



CITY COUNCIL MEETING AGENDA
Council Chambers, 1000 Laurel Street

November 17, 2014
Monday

Regular Meeting
7:00 p.m.

- 1. Call to Order and Flag Salute**
- 2. Roll Call of Councilmembers**
- 3. Additions/Deletions**
- 4. Citizen Participation**

Citizens may comment on any topic that is not on the Regular Agenda. To comment, please raise your hand to request recognition by the Chair. Once so recognized, please step to the podium and state your name and address for the record before making your comments. Also, please limit your comments to no more than three (3) minutes.

The public may comment on individual agenda items on the Regular Agenda prior to Council's action.

The public may also submit written communications, via letters or emails to dperry@cityofmilton.net. Any item received by noon on the day of the meeting will be distributed to Council.

5. Consent Agenda

A. Minutes – Approval of the minutes of:

- i. 11/3/14 Regular Meeting
- ii. 11/10/14 Study Session

B. Claims Approval:

- i. Approval of the checks/vouchers numbers 55922-55958 in the amount of \$ 304,425.85.
- ii. Approval of the payroll disbursement of 11/5/14 in the amount of \$261,689.11.

Council may add and take action on other items not listed on this agenda.

If you need ADA accommodations, please contact City Hall at (253) 517-2705 prior to the meeting.

Thank you.

- C. Executive Remodel Acceptance
- D. Sole Source
- E. Surplus Vector Truck
- F. King County ILA – Fingerprint Capture

6. Public Hearing

- A. 2015 Budget – Final Public Hearing
- B. Marijuana Land Use Regulations

7. Regular Agenda

- A. Planning Commission 2015 Work Plan
- B. Pierce County Proposed Annexation Amendment (Countywide Planning Policies)
- C. Marijuana Land Use Regulations
- D. 2015 Budget Adoption
- E. Authorize Approval of December Vouchers

8. Council Reports

9. Mayor's Report

10. Adjournment

Council may add and take action on other items not listed on this agenda.

If you need ADA accommodations, please contact City Hall at (253) 517-2705 prior to the meeting.

Thank you.



DRAFT CITY COUNCIL MINUTES

Regular Meeting
Monday, November 3, 2014
6:30 p.m.

CALL TO ORDER

Mayor Perry called the meeting to order at 6:33 p.m. and recessed to Executive Session for approximately 25 minutes.

Mayor Perry called the regular meeting back to order at 7:13 p.m. and led the flag salute.

ROLL CALL

Present: Mayor Perry, Mayor Pro Tem Taylor, Councilmembers Whalen (arrived 6:55), Jones, Ott, Morton, Manley (arrived 6:40) and Zaroudny

STAFF PRESENT

Public Works Director Neal, Interim Finance Director Garrison, Police Chief Hernandez, and City Clerk Bolam

ADDITIONS / DELETIONS

None.

CITIZEN PARTICIPATION

None.

CONSENT AGENDA

Approval of:

- A. Minutes
 - a. October 20, 2014 Regular Meeting
- B. Voucher and Payroll Approval
 - a. Checks/vouchers 55852-55921 in the amount of \$ 218,830.93.
 - b. Payroll of 10/20/14 in the amount of \$ 142,448.04.

COUNCILMEMBER MORTON MOVED, seconded by Mayor Pro Tem Taylor, to approve the Consent Agenda – **Passed 7/0**.

REGULAR AGENDA

A. Electric System COSA

Director Neal provided an overview of this item and welcomed back to Council consultant Gary Soleba of EES Consulting, who showed a slideshow presentation to explain the analysis and the following recommendations:

1. The city is not collecting sufficient revenues compared to projected 2015 costs.
2. Increase rates:
 - a. 4% increase for calendar year 2015
 - b. 5% increase each of next 4 years forecast, but wait to be sure
3. Across-the-board rate increase
4. Continue to increase basic charge to ensure collection of fixed costs
5. Collect 12 months of energy and demand meter data from all commercial in order to consider a demand rate for this class

Council was asked what rate options they prefer:

- Councilmember Jones
 - Even out the churches and schools
 - Keep even, across the board rate increases
 - Demand charge great idea
- Councilmember Zaroundny
 - Keep even, across the board rate increases
 - Leave churches and schools as is
 - Agrees with demand charges
- Councilmember Morton
 - In favor of demand charges
 - Churches/schools/city should pay fair share – within the next year
 - Okay with 4% across the board or option 2b
- Councilmember Ott
 - Favor of 4% across the board
 - Demand charge for commercial, yes
 - In agreement with residential 4%
- Councilmember Whalen
 - Demand charges – discussion regarding industry and costs of obtaining exact data
 - Agrees with other council comments
- Mayor Pro Tem Taylor
 - Agrees with recommendations and council comments
- Councilmember Manley

- Commercial growth needed to help achieve vision
- Schools should be increased; churches maybe
- 4% across the board – not in favor of charging commercial more
- Demand charges for commercial yes
- 4% / 5% / 5%

Councilmember Whalen added that he considers increases an up-front reinvestment value – a 5% increase in 2015 would pay for residential on-demand equipment.

Speaker	Address	Comments
Jacquelyn Whalen	1605 13 th Ave	<ul style="list-style-type: none"> ● Past comments have been made regarding negotiation with BPA for purchase of the substation – is there a date certain? <ul style="list-style-type: none"> ○ Answer: within 2-5 years ● Anticipating the costs, how far away from Tier 2 are we? Is tier 2 pricing factored into study? <ul style="list-style-type: none"> ○ Answer: a few years, but a large business could accelerate that ● Is the rate increase recommendation for an effective date of January? ● How will you work out process of allocating rates for the other uses (churches/schools/etc)?
Tom Boyle	1109 9 th Ave	Regarding the rebuilding of the substation, what are the “additional costs”? Answer: interties with Tacoma

Mayor Perry called a recess at 8:27 pm; meeting called back to order at 8:37 p.m.

B. Budget Review

Interim Finance Director Garrison handed out a memo and explained the list of issues being reviewed for potential changes to the preliminary 2015 budget. She confirmed that the bars code updates will be reflected in the actual budget document.

The budget review began with the Special Revenue Funds, with Director Neal and Chief Hernandez explaining the expense side of funds.

Staff will report back to council regarding the savings to utilities for the city administrator’s salary share.

Speaker	Address	Comments
Tom Boyle	1109 9 th Ave	Regarding Water Utility <ul style="list-style-type: none"> ● Questioned lack of director’s salary increase ● Responded to Council’s inquiry regarding purchasing a backhoe from auction

Staff will report back to Council regarding the “Misc/Outside Printing” line item of the Storm Drainage shared costs.

Staff will report back to Council regarding the increase in General Fund transfers in on the Vehicle Repair & Maintenance Fund.

Some discussion ensued regarding inconsistencies in the staff levels on different pages of the document. Councilmember Ott asked if the City Administrator position is included in this budget, and Mayor Perry answered that it is her understanding that it is not included. Councilmember Ott announced that he cannot then support this budget.

Councilmember Whalen requested timing for Council wishes, such as gateway signs. Mayor Perry answered that the budget must be adopted by December 30; the number of meetings that Council needs to finish is up to Council.

Mayor Perry explained the process to come to address the strategic staffing needs of the city, as well as other needs and wants of Council. She listed the top 4 needs, including an Operations Supervisor, a Community & Economic Development Director, police cars, and a roof for City Hall.

Councilmember Whalen said that he is now comfortable with not filling the empty police position at this time. Mayor Perry and Chief Hernandez echoed the statement.

Speaker	Address	Comments
Tom Boyle	1109 9 th Ave	Asked if the decision to forego a city administrator is a budget issue, or if it's been determined that a city administrator is not needed. Mayor Perry answered that it is a budget issue.

Councilmember Ott thanked Council for their thoughtful support for his family.

Mayor Perry stated that the annual WCIA audit went well.

Chief Hernandez stated that, in light of the recent school shooting in Marysville, he met with the Surprise Lake principal for preparation plans.

ADJOURNMENT

Adjourned at 10:45 p.m.

Debra Perry, Mayor

ATTEST:

Katie Bolam, City Clerk

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DRAFT CITY COUNCIL MINUTES

Special Meeting
Monday, November 10, 2014
7:00 p.m.

CALL TO ORDER

Mayor Perry called the meeting to order at 7:00 p.m. and led the flag salute.

ROLL CALL

Present: Mayor Perry, Mayor Pro Tem Taylor, Councilmembers Whalen, Jones, Ott, Morton, Manley, and Zaroudny

STAFF PRESENT

Public Works Director Neal, Interim Finance Director Garrison, Officer Williams, and City Clerk Bolam

ADDITIONS / DELETIONS

None.

CITIZEN PARTICIPATION

None.

PUBLIC HEARING

- A. 2015 Proposed Budget – Required Hearing #2

Mayor Perry opened the public hearing at 7:02 pm. There was no public comment. The hearing was closed at 7:03 pm.

ACTION ITEMS

- A. WCIA Cyber Liability Mandatory Requirements

Interim Director Garrison explained this is in response to an audit requirement from 2013's audit, and that our IT department had looked it over. They suggested one change

from the version in the packet – page 5, the “Automatic Log-off” was changed to “Automatic Lock.”

COUNCILMEMBER WHALEN MOVED, seconded by Councilmember Jones, to approve the attached Electronic communication and technology policy. **Passed 7/0.**

B. Updated Fee Schedule

Director Neal explained the proposed changes to the fee schedule and the rationale behind them.

Councilmember Manley suggested going through the proposed changes individually, as there are many that seem too high.

Mayor Perry said that these proposed changes will help to bring in the staff needed to achieve Council’s vision for the city.

Discussion ensued.

Mayor Perry recessed the meeting at 8:00pm; the meeting was called back to order at 8:10 pm.

