishes to enhance efforts to successfully prosecute animal cruelty and desires to amend OMC 6.04.060 for this purpose;

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

Section 1. Amendment of OMC 6.04.060(A). Olympia Municipal Code Subsection 6.04.060(A) is hereby amended to read as follows:

6.04.060 Cruelty to animals

No person shall do the following to any animal.

A. Animal Cruelty.

1. ~~An owner~~A person is guilty of animal cruelty if the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon the animal.
2. ~~An owner of an animal~~A person is guilty of animal cruelty if the ~~owner~~person knowingly, recklessly, or with criminal negligence:
 - a. Fails to provide the animal with necessary food, water, shelter, rest, sanitation, ventilation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or
 - b. Abandons the animal.
3. If ~~an owner~~a person commits the crime of animal cruelty by using or trapping to use domestic dogs or cats as bait, prey, or targets for the purpose of training dogs or other animals to track,

fight, or hunt law enforcement officers or animal control officers shall seize and hold the animals being trained. The seized animals shall be disposed of by the court pursuant to provisions of OMC [6.04.100](#).

4. This section shall not in any way interfere with or impair the operation of any provision of Title [28B](#) RCW, relating to higher education or biomedical research.

5. Animal cruelty is a misdemeanor. It shall be an affirmative defense, if established by the defendant by a preponderance of the evidence that the defendant's failure was due to economic distress beyond the defendant's control.

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:



City Council

Approval of an Ordinance Amending Title 5 of the Olympia Municipal Code by Repealing Chapter 5.11 - Transportation Network Companies

Agenda Date: 2/7/2023
Agenda Item Number: 4.F
File Number: 23-0141

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

Title

Approval of an Ordinance Amending Title 5 of the Olympia Municipal Code by Repealing Chapter 5.11 - Transportation Network Companies

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve on first reading and forward to second reading an Ordinance Amending Title 5 of the Olympia Municipal Code by Repealing Chapter 5.11 - Transportation Network Companies

Report

Issue:

Whether to approve on first reading and forward to second reading an Ordinance Amending Title 5 of the Olympia Municipal Code by Repealing Chapter 5.11 - Transportation Network Companies.

Staff Contact:

Mark Barber, City Attorney, 360.753.8338

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Olympia Municipal Code (OMC) Chapter 5.11 relating to the regulation of transportation network companies (such as Uber and Lyft) was enacted in 2016.

In 2022, the Legislature enacted ESHB 2076, making Washington the first state to require minimum per-trip payments, paid sick leave, and workers' compensation benefits for rideshare drivers, and also provides that drivers will remain classified as independent contractors - not employees - and expressly forbids local governments from imposing new regulations on transport network companies.

Except for certain exceptions which relate solely to Seattle and King County, the session law provided that “. . . as of the effective date of this section, the state preempts the field of regulating transportation network companies and drivers. *No county, city, town, or other municipal corporation may regulate transportation network companies or drivers, or impose any tax, fee, or other charge, on a transportation network company or driver.*” [Emphasis added.] However, a county, city, town, or other municipal corporation may continue to impose generally applicable business, sales, use, excise, or property taxes.

Since the state has preempted the regulation of transportation network companies and drivers, it is necessary to repeal chapter 5.11 OMC relating to the regulation of transportation network companies.

Climate Analysis:

This issue has no impact on climate mitigation. Repeal of chapter 5.11 OMC is required by state law due to preemption.

Equity Analysis:

This issue has no impact on diversity, equity, and inclusion. Repeal of chapter 5.11 OMC is required by state law due to preemption.

Neighborhood/Community Interests (if known):

There are no known community interests related to this item.

Options:

1. Approve on first reading and forward to second reading the Ordinance Amending Title 5 OMC by repealing Chapter 5.11 - Transportation Network Companies
2. Do not approve the ordinance. This will leave the OMC out of compliance with state law.
3. Take other action.

Financial Impact:

Annually the City collects approximately \$2,000 to \$3,000 in transportation network company fees. Any impact due to state preemption will have a negligible impact on City revenues.

