

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

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING  
CHAPTER 2.100 OF THE OLYMPIA MUNICIPAL CODE TO ADD A POOL OF  
CITIZEN REPRESENTATIVES TO MONITOR INVESTIGATIONS PURSUANT TO  
STATE INITIATIVE 940 RELATING TO POLICE USE OF FORCE**

**WHEREAS**, in November of 2018, Initiative 940 (the Initiative) relating to police use of force passed in the State of Washington; and

**WHEREAS**, the Initiative requires that any use of deadly force resulting in substantial harm or great bodily harm be independently investigated to inform whether the use of deadly force meets the good faith standard established in RCW 9A.16.040; and

**WHEREAS**, the independent investigation must be completed by a team that includes, among others, two citizen representatives; and

**WHEREAS**, the City wishes to select six citizen representatives from which two citizen representatives may be chosen upon any qualifying use of force event to join an independent investigation into an incident of police use of deadly force; and

**WHEREAS**, the six citizen representatives must meet certain qualifications and will serve a term of three years each without compensation;

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

**Section 1. Amendment of OMC 2.100.** Olympia Municipal Code Chapter 2.100, Citizen-Member Board, Commissions and Advisory Committees, is hereby amended to read as follows:

Chapter 2.100  
CITIZEN-MEMBER BOARDS, COMMISSIONS AND ADVISORY  
COMMITTEES

2.100.000 Chapter Contents

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

**2.100.010 Purpose**

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

**2.100.020 Committees Established**

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

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

The committees appointed by the City Council are:

- A. Arts Commission (See OMC 2.100.100 - 2.100.240)
- B. Bicycle and Pedestrian Advisory Committee (See OMC 2.100.250 - 2.100.270)
- C. Design Review Board (See OMC 18.76)
- D. Heritage Commission (See OMC 18.12)
- E. Lodging Tax Advisory Committee (See OMC 2.100.280 - 2.100.310)
- F. Parks and Recreation Advisory Committee (See OMC 2.100.320 - 2.100.340)
- G. Planning Commission (See OMC 2.100.350 - 2.100.410)

H. Utility Advisory Committee (See OMC 2.100.420 - 2.100.440)

I. Citizen Representatives for Police Use of Force Events (See OMC 2.100.500 – 2.100.520)

**2.100.040 Members**

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

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

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

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

D. Appointment.

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

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

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

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

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

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

**2.100.050 Term of Office**

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

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

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

#### **2.100.060 Vacancies**

A. Vacancies on committees occurring during the term of office shall be filled based upon on a timeline determined by the City Council's General Government Committee.

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

#### **2.100.070 Rules of Procedure and Bylaws**

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

#### **2.100.080 Annual Work Plan**

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

#### **2.100.090 Staff Liaison Support**

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

### **Article II. ARTS COMMISSION**

#### **2.100.100 Established--Purpose**

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

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

#### **2.100.110 Duties of Commission**

The Commission is empowered to take the following actions:

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

#### **2.100.120 Budget**

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

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

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

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

To carry out its responsibilities hereunder, the Commission shall:

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

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

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

under the Municipal Art Plan shall become a part of the City art collection developed, administered, and operated by the City Arts Program.

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

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

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

- A. "Commission" means the Olympia Arts Commission.
- B. "Conservation" means those activities required to conserve, repair, or preserve the integrity of the art work and setting within which the art work is located.
- C. "Construction project" means any capital project paid for wholly or in part by the City to construct any building, structure, park, street, sidewalk, or parking facility, or any portion thereof, within the limits of the City.
- D. "Municipal Art Plan" means a plan outlining the City expenditures of designated funds for Public Art projects for a one-year period.
- E. "Public Art" includes visual and performing arts.
- F. "Routine maintenance" means:
  1. Those activities associated with keeping an art work and its setting clean and well-ordered; and
  2. The removal of graffiti, if it can be accomplished employing effective, pre-approved methods.

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

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

- A. An annual amount equaling up to one dollar per capita may be appropriated from the City's general fund 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 dollars shall include an amount equal to one percent of the estimated construction cost of such project for Public Art.
- C. The arts program manager, 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 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 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 citizen concerns on bicycle and pedestrian transportation matters;
- I. Other duties as appropriate.

## **Article IV. LODGING TAX ADVISORY COMMITTEE**

### **2.100.280 Established--Purpose**

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

### **2.100.290 Membership--Appointment**

- A. There shall be five (5) members of the Lodging Tax Advisory Committee, one (1) of whom shall be a member of the Olympia City Council, two (2) of whom shall be representatives of businesses required to collect the lodging tax, and two (2) of whom shall be persons involved in activities eligible to be funded by revenue received from the lodging tax.
- B. The City Council representative shall serve as committee chair. The appointment of the City Council member will be determined annually by the City Council.

### **2.100.300 Duties**

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

- A. Establish a process for and make recommendations to the City Council concerning potential uses for the lodging tax levied and collected by the City of Olympia within guidelines established by the City Council;
- 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 citizens and groups that its work is advisory in nature only, and that the City Council decides how to use the lodging tax.

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

### **2.100.320 Established--Purpose**

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

### **2.100.340 Duties**

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

- A. To make recommendations to the City Council concerning the future park, playground and other recreation resources of the City through the planning and development of a parks capital improvement plan;
- B. To update the Comprehensive Park Plan to comply with the Interagency Committee for Outdoor Recreation Grant in Aid programs;
- C. To make recommendations to the City Council regarding planning and development of public recreational facilities and programs;
- D. To cooperate with any departments and advisory bodies of the City and with public school authorities, Thurston County, the State of Washington, other cities and public and private entities in the furtherance of a well rounded parks and recreation program;

- E. To make recommendations to the City Council on rules and regulations regarding use of city recreational facilities to best serve the interests of the public;
- F. To serve as liaison between citizens and the City Council on parks and recreation related matters;
- G. To make recommendations to the City Council regarding any matters affecting parks and recreation programs;
- H. If requested by the City Council or City Manager, to provide advice regarding the employment of parks and recreation personnel;
- I. To carry out other parks and recreation related subjects assigned by the City Council or by ordinance.

## **Article VI. PLANNING COMMISSION**

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

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

### **2.100.360 Duties**

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

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

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

The City Council is authorized and empowered to provide for the preparation by the Planning Commission and the adoption and enforcement of coordinated plans for the physical development of the City. For this purpose the City Council, as is deemed reasonably necessary or requisite in the interest of the health, safety, morals, and the general welfare, upon recommendation by its Planning Commission, by general ordinances of the City, may regulate and restrict the location and the uses of buildings and structures for residential, commercial, industrial and other purposes; the height, number of stories, size, construction and design of buildings and

other structures; the size of yards, courts and other open spaces on the lot or tract; the density of population; the setback of buildings along highways, parks, or public water frontages; and the subdivision and development of land.

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

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

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

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

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

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

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

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

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

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

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

- A. Develop an understanding of the range and depth of utility policy issues, the relationship utilities have in implementing the Comprehensive Plan, and the role the various utility master plans have in city 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.

#### **2.100.090 Staff Liaison Support**

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

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

#### **2.100.500 Established--Purpose**

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

#### **2.100.520 Qualifications**

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

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



3. Any other crime that could impact the ability of a citizen representative to impartially serve as part of an independent team of investigators on a police use of deadly force matter;

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

H. Must reside within the city limits of Olympia;

I. Must be able to serve for the duration of a three-year term without compensation and serve for one term only; and

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

### **2.100.530 Duties**

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

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

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

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

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

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

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

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
DEPUTY CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**