Discussion resumed.

Council requested that staff bring back information about setting a grading permit, and indicated preferences regarding the proposed fee changes:

- Councilmember Zaroudny – okay with building valuation changes, but leave the plumbing and mechanical alone
- Councilmember Manley – fire alarms way too high; demolition permit too high and maybe just go away; introduce more tiers to the building chart; plumbing/mechanical leave permit fee as is and increase the fixture fees by less than double
- Councilmember Morton – look at adding categories for which we aren’t currently charging fees and should be; requests to see the comparisons; 100% increase is a little steep in some categories – 25-30% increase perhaps; separate demolition permit from a building move permit, and lower the demolition permit
- Mayor Pro Tem Taylor – agrees with all suggestions stated thus far
- Councilmember Ott – agrees with an increase in “deviation from standards” permit, Shoreline exemption permit, and driveway permit; does not agree with adding building chart tiers; agrees with increased fees for new construction and remodels; does not agree with increases for homeowners’ small upgrades
- Councilmember Jones – agrees with cutback on small upgrades for homeowners; like to see additional charges such as grading; in favor of other increases to make the department operate efficiently
- Councilmember Whalen – agrees with proposed increases, and perhaps additional increases as well

DISCUSSION ITEMS

A. Proposed 2015 Budget Adoption Process

Interim Finance Director Garrison explained the budget schedule to come and staff's recommendation for adoption, as well as the need to approve vouchers in the case of Council suspending December's meetings.

COUNCILMEMBER WHALEN MOVED, seconded by Councilmember Zaroudny, to suspend the meetings of December 1, 8, and 15, 2014.

Councilmembers said that a change to this may be necessary at next week's meeting.

The matter was voted on and passed 5/2 (Manley/Ott by roll call vote).

Interim Finance Director Garrison provided an update on the auditor's report, saying it will be at least one more week before the exit interview.

Mayor Pro Tem Taylor shared about the passing of Dick Casey, past Milton Planning Commissioner.

ADJOURNMENT

Adjourned at 9:30 p.m.

Debra Perry, Mayor

ATTEST:

Katie Bolam, City Clerk

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CONSENT AGENDA ITEM # 5B

**CITY OF MILTON
PAYROLL and CLAIMS VOUCHER APPROVAL**

I HEREBY CERTIFY THAT THE EXPENDITURES SHOWN BELOW REFLECT THE TRUE AND CORRECT EXPENDITURES TO THE BEST OF MY KNOWLEDGE. I FURTHER CERTIFY THE EXPENDITURES BELOW TO BE VALID AND CORRECT.

Finance Director

DATE

Claim Vouchers:

Payroll Disbursements:

Date	Check #	Amount	Date	Check #	Amount
11/1/2014	55924-55925	558.97	11/5/2014	3787-3788	2,260.06
11/7/2014	ACH Online	188,883.63	11/5/2014	ACH (Direct Deposit)	131,907.42
11/10/2014	55926-55958	114,983.25	11/5/2014	3789-3794	366.14
			11/5/2014	ACH (Benefits)	127,155.49

Total Accounts Payable:	\$ 304,425.85	Total Payroll:	\$ 261,689.11
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Void Check

Printer Error 55922-55923

WE, THE UNDERSIGNED COUNCILMEMBERS OF THE CITY OF MILTON, WASHINGTON, DO HEREBY CERTIFY AND APPROVE THE PAYROLL AND CLAIM VOUCHERS FOR THE TOTAL AMOUNT OF:

\$566,114.96 Dated: **November 17th, 2014**

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

Accounts Payable



Check #	Name	Date	Department	Account #	Invoice #	Description	Amount
55924	MOORE VALERIE	11/1/2014	Electric	401-00-131-000-00	102914	Electric Refund	\$168.62
55924	MOORE VALERIE	11/1/2014	Water	403-00-131-000-00	102914	Water Refund	\$273.85
55924	MOORE VALERIE	11/1/2014	Storm	406-00-131-000-00	102914	Storm Refund	\$46.52
MOORE VALERIE Total							\$488.99
55925	PETRENK YULIYA (JULIA)	11/1/2014	Electric	401-00-131-000-00	102914	Electric Refund	\$69.98
PETRENK YULIYA (JULIA) Total							\$69.98
11/1/2014 Total							\$558.97
0	Bonneville PowerAdministration	11/7/2014	Electric	401-32-533-500-33	Sep14-Pat01-100	Power & Transmission Bill	\$165,465.00
Bonneville PowerAdministration Total							\$165,465.00
0	CIT Technology Fin. Serv.	11/7/2014	Administration	001-13-513-100-45	25940161	Copy Machine Lease	\$62.70
0	CIT Technology Fin. Serv.	11/7/2014	Finance	001-14-514-230-45	25940161	Copy Machine Lease	\$40.77
0	CIT Technology Fin. Serv.	11/7/2014	Facilities	001-18-518-300-45	25940161	Copy Machine Lease	\$4.47
0	CIT Technology Fin. Serv.	11/7/2014	Police	001-21-521-200-45	25940162	Copy Machine Lease	\$158.64
0	CIT Technology Fin. Serv.	11/7/2014	Building	001-24-558-500-45	25940161	Copy Machine Lease	\$12.28
0	CIT Technology Fin. Serv.	11/7/2014	Engineering	001-32-532-100-45	25940161	Copy Machine Lease	\$3.90
0	CIT Technology Fin. Serv.	11/7/2014	Planning	001-58-558-600-45	25940161	Copy Machine Lease	\$11.17
0	CIT Technology Fin. Serv.	11/7/2014	Activity Center	001-73-575-500-45	25940161	Copy Machine Lease	\$1.45
0	CIT Technology Fin. Serv.	11/7/2014	Parks	001-76-576-600-45	25940161	Copy Machine Lease	\$10.83
0	CIT Technology Fin. Serv.	11/7/2014	Street	101-00-542-900-45	25940161	Copy Machine Lease	\$26.80
0	CIT Technology Fin. Serv.	11/7/2014	Electric	401-30-533-110-45	25940161	Copy Machine Lease	\$60.89
0	CIT Technology Fin. Serv.	11/7/2014	Electric	401-31-533-100-45	25940161	Copy Machine Lease	\$73.12
0	CIT Technology Fin. Serv.	11/7/2014	Water	403-30-534-110-45	25940161	Copy Machine Lease	\$65.58
0	CIT Technology Fin. Serv.	11/7/2014	Water	403-33-534-100-45	25940161	Copy Machine Lease	\$64.74
0	CIT Technology Fin. Serv.	11/7/2014	Storm	406-30-553-110-45	25940161	Copy Machine Lease	\$15.67
0	CIT Technology Fin. Serv.	11/7/2014	Storm	406-37-553-310-45	25940161	Copy Machine Lease	\$25.67
0	CIT Technology Fin. Serv.	11/7/2014	Motor Pool	501-00-548-300-45	25940161	Copy Machine Lease	\$11.18
CIT Technology Fin. Serv. Total							\$649.86
0	Comcast	11/7/2014	Administration	001-13-513-100-42	100714	Internet/Phone Service	\$18.53
0	Comcast	11/7/2014	Administration	001-13-513-100-42	31897583	Monthly Trunk Lines	\$13.94
0	Comcast	11/7/2014	Finance	001-14-514-230-42	100714	Internet/Phone Service	\$24.02
0	Comcast	11/7/2014	Finance	001-14-514-230-42	31897583	Monthly Trunk Lines	\$18.07
0	Comcast	11/7/2014	Facilities	001-18-518-300-42	100714	Internet/Phone Service	\$4.56
0	Comcast	11/7/2014	Facilities	001-18-518-300-42	31897583	Monthly Trunk Lines	\$3.42
0	Comcast	11/7/2014	Police	001-21-521-200-42	100714	Internet/Phone Service	\$159.65
0	Comcast	11/7/2014	Police	001-21-521-200-42	31897583	Monthly Trunk Lines	\$120.07
0	Comcast	11/7/2014	Police	001-21-521-200-42	101614	PD Cable	\$17.19
0	Comcast	11/7/2014	Building	001-24-558-500-42	100714	Internet/Phone Service	\$12.53