Attachments:

Ordinance

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING TITLE 5 OF THE OLYMPIA MUNICIPAL CODE BY REPEALING CHAPTER 5.11 – TRANSPORTATION NETWORK COMPANIES

WHEREAS, Olympia Municipal Code (OMC) Chapter 5.11 relating to the regulation of transportation network companies (such as Uber and Lyft) was enacted by Ordinance No. 7019 on June 14, 2016; and

WHEREAS, in 2022, the Legislature enacted ESHB 2076, which related to the rights and obligations of transportation network company drivers and transportation network companies; and

WHEREAS, the Governor partially vetoed ESHB 2076 on March 31, 2022, as it related to section 16 which would exempt transportation network companies and drivers from the common carrier statutes, with the explanation that more work needed to be done in this sector to focus on consumer protections, and that section 16 adds ambiguity without adequate consumer protections in place. With the exception of section 16 of ESHB 2076, Governor Inslee signed ESHB 2076 on March 31, 2022; and

WHEREAS, ESHB 2076 subsequently became effective as Chapter 281, Laws of the 67th Legislature, 2022 Regular Session with the effective date of June 9, 2022, except for sections 8 through 13, which became effective on January 1, 2023, and sections 17 and 28, which will become effective on March 1, 2023; and

WHEREAS, section 32(1) of Chapter 281, Laws of 2022, except for certain exceptions which relate solely to Seattle and King County, the session law provided that “. . . as of the effective date of this section, the state preempts the field of regulating transportation network companies and drivers. No county, city, town, or other municipal corporation may regulate transportation network companies or drivers, or impose any tax, fee, or other charge, on a transportation network company or driver.” However, a county, city, town, or other municipal corporation may continue to impose generally applicable business, sales, use, excise, or property taxes; and

WHEREAS, since the state has preempted the field of regulation of transportation network companies and drivers, it is incumbent upon the Olympia City Council to enact an ordinance repealing OMC Chapter 5.11 relating to the regulation of transportation network companies;

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

Section 1. Amendment of Title 5 OMC. Title 5 of the Olympia Municipal Code is here by amended by the repeal of Chapter 5.11 – Transportation Network Companies:

**Title 5
BUSINESS TAXES, LICENSES AND REGULATIONS**

Chapters:

- 5.02 Business Licenses**
- 5.04 Business and Occupations Tax**
- 5.05 Administrative Provisions for Certain Taxes**
- 5.10 Occupational Permits**
- ~~5.11 Transportation Network Companies~~**

- [5.15](#) **Cable Communications Franchises**
- [5.16](#) **Adult Oriented Businesses**
- [5.17](#) **Community Events**
- [5.18](#) **Farmers Market**
- [5.20](#) **Gambling Activities**
- [5.24](#) **Garage Sales**
- [5.48](#) **Occult Arts**
- [5.50](#) **Pet Shops**
- [5.52](#) **Locksmiths**
- [5.55](#) **Security Alarm Businesses**
- [5.60](#) **Secondhand Dealers**
- [5.64](#) **Solicitors**
- [5.68](#) **For-Hire Vehicles**
- [5.72](#) **Towing Services**
- [5.76](#) **Miscellaneous Businesses**
- [5.80](#) **Unfair Housing Practices**
- [5.82](#) **Rental Housing Code**
- [5.84](#) **Utility Services Tax**
- [5.86](#) **Multi-Family Dwelling Tax Exemptions**

Chapter 5.11

TRANSPORTATION NETWORK COMPANIES

5.11.000 — Chapter Contents

Sections:

- 5.11.010 — Purpose.
- 5.11.020 — Definitions.
- 5.11.030 — Olympia business license required.
- 5.11.040 — TNC license required.
- 5.11.050 — TNC driver requirements.
- 5.11.060 — TNC requirements.
- 5.11.070 — Vehicle inspection and maintenance.
- 5.11.080 — Insurance requirements.
- 5.11.090 — Registered agent required.
- 5.11.100 — Audit.
- 5.11.110 — Operational Requirements.
- 5.11.120 — Non-Discrimination; Accessibility.
- 5.11.130 — Revocation, suspension, or denial of TNC license.
- 5.11.140 — Enforcement.
- 5.11.150 — Penalty.

5.11.010 — Purpose

The purpose of this chapter is to provide for and promote the safety and welfare of the general public and not to create or designate any particular class of persons who will or should be specially protected by its terms. Nothing contained in this chapter is intended, nor shall be construed, to create any liability on the part of the city or its employees for any injury or damage resulting from the failure of the licensee or

driver to comply with the provisions of this chapter, or by the city's or its employees' enforcement or failure to enforce any part of this chapter.

5.11.020—Definitions

For the purpose of this chapter, the following definitions apply:

A.—“Transportation Network Company” or “TNC” means an entity that uses a digital network to connect passengers to TNC drivers who use personal vehicles to transport passengers for compensation between geographical points chosen by the passenger.

B.—“Digital network” means an Internet-enabled platform or application used to connect passengers with TNC drivers.