Check #	Name	Date	Department	Account #	Invoice #	Description	Amount
0	Comcast	11/7/2014	Building	001-24-558-500-42	31897583	Monthly Trunk Lines	\$9.42
0	Comcast	11/7/2014	Engineering	001-32-532-100-42	100714	Internet/Phone Service	\$3.98
0	Comcast	11/7/2014	Engineering	001-32-532-100-42	31897583	Monthly Trunk Lines	\$3.00
0	Comcast	11/7/2014	Planning	001-58-558-600-42	100714	Internet/Phone Service	\$11.39
0	Comcast	11/7/2014	Planning	001-58-558-600-42	31897583	Monthly Trunk Lines	\$8.57
0	Comcast	11/7/2014	Activity Center	001-73-575-500-42	100714	Internet/Phone Service	\$4.14
0	Comcast	11/7/2014	Activity Center	001-73-575-500-42	31897583	Monthly Trunk Lines	\$3.11
0	Comcast	11/7/2014	Parks	001-76-576-600-42	100714	Internet/Phone Service	\$11.08
0	Comcast	11/7/2014	Parks	001-76-576-600-42	31897583	Monthly Trunk Lines	\$8.33
0	Comcast	11/7/2014	Street	101-00-542-900-42	100714	Internet/Phone Service	\$27.38
0	Comcast	11/7/2014	Street	101-00-542-900-42	31897583	Monthly Trunk Lines	\$20.60
0	Comcast	11/7/2014	Electric	401-30-533-110-42	100714	Internet/Phone Service	\$26.55
0	Comcast	11/7/2014	Electric	401-30-533-110-42	31897583	Monthly Trunk Lines	\$19.97
0	Comcast	11/7/2014	Electric	401-31-533-100-42	100714	Internet/Phone Service	\$8.55
0	Comcast	11/7/2014	Electric	401-31-533-100-42	31897583	Monthly Trunk Lines	\$6.43
0	Comcast	11/7/2014	Electric	401-32-533-500-42	100714	Internet/Phone Service	\$66.16
0	Comcast	11/7/2014	Electric	401-32-533-500-42	31897583	Monthly Trunk Lines	\$49.76
0	Comcast	11/7/2014	Electric	401-32-533-500-42	101614	PW Shop Cable	\$5.35
0	Comcast	11/7/2014	Water	403-30-534-110-42	100714	Internet/Phone Service	\$28.62
0	Comcast	11/7/2014	Water	403-30-534-110-42	31897583	Monthly Trunk Lines	\$21.53
0	Comcast	11/7/2014	Water	403-33-534-100-42	100714	Internet/Phone Service	\$9.68
0	Comcast	11/7/2014	Water	403-33-534-100-42	31897583	Monthly Trunk Lines	\$7.28
0	Comcast	11/7/2014	Water	403-34-534-500-42	100714	Internet/Phone Service	\$56.43
0	Comcast	11/7/2014	Water	403-34-534-500-42	31897583	Monthly Trunk Lines	\$42.44
0	Comcast	11/7/2014	Water	403-34-534-500-42	101614	PW Shop Cable	\$5.34
0	Comcast	11/7/2014	Storm	406-30-553-110-42	100714	Internet/Phone Service	\$6.84
0	Comcast	11/7/2014	Storm	406-30-553-110-42	31897583	Monthly Trunk Lines	\$5.14
0	Comcast	11/7/2014	Storm	406-37-553-310-42	100714	Internet/Phone Service	\$17.08
0	Comcast	11/7/2014	Storm	406-37-553-310-42	31897583	Monthly Trunk Lines	\$12.85
0	Comcast	11/7/2014	Storm	406-38-553-350-42	100714	Internet/Phone Service	\$9.11
0	Comcast	11/7/2014	Storm	406-38-553-350-42	31897583	Monthly Trunk Lines	\$6.85
0	Comcast	11/7/2014	Motor Pool	501-00-548-300-42	100714	Internet/Phone Service	\$11.39
0	Comcast	11/7/2014	Motor Pool	501-00-548-300-42	31897583	Monthly Trunk Lines	\$8.56
Comcast Total							\$934.89
0	Discovery Benefits	11/7/2014	Employee Benefit	001-17-517-310-49	0000495442-IN	Employee Benefits Program/FSA	\$15.60
Discovery Benefits Total							\$15.60
0	Jive Communications Inc	11/7/2014	Administration	001-13-513-100-42	INV-000262517	Phone Service	\$42.57
0	Jive Communications Inc	11/7/2014	Finance	001-14-514-230-42	INV-000262517	Phone Service	\$47.56
0	Jive Communications Inc	11/7/2014	Facilities	001-18-518-300-42	INV-000262517	Phone Service	\$12.16
0	Jive Communications Inc	11/7/2014	Police	001-21-521-200-36	INV-000254836	Adapter for Police Lobby Phone	\$68.67
0	Jive Communications Inc	11/7/2014	Police	001-21-521-200-42	INV-000262517	Phone Service	\$426.30
0	Jive Communications Inc	11/7/2014	Building	001-24-558-500-42	INV-000262517	Phone Service	\$33.45
0	Jive Communications Inc	11/7/2014	Engineering	001-32-532-100-42	INV-000262517	Phone Service	\$41.06
0	Jive Communications Inc	11/7/2014	Planning	001-58-558-600-42	INV-000262517	Phone Service	\$30.41
0	Jive Communications Inc	11/7/2014	Activity Center	001-73-575-500-42	INV-000262517	Phone Service	\$4.15



Check #	Name	Date	Department	Account #	Invoice #	Description	Amount
0	Jive Communications Inc	11/7/2014	Parks	001-76-576-600-42	INV-000262517	Phone Service	\$29.58
0	Jive Communications Inc	11/7/2014	Street	101-00-542-900-42	INV-000262517	Phone Service	\$73.12
0	Jive Communications Inc	11/7/2014	Electric	401-30-533-110-42	INV-000262517	Phone Service	\$70.91
0	Jive Communications Inc	11/7/2014	Electric	401-31-533-100-42	INV-000262517	Phone Service	\$22.81
0	Jive Communications Inc	11/7/2014	Electric	401-32-533-500-42	INV-000262517	Phone Service	\$176.66
0	Jive Communications Inc	11/7/2014	Water	403-30-534-110-42	INV-000262517	Phone Service	\$76.44
0	Jive Communications Inc	11/7/2014	Water	403-33-534-100-42	INV-000262517	Phone Service	\$25.85
0	Jive Communications Inc	11/7/2014	Water	403-34-534-500-42	INV-000262517	Phone Service	\$150.67
0	Jive Communications Inc	11/7/2014	Storm	406-30-553-110-42	INV-000262517	Phone Service	\$18.25
0	Jive Communications Inc	11/7/2014	Storm	406-37-553-310-42	INV-000262517	Phone Service	\$45.61
0	Jive Communications Inc	11/7/2014	Storm	406-38-553-350-42	INV-000262517	Phone Service	\$24.33
0	Jive Communications Inc	11/7/2014	Motor Pool	501-00-548-300-42	INV-000262517	Phone Service	\$30.41
	Jive Communications Inc Total						\$1,450.97
0	Kansas State Bank Gov Finance De	11/7/2014	Storm	406-38-594-790-66	100914	Vactor Truck Payment	\$8,109.03
	Kansas State Bank Gov Finance Dept Total						\$8,109.03
0	Milton - C/O RLI City of	11/7/2014	Facilities	001-18-518-300-47	102214	Utilities	\$37.56
0	Milton - C/O RLI City of	11/7/2014	Police	001-21-521-200-47	102214	Utilities	\$786.37
0	Milton - C/O RLI City of	11/7/2014	Building	001-24-558-500-47	102214	Utilities	\$43.26
0	Milton - C/O RLI City of	11/7/2014	Planning	001-58-558-600-47	102214	Utilities	\$43.26
0	Milton - C/O RLI City of	11/7/2014	Activity Center	001-73-569-500-47	102214	Utilities	\$317.74
0	Milton - C/O RLI City of	11/7/2014	Parks	001-76-576-600-47	102214	Utilities	\$1,681.89
0	Milton - C/O RLI City of	11/7/2014	Street	101-00-542-900-47	102214	Utilities	\$1,009.02
0	Milton - C/O RLI City of	11/7/2014	Electric	401-32-533-500-47	102214	Utilities	\$543.35
0	Milton - C/O RLI City of	11/7/2014	Water	403-34-534-550-47	102214	Utilities	\$5,143.14
0	Milton - C/O RLI City of	11/7/2014	Storm	406-38-553-350-47	102214	Utilities	\$138.04
	Milton - C/O RLI City of Total						\$9,743.63
0	Pierce County Sewer	11/7/2014	Facilities	001-18-518-300-47	110214	Utilities	\$12.78
0	Pierce County Sewer	11/7/2014	General Fund	001-19-518-900-47	110214	Utilities	\$29.54
0	Pierce County Sewer	11/7/2014	Police	001-21-521-200-47	110214	Utilities	\$36.98
0	Pierce County Sewer	11/7/2014	Building	001-24-558-500-47	110214	Utilities	\$3.80
0	Pierce County Sewer	11/7/2014	Planning	001-58-558-600-47	110214	Utilities	\$3.46
0	Pierce County Sewer	11/7/2014	Activity Center	001-73-569-500-47	110214	Utilities	\$8.12
0	Pierce County Sewer	11/7/2014	Parks	001-76-576-600-47	110214	Utilities	\$2.12
0	Pierce County Sewer	11/7/2014	Parks	001-76-576-600-47	110214	Utilities	\$13.98
0	Pierce County Sewer	11/7/2014	Street	101-00-542-900-47	110214	Utilities	\$1.21
0	Pierce County Sewer	11/7/2014	Electric	401-32-533-500-47	110214	Utilities	\$10.64
0	Pierce County Sewer	11/7/2014	Electric	401-32-533-500-47	110214	Utilities	\$17.38
0	Pierce County Sewer	11/7/2014	Water	403-34-534-550-47	110214	Utilities	\$11.62
0	Pierce County Sewer	11/7/2014	Water	403-34-534-550-47	110214	Utilities	\$14.60
0	Pierce County Sewer	11/7/2014	Storm	406-38-553-350-47	110214	Utilities	\$7.26
0	Pierce County Sewer	11/7/2014	Storm	406-38-553-350-47	110214	Utilities	\$2.78
	Pierce County Sewer Total						\$176.27
0	Puget Sound Energy	11/7/2014	Activity Center	001-73-569-500-47	102214	Gas Charges	\$95.84
0	Puget Sound Energy	11/7/2014	Water	403-34-534-550-47	10222014	Electric Charges	\$150.67
	Puget Sound Energy Total						\$246.51



Check #	Name	Date	Department	Account #	Invoice #	Description	Amount
0	Verizon Wireless	11/7/2014	Administration	001-13-513-100-42	9733264156	Verizon Charges	\$59.05
0	Verizon Wireless	11/7/2014	Facilities	001-18-518-300-42	9733376735	Verizon Charges	\$10.50
0	Verizon Wireless	11/7/2014	Police	001-21-521-200-36	9733264156	Phone	\$109.39
0	Verizon Wireless	11/7/2014	Police	001-21-521-200-42	9733264156	Verizon Charges	\$1,106.02
0	Verizon Wireless	11/7/2014	Building	001-24-558-500-42	9733376735	Verizon Charges	\$15.58
0	Verizon Wireless	11/7/2014	Engineering	001-32-532-100-42	9733264156	Verizon Charges	\$5.78
0	Verizon Wireless	11/7/2014	Engineering	001-32-532-100-42	9733376735	Verizon Charges	\$2.92
0	Verizon Wireless	11/7/2014	Activity Center	001-73-569-500-42	9733376735	Verizon Charges	\$1.52
0	Verizon Wireless	11/7/2014	Parks	001-76-576-600-42	9733376735	Verizon Charges	\$17.14
0	Verizon Wireless	11/7/2014	Street	101-00-542-900-42	9733264156	Verizon Charges	\$39.43
0	Verizon Wireless	11/7/2014	Street	101-00-542-900-42	9733376735	Verizon Charges	\$25.08
0	Verizon Wireless	11/7/2014	Police Reserves	118-21-521-230-42	9733264156	Verizon Charges	\$140.35
0	Verizon Wireless	11/7/2014	Electric	401-30-533-110-42	9733264156	Verizon Charges	\$18.17
0	Verizon Wireless	11/7/2014	Electric	401-30-533-110-42	9733376735	Verizon Charges	\$4.76
0	Verizon Wireless	11/7/2014	Electric	401-30-533-110-42	9733562401	Verizon Charges	\$19.51
0	Verizon Wireless	11/7/2014	Electric	401-31-533-100-42	9733264156	Verizon Charges	\$17.35
0	Verizon Wireless	11/7/2014	Electric	401-31-533-100-42	9733376735	Verizon Charges	\$1.75
0	Verizon Wireless	11/7/2014	Electric	401-32-533-500-42	9733264156	Verizon Charges	\$87.26
0	Verizon Wireless	11/7/2014	Electric	401-32-533-500-42	9733376735	Verizon Charges	\$63.55
0	Verizon Wireless	11/7/2014	Water	403-30-534-110-42	9733264156	Verizon Charges	\$19.53
0	Verizon Wireless	11/7/2014	Water	403-30-534-110-42	9733376735	Verizon Charges	\$4.90
0	Verizon Wireless	11/7/2014	Water	403-30-534-110-42	9733562401	Verizon Charges	\$19.51
0	Verizon Wireless	11/7/2014	Water	403-33-534-100-42	9733264156	Verizon Charges	\$17.35
0	Verizon Wireless	11/7/2014	Water	403-33-534-100-42	9733376735	Verizon Charges	\$1.75
0	Verizon Wireless	11/7/2014	Water	403-34-534-500-42	9733264156	Verizon Charges	\$157.67
0	Verizon Wireless	11/7/2014	Water	403-34-534-500-42	9733376735	Verizon Charges	\$48.97
0	Verizon Wireless	11/7/2014	Storm	406-30-553-110-42	9733376735	Verizon Charges	\$4.76
0	Verizon Wireless	11/7/2014	Storm	406-37-553-310-42	9733264156	Verizon Charges	\$11.57
0	Verizon Wireless	11/7/2014	Storm	406-37-553-310-42	9733376735	Verizon Charges	\$12.83
0	Verizon Wireless	11/7/2014	Storm	406-38-553-350-42	9733264156	Verizon Charges	\$22.43
0	Verizon Wireless	11/7/2014	Storm	406-38-553-350-42	9733376735	Verizon Charges	\$11.08
0	Verizon Wireless	11/7/2014	Motor Pool	501-00-548-300-42	9733376735	Verizon Charges	\$14.41
Verizon Wireless Total							\$2,091.87
11/7/2014 Total							\$188,883.63
55926	Air Systems Inc.	11/10/2014	Facilities	001-18-518-300-48	199699	Re-Piped Gas Line to Lennox RTU	\$396.03
Air Systems Inc. Total							\$396.03
55927	AMSAN	11/10/2014	Facilities	001-18-518-300-31	321150922	Hand Sanitizers	\$49.67
55927	AMSAN	11/10/2014	Facilities	001-18-518-300-31	321259848	Kleenex	\$200.22
AMSAN Total							\$249.89
55928	Barfield Mark	11/10/2014	Street	101-00-542-900-43	102014	Training Meal	\$4.28
55928	Barfield Mark	11/10/2014	Water	403-34-534-500-43	102014	Training Meal	\$4.28
55928	Barfield Mark	11/10/2014	Storm	406-38-553-350-43	102014	Training Meal	\$4.29
Barfield Mark Total							\$12.85
55929	Cascade Recreation	11/10/2014	Facilities	001-18-518-300-31	6521	Flags	\$300.30



Check #	Name	Date	Department	Account #	Invoice #	Description	Amount
Cascade Recreation Total							\$300.30
55930	Chuckals	11/10/2014	Facilities	001-18-518-300-31	799820-0	Calculator, White Board Cleaner, Dymo Labels, Filing Supplie	\$7.32
55930	Chuckals	11/10/2014	Facilities	001-18-518-300-31	797074-0	Filing Supplies, Ink Cartridges, Pens, Tape & Phone Stand	\$40.29
55930	Chuckals	11/10/2014	Police	001-21-521-200-31	793564-0	Binders, Clipboards, USB Drive, Staplers & Misc. Desk Suppli	\$826.18
55930	Chuckals	11/10/2014	Police	001-21-521-200-31	800170-0	Clips, Laminate, Markers & Notepads	\$118.73
55930	Chuckals	11/10/2014	Police	001-21-521-200-31	794334-0	File Cabinet Rails	\$39.03
55930	Chuckals	11/10/2014	Police	001-21-521-200-31	792004-0	Ink Cartridges	\$180.61
55930	Chuckals	11/10/2014	Engineering	001-32-532-100-31	799820-0	Calculator, White Board Cleaner, Dymo Labels, Filing Supplie	\$2.08
55930	Chuckals	11/10/2014	Engineering	001-32-532-100-31	797074-0	Filing Supplies, Ink Cartridges, Pens, Tape & Phone Stand	\$0.74
55930	Chuckals	11/10/2014	Parks	001-76-576-600-31	799820-0	Calculator, White Board Cleaner, Dymo Labels, Filing Supplie	\$7.32
55930	Chuckals	11/10/2014	Parks	001-76-576-600-31	797074-0	Filing Supplies, Ink Cartridges, Pens, Tape & Phone Stand	\$40.29
55930	Chuckals	11/10/2014	Street	101-00-542-900-31	799820-0	Calculator, White Board Cleaner, Dymo Labels, Filing Supplie	\$78.38
55930	Chuckals	11/10/2014	Street	101-00-542-900-31	797074-0	Filing Supplies, Ink Cartridges, Pens, Tape & Phone Stand	\$15.24
55930	Chuckals	11/10/2014	Electric	401-32-533-500-31	799820-0	Calculator, White Board Cleaner, Dymo Labels, Filing Supplie	\$12.61
55930	Chuckals	11/10/2014	Electric	401-32-533-500-31	797074-0	Filing Supplies, Ink Cartridges, Pens, Tape & Phone Stand	\$38.28
55930	Chuckals	11/10/2014	Water	403-34-534-500-31	799820-0	Calculator, White Board Cleaner, Dymo Labels, Filing Supplie	\$143.94
55930	Chuckals	11/10/2014	Water	403-34-534-500-31	797074-0	Filing Supplies, Ink Cartridges, Pens, Tape & Phone Stand	\$49.05
55930	Chuckals	11/10/2014	Storm	406-38-553-350-31	799820-0	Calculator, White Board Cleaner, Dymo Labels, Filing Supplie	\$59.25
55930	Chuckals	11/10/2014	Storm	406-38-553-350-31	797074-0	Filing Supplies, Ink Cartridges, Pens, Tape & Phone Stand	\$17.47
55930	Chuckals	11/10/2014	Motor Pool	501-00-548-300-31	797074-0	Filing Supplies, Ink Cartridges, Pens, Tape & Phone Stand	\$14.04
Chuckals Total							\$1,690.85
55931	Craig C. Mike	11/10/2014	Employee Benefit	001-17-517-380-29	102814	Leoff Retiree Expenses	\$462.59
Craig C. Mike Total							\$462.59
55932	Data Bar Incorporated	11/10/2014	Electric	401-30-533-110-49	211442	Statement Programming	\$93.75
55932	Data Bar Incorporated	11/10/2014	Water	403-30-534-110-49	211442	Statement Programming	\$78.75
55932	Data Bar Incorporated	11/10/2014	Storm	406-30-553-110-49	211442	Statement Programming	\$15.00
Data Bar Incorporated Total							\$187.50
55933	General Pacific	11/10/2014	Electric	401-32-533-500-31	1226804	Transformer	\$6,248.93
General Pacific Total							\$6,248.93
55934	Gray & Osborne Inc	11/10/2014	Capital Projects	310-99-595-200-63	13594.00-11	Milton Way Ped Impr (17th Ave to 22nd Ave)	\$502.56
55934	Gray & Osborne Inc	11/10/2014	Water	403-99-594-200-63	12480.00-10	Porter Way Water Main	\$144.47
55934	Gray & Osborne Inc	11/10/2014	Storm	406-37-553-310-41	14557.00-1	Stormwater GIS Mapping Update	\$346.48
55934	Gray & Osborne Inc	11/10/2014	Storm CP	407-99-595-100-63	14413.00-10	Stormwater LID Retrofit Projects	\$3,720.18
Gray & Osborne Inc Total							\$4,713.69
55935	Hach Company	11/10/2014	Water	403-34-534-550-31	9076954	Buffer Solutions	\$96.54
Hach Company Total							\$96.54
55936	HD Supply Power Solutions	11/10/2014	Electric	401-32-533-500-31	2683910-00	Main & Taps	\$219.76
55936	HD Supply Power Solutions	11/10/2014	Electric	401-32-533-500-31	2687691-00	Wire	\$574.35
HD Supply Power Solutions Total							\$794.11
55937	KEMP WEST INC	11/10/2014	Electric	401-32-533-500-41	15956	Line Clearance Tree Trimming	\$37,495.00
KEMP WEST INC Total							\$37,495.00
55938	Mayer Marci	11/10/2014	Administration	001-13-513-100-43	110314	Parking & Mileage Fall Pre Conference Training	\$18.40
Mayer Marci Total							\$18.40
55939	Northwest Embroidery Inc	11/10/2014	Events Committee	116-79-573-901-31	86367	Milton Days T-Shirts	\$1,896.95
Northwest Embroidery Inc Total							\$1,896.95