C.—“TNC driver” means an individual who uses a personal vehicle to provide transportation services arranged through a TNC’s digital network.

D.—“TNC vehicle” means a personal vehicle used by a TNC driver to provide transportation services arranged through a TNC’s digital network.

E.—“Operate a TNC in the City of Olympia” means a TNC uses its digital network to connect a TNC driver to a passenger for a trip originating in the City of Olympia.

F.—“Operate as a TNC driver in the City of Olympia” means a TNC driver accepts a trip request over a TNC’s digital network that originates in the City of Olympia.

G.—“Person” means any natural person of either sex, firms, corporations, partnerships and associations either acting by themselves or by servant, agent or employee. The singular shall include the plural and words referring to a specific gender may be extended to any other gender.

H.—“Director” means the Director of the City of Olympia’s Administrative Services Department.

5.11.030—Olympia business license required

A.—It is a violation of this chapter for any TNC to operate in the City of Olympia without a current and valid City of Olympia business license.

B.—It is a violation of this chapter for any driver, who is an independent contractor affiliated with a TNC, to operate as a TNC driver in the City of Olympia without a current and valid Olympia business license. It is the responsibility of the TNC to communicate this requirement to TNC drivers.

C.—TNC drivers must keep a copy of their business license in their vehicle when logged on and accepting rides from the TNC’s digital network. It is the responsibility of the TNC to communicate this requirement to TNC drivers.

D.—Except as described in subsections B and C, the TNC shall have no obligations as to TNC driver business license requirements.

5.11.040—TNC license required

A.—It is a violation of this chapter for any TNC to operate in the City of Olympia without a current and valid City of Olympia TNC license.

B.—The Director or designee may issue a TNC license provided that the TNC applicant submits an affidavit sworn under penalty of perjury, on a form provided by the City, that to the best of the applicant’s knowledge, formed after a diligent inquiry into the facts, the TNC is in full compliance with this chapter, including, but not limited to, all driver, vehicle, insurance, and operational requirements.

C.—The TNC license shall be effective for one year.

D.—The annual TNC license fee shall be \$1,000 and shall be paid in full at the time of submitting all initial and renewal applications.

5.11.050—TNC driver requirements

A.—TNC drivers shall certify that they have no known physical or mental infirmity which jeopardizes their ability to safely operate as a TNC driver transporting the public.

B.—TNC drivers shall be at least twenty-one (21) years of age.

C.—TNC drivers shall possess a valid Washington State driver's license and shall have been continuously licensed as a driver by the State of Washington and/or another state for at least one (1) year immediately prior to operating as a TNC driver in Olympia. A home state Driver's License with active Military ID or Student ID with proof of full-time enrollment and nonresident status may be an acceptable alternative, subject to review and approval.

D.—TNC drivers shall certify that they have insurance that meets the minimum liability requirements for the State of Washington, including insurance coverage for use of the vehicle for transportation of passenger for hire as required by RCW Chapter 48.177 as enacted or subsequently amended.

E.—TNC drivers shall not have been convicted or found to have committed three or more moving violations during any twelve (12) month period during the three (3) years prior to operating as a TNC driver in Olympia.

F.—TNC drivers shall possess proof of motor vehicle registration and proof of current automobile liability insurance. The TNC shall certify that all drivers have insurance that meets the requirements of this chapter, including insurance coverage for use of the vehicle for transportation of passengers for hire as required by RCW Chapter 48.177 as enacted or subsequently amended.

5.11.060—TNC requirements

A.—The TNC or its agent shall maintain accurate and up-to-date records for all TNC drivers accessing its digital network to provide TNC services in the City of Olympia. Said records shall include the driver's name, age, address, social security number, criminal history, driver's license, motor vehicle registration, vehicle safety inspection records, and proof of at least the minimum automobile liability insurance coverage required by the State of Washington, including insurance for use of the vehicle for transportation of passengers for hire as required by RCW Chapter 48.177 as enacted or subsequently amended.

B.—Prior to permitting a person to act as a TNC driver on its digital network, and annually thereafter, the TNC shall obtain and review a criminal background check report for such person. The criminal background check shall include a search of no less than five (5) years of database history, unless prohibited by law, in which case the duration of the search shall be the maximum number of years permitted by law. The criminal background check shall include local, state, and national criminal history databases and national and state sex offender registries. Any person who is on a sex offender registry or who has a criminal conviction, within the past five (5) years, of crimes involving driving under the influence of alcohol or controlled substances, felony fraud, sexual offenses, felony property damage or theft, acts of violence, acts of terror, reckless driving or negligent driving, or use of a motor vehicle to commit a felony, shall not be permitted to act as a TNC driver on the TNC's digital network. The TNC or its agents shall maintain records of such criminal background checks for a period of two (2) years. For purposes of this section, the term "criminal conviction" includes a "conviction or other disposition adverse to the subject" as defined under RCW 10.97.030, and bail forfeitures.