Check #	Name	Date	Department	Account #	Invoice #	Description	Amount
55940	Olbrechts & Associates PLLC	11/10/2014	Legal	001-15-515-200-41	110314	Routine Legal Services	\$231.00
	Olbrechts & Associates PLLC Total						\$231.00
55941	OLSON RUTH	11/10/2014	Electric	401-00-131-000-00		Refund Check	\$137.13
	OLSON RUTH Total						\$137.13
55942	Pacific West Utility Services LLC	11/10/2014	Electric	401-32-533-500-48	PW-5550	On Site Labor - Wiring and Meter Exchange	\$98.46
	Pacific West Utility Services LLC Total						\$98.46
55943	Pierce County Budget & Finance	11/10/2014	Court	001-00-586-120-00	110514	Milton Court Remittance October 2014	\$229.95
55943	Pierce County Budget & Finance	11/10/2014	Street	101-00-542-900-48	AR163878	Traffic Signal Maintenance Sept 2014	\$443.51
	Pierce County Budget & Finance Total						\$673.46
55944	PRS Group	11/10/2014	Storm	406-38-553-350-47	45261	Sludge Disposal	\$321.30
	PRS Group Total						\$321.30
55945	Randles Sand & Gravel Inc	11/10/2014	Water	403-34-534-500-31	367406	Gravel	\$596.37
	Randles Sand & Gravel Inc Total						\$596.37
55946	Rohlinger Enterprises Inc.	11/10/2014	Electric	401-32-533-500-48	47787	Repair Handpress	\$147.69
55946	Rohlinger Enterprises Inc.	11/10/2014	Electric	401-32-533-500-48	47784	Repair Handpress	\$158.08
55946	Rohlinger Enterprises Inc.	11/10/2014	Electric	401-32-533-500-48	47788	Repair Handpress	\$147.69
	Rohlinger Enterprises Inc. Total						\$453.46
55947	Scott Rhonda	11/10/2014	General Fund	001-00-389-000-02	1764570518	Refund - Payment to Wrong City	\$19.74
	Scott Rhonda Total						\$19.74
55948	Shred-it Western Washington	11/10/2014	Finance	001-14-514-230-41	9404379217	Prof Svcs	\$19.68
55948	Shred-it Western Washington	11/10/2014	Police	001-21-521-200-41	9404379217	Prof Svcs	\$39.38
	Shred-it Western Washington Total						\$59.06
55949	SONSRAY MACHINERY LLC	11/10/2014	Motor Pool	501-00-548-300-31	P02503-08	Cylinder Assy. & Gas Strut	\$61.98
55949	SONSRAY MACHINERY LLC	11/10/2014	Motor Pool	501-00-548-300-31	P02503-08	Cylinder Assy. & Gas Strut	\$31.00
55949	SONSRAY MACHINERY LLC	11/10/2014	Motor Pool	501-00-548-300-31	P02503-08	Cylinder Assy. & Gas Strut	\$31.00
55949	SONSRAY MACHINERY LLC	11/10/2014	Motor Pool	501-00-548-300-31	P02503-08	Cylinder Assy. & Gas Strut	\$31.00
	SONSRAY MACHINERY LLC Total						\$154.98
55950	Standard Parts Corporation (NAPA)	11/10/2014	Motor Pool	501-00-548-300-31	143902	Parts for Kubota Mower	\$4.12
55950	Standard Parts Corporation (NAPA)	11/10/2014	Motor Pool	501-00-548-300-31	143902	Parts for Kubota Mower	\$4.12
55950	Standard Parts Corporation (NAPA)	11/10/2014	Motor Pool	501-00-548-300-31	143902	Parts for Kubota Mower	\$19.20
	Standard Parts Corporation (NAPA) Total						\$27.44
55951	State Treasurer Washington	11/10/2014	Court	001-00-586-830-00	110514	Milton Court Remittance - Oct 2014	\$1,433.01
55951	State Treasurer Washington	11/10/2014	Court	001-00-586-880-00	110514	Milton Court Remittance - Oct 2014	\$89.15
55951	State Treasurer Washington	11/10/2014	Court	001-00-586-890-00	110514	Milton Court Remittance - Oct 2014	\$341.76
55951	State Treasurer Washington	11/10/2014	Court	001-00-586-910-00	110514	Milton Court Remittance - Oct 2014	\$6,323.24
55951	State Treasurer Washington	11/10/2014	Court	001-00-586-920-00	110514	Milton Court Remittance - Oct 2014	\$3,464.44
55951	State Treasurer Washington	11/10/2014	Court	001-00-586-960-00	110514	Milton Court Remittance - Oct 2014	\$7.32
55951	State Treasurer Washington	11/10/2014	Court	001-00-586-970-00	110514	Milton Court Remittance - Oct 2014	\$1,821.00
55951	State Treasurer Washington	11/10/2014	Court	001-00-586-990-00	110514	Milton Court Remittance - Oct 2014	\$844.18
55951	State Treasurer Washington	11/10/2014	Building	650-00-211-010-00	110514	Bldg Code Fees - Oct 2014	\$22.50
	State Treasurer Washington Total						\$14,346.60
55952	Sumner	11/10/2014	General Fund	001-19-554-300-51	2571	Animal Control Svcs	\$1,886.06
	Sumner Total						\$1,886.06
55953	Tacoma Police Department	11/10/2014	Police	001-21-521-200-45	90589449	Shooting Range Rental	\$165.00
	Tacoma Police Department Total						\$165.00



Check #	Name	Date	Department	Account #	Invoice #	Description	Amount
55954	Tarco Industries	11/10/2014	Motor Pool	501-00-548-300-31	35036	Grinder Discs	\$367.95
	Tarco Industries Total						\$367.95
55955	Tucci & Sons Inc.	11/10/2014	Capital Projects	310-99-595-500-63	10312014	2014 TIB Overlay Pay Estimate #1	\$11,919.65
55955	Tucci & Sons Inc.	11/10/2014	Capital Projects	310-99-595-500-63	10312014	2014 TIB Overlay Pay Estimate #1	\$18,568.70
	Tucci & Sons Inc. Total						\$30,488.35
55956	Unifirst Corporation	11/10/2014	Facilities	001-18-518-300-22	3301039273	Uniform Svcs	\$4.85
55956	Unifirst Corporation	11/10/2014	Parks	001-76-576-600-22	3301039273	Uniform Svcs	\$11.33
55956	Unifirst Corporation	11/10/2014	Street	101-00-542-900-22	3301039273	Uniform Svcs	\$47.40
55956	Unifirst Corporation	11/10/2014	Electric	401-32-533-500-22	3301039357	Uniform Svcs	\$146.13
55956	Unifirst Corporation	11/10/2014	Electric	401-32-533-500-22	3301039273	Uniform Svcs	\$3.47
55956	Unifirst Corporation	11/10/2014	Water	403-34-534-500-22	3301039357	Uniform Svcs	\$13.28
55956	Unifirst Corporation	11/10/2014	Water	403-34-534-500-22	3301039273	Uniform Svcs	\$99.44
55956	Unifirst Corporation	11/10/2014	Storm	406-38-553-350-22	3301039273	Uniform Svcs	\$18.50
55956	Unifirst Corporation	11/10/2014	Motor Pool	501-00-548-300-22	3301039273	Uniform Svcs	\$69.37
	Unifirst Corporation Total						\$413.77
55957	Wesco Receivables Corp	11/10/2014	Electric	401-32-533-500-31	566369	Wiring and Materials	\$9,729.49
	Wesco Receivables Corp Total						\$9,729.49
55958	Willoughby Lisa	11/10/2014	Facility Rental	650-00-218-010-00	417564	Key & Building Deposit Refund (11/01/2014)	\$250.00
	Willoughby Lisa Total						\$250.00
	11/10/2014 Total						\$114,983.25
	Grand Total						\$304,425.85

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To: Mayor Perry and City Councilmembers
From: Public Works Director Neal
Date: November 17, 2014
Re: Executive Remodel – Project Closeout and Acceptance *CONSENT*

ATTACHMENTS: Copy of final pay estimate

TYPE OF ACTION:

Information Only Discussion Action Expenditure Required:

Recommendation/Action:

“I move to accept the Executive Remodel Project, subject to the requirements of appropriate State agencies, and the subsequent release of retainage to the contractor.”

Fiscal Impact: This project as funded from the ending fund balance. Retainage is not an additional project cost, but is in fact part of the original cost that Council approved. Closeout and acceptance of the project has no additional fiscal impact.

Previous Review: On April 21, 2014, Council authorized remodeling work on the old Police Department space for a cost not to exceed \$20,000. On June 9, 2014, Council authorized an increase in the remodel cost to cover additional improvements such as new carpeting, new vinyl windows, etc. The total not to exceed price was changed to \$40,000.

Background: The old Police Department space was remodeled for utilization as an executive office, housing the offices of the Mayor, City Administrator, and City Clerk. The remodel also created a multi-use meeting space for executive sessions, volunteer boards and commissions, and other city business.