C.—The TNC shall only permit an individual to act as a TNC driver on its digital network if it finds that the standards set forth in this section are met by such individual. The TNC shall revoke a driver's authority to act as a TNC driver on its digital network if the standards set forth in this section are not met.

5.11.070—Vehicle inspection and maintenance

A.—TNC vehicles operating in the City of Olympia shall be no more than ten (10) years old.

B.—The TNC shall inspect or cause to be inspected annually and every year thereafter, every motor vehicle used by a TNC driver before allowing the driver to use the motor vehicle to provide transportation services.

C.—The inspection required in subsection B must include, without limitation, an inspection of the foot and emergency brakes, steering, windshield, rear window, other glass, windshield wipers, headlights, tail lights, turn indicator lights, braking lights, front seat adjustment mechanism, doors, horn, speedometer, bumpers, steering system, muffler, exhaust, tires, rear view mirrors, and safety belts. The inspection must ensure that all of the components listed are in proper functioning order.

D.—The TNC shall maintain vehicle safety inspection records for a minimum of three (3) years.

5.11.080—Insurance requirements

The TNC shall comply with the automobile liability insurance requirements contained in RCW Chapter 48.177 as enacted or subsequently amended.

5.11.090—Registered agent required

The TNC shall maintain a registered agent for service of process in the State of Washington. The name, telephone number, and physical address of the registered agent shall be submitted to the City of Olympia at the time of license application. The TNC shall notify the City of Olympia in writing of any changes to its registered agent during the term of the license.

5.11.100—Audit

A.—No more than twice per license year, the City may audit the TNC's records to review compliance with this chapter. Each audit shall be limited to records relating to no more than twenty randomly selected TNC drivers operating in the City of Olympia. In the event the audit reveals discrepancies in the records reviewed, the City reserves the right to audit all of the TNC's records related to TNC drivers operating in the City of Olympia.

B.—The audit shall occur at City Hall, 601 4th Avenue E, Olympia, Washington; provided that the City may in its discretion agree to an alternative location.

C.—Notwithstanding the foregoing, the City may require the TNC to produce records at any time to investigate a specific complaint regarding compliance with this chapter.

5.11.110—Operational Requirements

A.—While in service in the City, TNC drivers shall only transport passengers who have arranged transportation through a TNC's digital network and shall not solicit or accept street hails by persons seeking transportation.

B.—While in service in the City, each TNC vehicle shall display removable trade dress or marks which is visible from fifty (50) feet and clearly associates the vehicle with a licensed TNC company.

C.—The TNC's digital network or website shall display for the passenger the first name and photograph of the TNC driver as well as the make, model, and license plate number of the TNC vehicle.

D.—The TNC's digital network or website shall display for the passenger the applicable rates being charged and the option to receive an estimated fare before the passenger enters the TNC vehicle.

E.—The TNC shall implement a zero tolerance policy on the use of drugs or alcohol applicable to any TNC driver on its digital network. The TNC shall provide notice of the zero tolerance policy on its website, as well as the procedures to report a complaint about a TNC driver with whom the passenger was

~~matched and for whom the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the ride. The TNC shall immediately suspend a driver upon receipt of a passenger complaint alleging a violation of the zero tolerance policy. The suspension shall last the duration of the investigation.~~

5.11.120—Non-Discrimination; Accessibility

~~A.— The TNC shall adopt a policy of non-discrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to riders and potential riders and notify TNC drivers of such policy~~

~~B.— TNC drivers shall comply with all applicable laws regarding non-discrimination against riders or potential riders on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.~~

~~C.— TNC Drivers shall comply with all applicable laws relating to accommodation of service animals.~~

~~D.— A TNC shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.~~

5.11.130—Revocation, suspension, or denial of TNC license

~~A.— A TNC license may be revoked, suspended, or denied by the Director for any of the following reasons:~~

- ~~1.— Failure to meet or maintain any of the requirements or qualifications set forth in this chapter for obtaining a TNC license.~~
- ~~2.— A materially false statement contained in the application for the license.~~
- ~~3.— Any violation of this chapter.~~