Discussion: The work that was contracted out to Troy D. Smith Construction, LLC has been completed. Construction on the project started June 16, 2014, and was substantially complete on July 31, 2014. Final payment for Troy’s work on the project was \$29,920.65 including tax.

APPLICATION FOR PAYMENT		Project Name: Executive Office Remodel #092		Payment No.: 1 - FINAL						
Contractor Name: Troy D. Smith Construction, LLC		Address: 1271 West Lost Lake Road, Shelton, WA 98584		Pay Period:						
L&I Registration #:		P.O. NUMBER:		CITY ACCOUNT #:						
Item	CO#	Description	Qty	Unit	Estimated Contract Unit Price	Estimated Contract Total Price	Pay Estimate 1 Qty.	Pay Estimate 1 Cost	Qty.	Total To Date Cost
1		Revised Proposal dated 6-11-2014	1	LS	\$22,850.00	\$22,850.00	100.00%	22,850.00	100.00%	\$22,850.00
2		Replace windows 6-12-2014 proposal	1	LS	\$3,380.00	\$3,380.00	100.00%	3,380.00	100.00%	\$3,380.00
3		Kitchenette 6-5-2014 proposal	1	LS	\$1,650.00	\$1,650.00	100.00%	1,650.00	100.00%	\$1,650.00
1		Delete interior window to Mayor's office					100.00%	-950.00	100.00%	(\$950.00)
2		Delete painting walls & trim 6-17-2014 proposal					100.00%	-370.00	100.00%	(\$370.00)
3		No final install for kitchenette					100.00%	-400.00	100.00%	(\$400.00)
4		Float floor before carpet install					100.00%	300.00	100.00%	\$300.00
5		Performance Bond					100.00%	690.00	100.00%	\$690.00
6		New door knobs, door stops, concrete, misc.					100.00%	199.77	100.00%	\$199.77
					TOTAL Const Costs, Incl Change Orders, Excl Sales Tax:	\$27,880.00		\$27,880.00		\$27,349.77
					Sales Tax @ 9.4%:	2,620.72		\$2,620.72		\$2,570.88
					TOTAL Construction Costs PLUS Sales Tax:	30,500.72		\$30,500.72		\$29,920.65
					LESS Amount Retained (5%):					\$ (1,367.49)
					TOTAL Payment Due (includes Sales Tax):			\$28,553.16		\$28,553.16
					Percent Complete:			98.10%		98.10%
<p>CONTRACTOR AGREES TO THE ABOVE AMOUNTS AND CERTIFIES THAT PREVAILING WAGES HAVE BEEN PAID IN ACCORDANCE WITH RCW 39.12 AND THE PREFILED STATEMENT(S) OF INTENT TO PAY PREVAILING WAGES.</p>										
Contractor: Troy D. Smith Construction, LLC					Approved for Payment By: <i>[Signature]</i>					
Signed: <i>[Signature]</i>					Date: 8/4/2014					
Contractor Representative					City of Milton, Public Works Director					



To: Mayor Perry and City Councilmembers
From: Public Works Director Neal
Date: November 17, 2014 Regular Session
Re: **Sole Source – Okonite cable *CONSENT***

ATTACHMENTS: A. Request for Sole Source
B. Sole Source Justification
C. Resolution

TYPE OF ACTION:

Information Only Discussion Action Expenditure Required: \$26,680

Recommendation/Action: Two motions are necessary.

1. "I move to adopt the attached resolution waiving the competitive bidding requirements and authorizing the sole source purchase of primary underground cable directly from Okonite."
2. "I move to approve purchasing approximately \$26,680 of Okonite primary underground cable."

Fiscal Impact/Source of Funds: This sole source resolution will have virtually no fiscal impact. Replacing primary underground cable is part of the cost of doing business, and as such monies are included in the adopted budget.

Previous Council Review: N/A

Issue: Continued purchase of Okonite underground primary distribution cable for use by the Electric Division.

Discussion: For budget years 2007 through 2010, the City Council approved sole source purchasing of Okonite cable. Starting in 2010, other companies began manufacturing primary distribution cable that they claimed had similar characteristics to the patented Okonite cable insulation. The Electric Division has purchased and installed underground cable from three other suppliers claiming to meet or exceed the characteristics of the original Okonite cable, but experience did not prove that to be the case.

In the time that the Electric Division has been trying to utilize these other cable manufacturers, the industry has changed in how cable is supplied. Now, when ordering through a general supply company such as HD Supply, the cable is processed out of a main warehouse and you have no control over what brands you receive. In order to purchase Okonite wire specifically, the city needs to purchase directly from The Okonite Company.

RCW 39.04.280(1)(a) specifically addresses purchasing without bids from a sole source, and RCW 35.23.352(9) makes this section applicable to code cities with a population less than 20,000 such as Milton. To purchase by sole source, the City Council must either apply a previously-adopted written policy or pass a resolution that states "the purchase is clearly and legitimately limited to a single source or supply." The background and justification for this resolution is attached.

REQUEST FOR SOLE SOURCE

To: City Council
 Date:
 From:
 Subject: Sole Source Request for the Purchase Of:
Primary underground wire

REQUESTED SUPPLIER: OKONITE Cable

PURCHASE ORDER NUMBER: _____ COST ESTIMATE; \$26,680.00

Sole source purchases are defined as clearly and legitimately limited to a single supplier. Sole source purchases are normally not allowed except when based upon strong technological grounds such as operational compatibility with existing equipment and related parts or upon a clearly unique and cost effective feature requirement. The use of sole source purchases shall be limited only to those specific instances which are totally justified to satisfy compatibility or technical performance needs.

STATEMENT OF NEED:

Our recommendation for sole source is based upon an objective review of the product/service required and appears to be in the best interest of the City. I know of no conflict of interest on our part or personal involvement in any way with this request. No gratuities, favors or compromising action have taken place. Neither has our personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

Refer to the attached sole source justification as prepared by the department, to the attached review of available products/services and to my completed Purchase Order.

Requestor: Electric Division, Plus Utility Billing	Department Head: <input checked="" type="checkbox"/> Recommendation <input type="checkbox"/> Rejected <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  _____ Signature of Dept. Head </div> <div style="text-align: center;"> / <u>11/12/2014</u> _____ Date </div> </div>
---	--

<p>Approved:</p> <p>Councilmember: _____ / Date _____</p> <p>Mayor: _____ / Date _____</p>	Back to Agenda Bill
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SOLE SOURCE JUSTIFICATION

Requisition Item: Three reels of primary cable

Purchase Order Number: _____

Prior Purchase Order Number (if item had been approved previously): _____

1. Please describe the item and its function:

High voltage primary underground wire (cable) provides electric distribution (7200 volts) for the City of Milton.

2. This is a sole source* because:

- sole provide of a licensed or patented good or service
- sole provider of items that are compatible with existing equipment, inventory, systems, programs or services
- sole provider of goods and services for which the City has established a standard**
- sole provider of factory-authorized warranty service
- sole provider of goods or services that will meet the specialized needs of the City or perform the intended function (please detail below or in an attachment)
- the vendor/distributor is a holder of a used item that would represent good value and is advantageous to the City (please attach information on market price survey, availability, etc.)

3. What necessary features does this vendor provide which are not available from other vendors? Please be specific.

The ethylene-propylene rubber (EPR) based, thermosetting compound whose optimum balance of electrical and physical properties is unequaled in other solid dielectric compounds.

4. What steps were taken to verify that these features are not available elsewhere?

Other brands/manufacturers were examined (please list phone numbers and names, and explain why these were not suitable)

We have used KERITE, GENERAL cable in the City before and they were not as desirable in stripping for attaching connector ends. Other cable that the city has used did not have the insulation qualities that EPR based cables have and are prone to cable faults before the normal life span of the cable.

Other vendors were contacted (please list phone numbers and names, and explain why these were not suitable).

HD Supply has been our main supplier and contact for the different manufactures in the past like KERITE, GENERAL CABLE and SOUTHWIRE but now the cable comes out of a main warehouse and you order your specs. The cable is processed to fit that order. You do not have the quality control or factory representation as you would with the OKONITE which we have enjoyed in the past.

RESOLUTION NO. 14-_____

A RESOLUTION to waive the public bidding requirements for sole source purchase of 15kv Okonite underground primary distribution cable from The Okonite Company.

WHEREAS, the City has diligently searched for vendors that provide 15kv Okonite underground primary distribution cable ; and

WHEREAS, The Okonite Company is the only dealer capable of ensuring that the cables that they supply are 15kv Okonite underground primary distribution cable; and

WHEREAS, Okoguard is Okonite's registered trade name for its exclusive ethylene-propylene rubber (EPR) based, thermosetting compound, whose optimum balance of electrical and physical properties is unequalled in other solid dielectrics; and

WHEREAS, City has used said product and would benefit from continuing to use the same product without switching to a different underground primary distribution cable of a different brand.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILTON that because (1) there is clearly and legitimately only one source capable of ensuring that the cables that they supply will be 15kv Okonite underground primary distribution cable, and (2) The Okonite Company meets the City's needs, the City hereby waives competitive bidding requirements and authorizes the purchase of Okonite cable from The Okonite Company for the 2014 budget year.

PASSED AND APPROVED by a vote of _____ for, _____ against, by the City Council of the City of Milton, Washington, at a regularly scheduled meeting thereof this 17th day of November, 2014.

Debra Perry, Mayor

Attest/Authenticated:

Katie Bolam, City Clerk

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To: Mayor Perry and City Councilmembers
From: Public Works Director Neal
Date: November 17, 2014 Regular Session
Re: Surplus Vehicles - CONSENT

-
- ATTACHMENTS:**
- A. Resolution
 - B. Vehicle Replacement Sheets (2 pages)
 - C. Photos
-

TYPE OF ACTION:

Information Only Discussion Action Expenditure Required:

Recommendation/Action:

"I move to approve the attached Resolution for the surplus of vehicles #41 and #44 in the City's fleet, and authorize the disposal of the same."

Fiscal Impact/Source of Funds: No negative impacts are anticipated. Removal of these two vehicles from the City's fleet will eliminate future high repair costs, and it is possible that the City will see some small amount of revenue from the sale of these vehicles at state auction.

Previous Council Review: N/A

Issue: The Public Works Department has two vehicles that are no longer of value to the City.

Background: In order to legally dispose of property that is obsolete, broken, and/or no longer deemed usable, the City Council must pass a Resolution declaring such property to be surplus.

Discussion: On March 11, 2013, the City Council approved the purchase of a 2014 International 7400 Vactor Truck for the Public Works Stormwater Utility. This was purchased to replace the 1972 Ford Flusher Truck.

In addition, the Public Works Department has a 1986 Ford Airsweep (street sweeper/vactor) that is in poor shape, is no longer in use, and any repairs would exceed the value of the vehicle.

**CITY OF MILTON
RESOLUTION XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF MILTON, WASHINGTON, DECLARING A 1976 FORD
4FLUSHER TRUCK AND A 1986 FORD AIRSWEEP
TRUCK TO BE SURPLUS AND AUTHORIZING THE
DISPOSAL OF SAME.**

WHEREAS, the City of Milton owns that certain property described as a 1976 Ford 4Flusher, VIN N61DVP37077 and a 1986 Ford Airsweep truck, VIN 1FDXR74N8GVA10271;

WHEREAS, said 1972 Ford 4Flusher truck and 1986 Ford Airsweep truck have no functional value to the City, and are surplus to the needs of the City, now therefore;

**THE CITY COUNCIL OF THE CITY OF MILTON HEREBY RESOLVES
AS FOLLOWS:**

Section 1. The City Council of the City of Milton does hereby declare that certain 1976 Ford 4Flusher, VIN N61DVP37077 and 1986 Ford Airsweep truck, VIN 1FDXR74N8GVA10271 as surplus to the needs of the City. The Council authorizes and directs the Public Works Department to dispose of the same in a manner that will be to the best advantage to the City of Milton.

PASSED AND APPROVED at a regular meeting of the Council of the City of Milton, this 17th day of November, 2014.

Debra Perry, Mayor

ATTEST:

Katie Bolam, City Clerk

Posted:

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Vehicle Replacement sheet City of Milton

Date: 30 Sep 2014
Department: Streets
Vehicle: #41

Model/Year: 1972 Ford F600
Description of Vehicle: Ford Flusher truck
Current mileage: M: 24830 H: 1517
License plate: # 13471D
VIN # 1FV6JFBBXPL499833

Describe current condition of vehicle and any noted deficiencies.

-Overall condition: Poor
-Vehicle deficiencies: The cost for repairs for this vehicle will more than exceed the value of the vehicle this year.

Explain why the vehicle needs replacement:

- Miles or hours are over standard
- Vehicle condition (AGE only)
- Vehicle is does not meet the needs of the job required
- % of maintenance has or will exceed 23% of the original purchase price \$127K

Are there like vehicles in the Cities fleet? Yes **If so can it be shared? Yes**

Please state the impact on the respected department if the vehicle is not replaced:
The impact would be high because the vehicle is in poor condition and if there were to be a problem again with the any major component the cost would be high. Almost all of the parts for the truck and the pumping system are obsolete and would have to be custom made at a higher cost.

Estimated replacement cost of vehicle: N/A

Comments: The function of this vehicle was replaced in 2014 with the new flusher/vactor truck.

Total points: 78

Prepared by: Patrick Mendiola **Title:** Mechanic



Vehicle Replacement sheet City of Milton

Date: 30 Sept 2014

Department: Streets

Vehicle: # 44

Model/Year: Ford F700/ 1986

Description of Vehicle: Elgin Street Sweeper

Current mileage: M: 23840 H: 2614

License plate: # 13486D

VIN # 1FDXR74N8GVA10271

Describe current condition of vehicle and any noted deficiencies.

-Overall condition: Poor

-Vehicle deficiencies: The cost for repairs for this vehicle will more than exceed the value of the vehicle this year.

Explain why the vehicle needs replacement:

Miles or hours are over standard

Vehicle condition (AGE)

* Vehicle does not meet the needs of the job required

% of maintenance has or will exceed 140% of the original purchase price \$25K

Are there like vehicles in the Cities fleet? No If so, can it be shared?

Please state the impact on the respected department if the vehicle is not replaced:

High impact because the vehicle is one of kind it is in poor condition because it is out of commission it is a hindrance on them doing their appointed duties. The truck is in poor condition and if there were to be a problem again with any major component the cost would be very high.

Estimated replacement cost of vehicle: \$190-240K + tax (depends on model/size)

Comments: The function of this vehicle was replaced in 2014 with the new flusher/vactor truck.

Total points: 67

Prepared by: Patrick Mendiola **Title:** Mechanic

1972 Ford 4Flusher Truck



1986 Ford F600 AirSweep



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To: Mayor Perry and City Councilmembers
From: Police Chief Hernandez
Date: November 17, 2014 Regular Session
Re: **King County Agreement for Electronic Fingerprint Capture Equipment**

ATTACHMENTS: A. Interlocal Agreement

TYPE OF ACTION:

Information Only Discussion Action Expenditure Required

Recommendation/Action:

“I move to authorize the Mayor to sign the attached Interlocal Agreement with King County for the use of Electronic Fingerprint Capture Equipment.”

Fiscal Impact/Source of Funds: The current AFIS levy, 2013-2018, funds this equipment. If the AFIS program receives continued support into the future, it intends to continue the purchase, maintenance, and replacement of equipment as needed. The only costs to the agency are: minimal IT staff time to assist AFIS program staff in setting up the software, hardware, and network connections; time for officers to receive training and report any issues, and any on-site change that may be needed to prepare for installing a Livescan station. This information is further addressed in the ILA.

Issue: King County’s regional Automated Fingerprint Identification System (AFIS) program, under the administration of the Sheriff’s Office, is in the process of establishing an ILA with each agency in the county that provides law enforcement and/or booking services. The ILA addresses use and maintenance of electronic fingerprint equipment provided to the agencies by the AFIS Program.

By way of King County property tax levy, the AFIS program funds these Livescans and Mobile ID devices located throughout the county. This equipment is the means by which fingerprints are transmitted into the AFIS computer, resulting in the positive identification of individuals.

The ILA is the same for each city and/or entity within King County. It was vetted with a sampling of jurisdictions within King County and reflects those agencies’ input. If approved, the ILA would be in effect from year to year unless modified or terminated in accordance with the terms outlined in the agreement.

ORIGINAL



KING COUNTY SHERIFF'S OFFICE
516 Third Avenue, W-116
Seattle, WA 98104-2312
Tel: 206-296-4155 • Fax: 206-296-0168

John Urquhart
Sheriff

October 2, 2014

Chief Tony Hernandez
Milton Police Department

Dear Chief Hernandez,

Please find an enclosed Interlocal Agreement (ILA) regarding your police department's use of electronic fingerprint capture equipment. As the manager of King County's Regional Automated Fingerprint Identification System (AFIS), I respectfully request your city's review and approval of this ILA.

Through levy funding, the AFIS program provides Livescans (electronic fingerprint stations) and Mobile ID (handheld remote fingerprint devices) to police agencies in the county. This equipment is the means by which fingerprints are transmitted into the AFIS, resulting in the positive identification of individuals.

Currently, no ILA exists that addresses the use and maintenance of this equipment. The ILA essentially memorializes practices in place for many years at agencies using Livescans. It also contains a policy that your agency would be agreeing to implement for use of Mobile ID devices.

The ILA is the same for each city and/or entity within King County. It was vetted with a sampling of jurisdictions within King County and reflects those agencies' input. To provide background information to aid in your approval process, I have included a sample for a council meeting agenda item. The sample contains additional information not detailed in this letter.

I hope to have this returned as soon as feasible, and I will follow up within two months. Once the ILA is printed and signed, it can be scanned and sent to me via email. I will return a fully signed version after Executive Constantine signs. Please let me know if a hard copy is preferable.

Thank you for your attention to this request. Should you have questions, please feel free to contact me.

Best Regards,

A handwritten signature in blue ink, appearing to read "Carol Gillespie".

Carol Gillespie, Program Manager
King County Regional AFIS
(206) 263-2721
carol.gillespie@kingcounty.gov

Enclosures

cc: AFIS Advisory Committee Chair Robin Fenton

**INTERLOCAL AGREEMENT BETWEEN
KING COUNTY AND THE CITY OF MILTON**

for use of

ELECTRONIC FINGERPRINT CAPTURE EQUIPMENT

THIS AGREEMENT is entered into between King County ("County") and the city of Milton ("Agency"). The County and the Agency may be referred to individually as a "Party" or collectively as "Parties."

WHEREAS, the Automated Fingerprint Identification System (AFIS) has proven to be an effective crime-fighting tool in furtherance of the health, welfare, benefit and safety of the residents within King County; and

WHEREAS, since January 1, 2013, the County has continued to provide effective AFIS services to public law enforcement agencies within King County, through a voter approved six (6) year levy, as authorized by King County Ordinance No. 17381; and

WHEREAS, the Agency wishes to use AFIS services through Electronic Fingerprint Capture Equipment ("FP Equipment") including the necessary software and computer equipment, and system maintenance services;

NOW, THEREFORE, for and in consideration of the promises and covenants contained in this Agreement, the Parties hereto agree as follows:

I. PURPOSE

The purpose of this Interlocal Agreement is to establish the terms under which FP Equipment, which the County approves for placement in the Agency, will be used and maintained. This applies to FP Equipment previously approved for placement in the Agency and FP Equipment approved for placement in the Agency during the term of this agreement. The goals of this Agreement are to:

- Protect the public by assisting law enforcement in identifying potentially wanted or dangerous subjects before they are released from custody.
- Protect law enforcement officers by providing information important to officer safety prior to the release of detained individuals.
- Provide efficiency and accuracy in criminal record reporting to the Washington State Patrol ("WSP") and the Federal Bureau of Investigation ("FBI").
- Improve the quantity and quality of fingerprints available for search in the King County Regional AFIS Database.