~~B.— Prior to any revocation, suspension or denial of any TNC license, the City shall inform the TNC of their right to a hearing thereon. Such hearing, if requested, shall be conducted before the City prior to the implementation of any revocation, suspension or denial.~~

5.11.140—Enforcement

~~The Director shall have the administrative authority to implement and enforce this ordinance. The Director may adopt rules and regulations for its administration, not inconsistent with this chapter. This provision shall not be construed to abrogate or limit the jurisdiction of the Olympia Police Department to enforce any provisions of this chapter or of any other city ordinance relating to motor vehicles or the operation of taxicabs or TNC vehicles.~~

5.11.150—Penalty

~~A.— In addition to all other provisions and standards of this ordinance, the acts or omissions set forth in this section are prohibited. Any TNC or TNC driver who shall fail to comply with any provision or standard of this ordinance shall be in violation of this ordinance. A TNC may be held responsible for violations by TNC drivers if the TNC is provided notice of the violation and fails to cure it within a reasonable period. Any special license granted to a TNC may be suspended or revoked by the Director or designee for such violation.~~

~~B.— Submitting a materially false affidavit or attestation. Any TNC submitting a materially false affidavit as provided for under OMC 5.11.040 shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000)~~

~~and/or imprisonment not to exceed three hundred and sixty four (364) days or both such fine and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.~~

~~C.— Operating without a TNC license. Any TNC affiliating with a driver who is picking up a passenger in the City of Olympia without having first obtained a TNC license shall be subject to a civil infraction as provided in OMC Chapter 4.50 and the penalties in OMC 4.50.060.~~

~~D.— While in service, any TNC driver picking up a passenger in the City of Olympia without having a current contract with a special licensed TNC shall be subject to a civil infraction as provided in OMC Chapter 4.50 and the penalties in OMC 4.50.060.~~

~~E.— Any independent contractor TNC driver who picks up a passenger in the City of Olympia and who has not obtained a business license under OMC 5.02.005 or determination of exemption under OMC 5.02.040 shall be subject to penalties as stated in OMC 5.02.070.~~

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:



City Council

Jail Facility Briefing

Agenda Date: 2/7/2023
Agenda Item Number: 6.A
File Number:23-0158

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

Title

Jail Facility Briefing

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Receive a briefing regarding the City's jail facility.

Report

Issue:

Whether to receive a briefing regarding the City's jail facility.

Staff Contact:

Rich Allen, Chief, Olympia Police Department, 360.753.8147

Presenter(s):

Rich Allen, Chief, Olympia Police Department

Background and Analysis:

Chief Allen has made a recommendation to the City Manager to close the City jail and use the existing contract with the Nisqually Tribal Corrections Facility to house misdemeanor offenders.

Chief Allen will describe the current state of the Olympia Jail facility, the advantages of exclusively using the Nisqually jail, and the financial impact of this recommendation.

Climate Analysis:

The increase in population of the Nisqually jail is not expected to have an impact on its energy use/greenhouse emissions or other factors. However, closing our own city jail will certainly reduce those emissions and electrical usage.

The drive/commute to the Nisqually jail will be longer for the officers who must transport arrested individuals, which will increase our fuel consumption. However, the elimination of the need for large shipments of food, supplies and other items to our jail by large semi-trucks will offset our small

increase in consumption and emission.

Equity Analysis:

Our current jail was built in the 1960's and lacks many of the qualities a modern facility offers (natural sunlight, outdoor recreation, large open spaces). It is believed that the Nisqually jail offers the ability to house those individuals that are in our care with an experience that is more aligned with our City values than our current facility offers.

Neighborhood/Community Interests (if known):

The community has an expectation that those who find themselves in the criminal justice system, be treated in a manner that is consistent with our City values.

The community also expects that the city will make thoughtful financial decisions regarding risk management. When the city finds itself in a position that keeping an aging facility in operation that is clearly beyond its useful life, it is prudent to address those concerns.

Options:

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

Financial Impact:

There will certainly be financial savings with the closure of the City jail. At the time of this staffing report, those figures are still being calculated. Chief Allen will present estimates of the financial impact during the presentation.

Attachments:

None



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

City Council

Executive Session Pursuant to RCW 42.30.110 (1)(b); RCW 42.30.110 (1)(c) - Real Estate Matter

Agenda Date: 2/7/2023
Agenda Item Number: 10.A
File Number:23-0156

Type: executive session **Version:** 1 **Status:** Executive Session

Title

Executive Session Pursuant to RCW 42.30.110(1)(b); RCW 42.30.110 (1)(c) - Real Estate Matter