FP Equipment is defined as:

- Livescan: stationary electronic fingerprint capture equipment used to obtain full sets of fingerprints for purposes of searching and storing in AFIS;
- Mobile ID: mobile electronic fingerprint capture equipment used to obtain prints from two fingers for purposes of searching AFIS to determine an individual's identity. These prints are not stored in AFIS.

II. CONTRACT ADMINISTRATION

- A. This Agreement shall be administered by the King County Sheriff through the Regional AFIS Manager or other designee and the Agency Chief of Police or its designee. Each Party's governing body shall approve this Agreement. Each Party shall inform the other within thirty (30) days of this Agreement's execution of its respective contract administrator.

III. GENERAL TERMS AND CONDITIONS

- A. The County, in its sole discretion, will decide whether to place FP Equipment in the Agency.
- B. All FP Equipment purchased by the County and located at the Agency's site shall remain the property of the County.
- C. The County may require the Agency to return FP Equipment to the County at any time, for any reason.
- D. All FP Equipment that has been installed by the King County Regional AFIS Program will be available for use by any other law enforcement agency operating within King County, if feasible, and no charge for the use of those devices by other agencies will be levied by the Agency.
- E. All FP Equipment shall be used exclusively for biometric purposes only.
- F. Statistics, or any information, which is pertinent to the FP Equipment and AFIS Program and requested by the King County Regional AFIS Manager, will be compiled by the Agency and submitted as needed.
- G. The Agency shall cooperate with the FBI if contacted through a post-processing review of a Mobile ID match in its database.
- H. The County may remove any Agency employee's rights to use FP Equipment at any time, for any reason.
- I. The Agency shall ensure that no Agency employee, officer or agent sells, transfers, publishes, discloses, or otherwise makes available any FP Equipment, software, documentation or copies thereof to any third party without the express written authorization of the County.
- J. The Agency agrees to notify the County immediately of any FP Equipment access code of any person who leaves Agency employment so that the County may delete that person's access code in order to maintain the integrity of the AFIS.
- K. The Agency will comply with all FP Equipment requirements as detailed in attached Exhibit A. The Regional AFIS Manager may revise these requirements at any time. Any revised requirements will be provided to the Agency and automatically incorporated as a new Exhibit A to this agreement. No council approval will be required to amend the Exhibit A.
- L. The Agency will comply with the Regional AFIS Program Biometric Handheld Fingerprint Identification Policy. Copy attached as Exhibit B. The Regional AFIS Manager may revise this policy at any time. Any revised policy will be provided to the Agency and automatically incorporated as a new Exhibit B to this agreement. No council approval will be required to amend the Exhibit B.

IV. AGENCY LIAISONS AND TRAINING

- A. The Agency shall assign at least one (1) Liaison. The Agency may assign separate Liaisons for each type of FP Equipment.
- B. All Agency Liaisons are required to attend training in the proper use of and the administrative functions of the FP Equipment. Training shall be provided by the County designated Trainer.
- C. Agency Liaisons for Livescan are responsible to work with the County to schedule staff training, provide user access, perform queue maintenance, and conduct system troubleshooting and testing.
- D. Agency Liaisons for Mobile ID are responsible to work with the County to schedule Agency staff to install the Mobile ID software, schedule staff training, and conduct system troubleshooting and testing.
- E. All Agency FP Equipment Operators are required to attend County provided training in the proper use of the FP Equipment by the County designated Trainer.

V. INSTALLATION AND MAINTENANCE OF ELECTRONIC FINGERPRINT CAPTURE EQUIPMENT

A. Costs paid by County

The County shall pay for the one-time delivery and installation of the FP Equipment approved for placement in the Agency. The County shall be responsible for all maintenance costs on the FP Equipment, unless otherwise specified below.

B. Costs paid by Agency

The Agency shall pay the following costs related to FP Equipment:

- 1. Any cost for office space remodeling which may be necessary to accommodate the Agency's Livescan installation;
- 2. Any internal infrastructure which may be necessary to connect the Agency to the King County Network. This infrastructure may include a Local Area Network, wiring, or other equipment;
- 3. Services in connection with the relocation of the FP Equipment or the additional removal of items of equipment, attachments, features, or other devices, except as may be mutually agreed by written amendment to this Agreement;
- 4. Electrical work external to the Agency's FP Equipment;
- 5. Repair or replacement of damaged or lost FP Equipment from any cause whatsoever, while in the care, custody and/or control of the Agency;
- 6. Repair or replacement to FP Equipment due to the FP Equipment being modified, damaged, altered, moved or serviced by personnel other than County's Contractor or its authorized representative;
- 7. Purchase of consumable FP Equipment supplies, such as printer toner cartridges, cleaning supplies, and gloves;

8. Agency employee salary cost and any overtime pay which may be necessary to complete initial or ongoing use or training for FP Equipment;
 9. Cost of integrating any Agency system to the FP Equipment.
 10. Costs associated with moving FP Equipment.
 11. Costs associated with preventative cleaning of FP Equipment.
- C. The County shall act as the point of contact for any questions or service calls from the Agency that need to be relayed to the FP Equipment Contractor. The County shall have a contact person available twenty-four (24) hours a day, seven (7) days a week.
 - D. The Agency shall provide a means of gaining access to the FP Equipment twenty-four (24) hours a day, seven (7) days a week for the purpose of installation, service calls, regular maintenance and special maintenance, when agreed upon in advance between parties. The Agency shall permit the County and/or the FP Equipment Contractor prompt and free access to the FP Equipment, including the ability to access the Livescan remotely.
 - E. The Agency will not make or permit any person other than the County or the FP Equipment Contractor to make any adjustment or repair to the FP Equipment. The Agency will not relocate, modify, change, or attempt to connect said FP Equipment without the prior written permission of the AFIS Regional Manager. The Agency will not attempt to service the FP Equipment, except for normal cleaning, and will not permit anyone other than the County or the FP Equipment Contractor to perform maintenance services in connection with the FP Equipment.
 - F. The Agency shall promptly notify the County of any error, defect, or nonconformity in the FP Equipment.
 - G. The Agency shall perform preventative cleaning of the FP Equipment in accordance with the written instructions and schedules provided by the County.
 - H. Any local system or network changes that would affect the FP Equipment or King County network must be reviewed by King County prior to implementation.
 - I. The Agency shall provide and maintain the network required to submit electronic fingerprint transmissions, in compliance with the FP Equipment Security Policy as described in Exhibit A.

VI. DURATION, TERMINATION AND AMENDMENT

- A. This Agreement shall become effective when it is signed by both Parties.
- B. This Agreement shall continue in full force and effect from year to year unless modified or terminated in accordance with the terms of this Agreement.
- C. This Agreement may be terminated or suspended by either Party without cause, in whole or in part, by providing the other Party's administrator, as described in Article 2, thirty (30) days advance written notice of the termination.
- D. If County or other expected or actual funding is withdrawn, reduced, or limited in any way the County may, upon written notification to the Agency's administrator, as described in Article 2, terminate or suspend this Agreement in whole or in part and such termination or suspension may take place immediately.

- E. This Agreement shall terminate without penalty in the event that, in the opinion of the County, AFIS levy proceeds are, for whatever reason, no longer available for purposes of this Agreement.
- F. Upon termination of this Agreement, the Agency shall cooperate in the return of all King County property to the County. Such a return would be coordinated by the Regional AFIS Manager.
- G. As described in Section III.M and N, any changes to Exhibit A or B may be made by the Regional AFIS Manager. All other amendments to this Agreement must be agreed to in writing by the parties.

VII. INDEMNIFICATION AND LIMITATION OF LIABILITY

- A. In no event will the County be liable for loss of data, loss of use, interruption of service, incompleteness of data and/or for any direct, special, indirect, incidental or consequential damages arising out of this Agreement or any performance or non-performance under this Agreement.
- B. The Agency shall indemnify, defend and hold harmless the County and its officers, agents, and employees, or any of them, from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason of or arising out of or in any way relating to the installation, maintenance or use of the County's FP Equipment including any claimed violation of any person's civil rights. The foregoing indemnity is specifically and expressly intended to constitute a waiver of the Agency's immunity under Washington's Industrial Insurance act, RCW Title 51, as respects the County only, and only to the extent necessary to provide the County with a full and complete indemnity of claims made by the Agency's employees. The parties acknowledge that these provisions were specifically negotiated and agreed upon by them. In the event that any suit based upon such a claim, action, loss, or damage is brought against the County, the Agency shall defend the same at its sole cost and expense; provided, that, the County retains the right to participate in said suit at its own expense if any principle of governmental or public law is involved; and if final judgment be rendered against the County and its officers, agents, and employees, or any of them, or jointly against the County and the Agency and their respective officers, agents, and employees, or any of them, the Agency shall satisfy the same.
- C. The County assumes no responsibility for the payment of any compensation, fees, wages, benefits or taxes to or on behalf of the Agency, its employees, contractors or others by reason of this Agreement.
- D. The Agency shall protect, indemnify and save harmless the County, its officers, agents and employees from any and all claims, costs and losses whatsoever occurring or resulting from (1) the Agency's failure to pay any compensation, wage, fee, benefit or tax, and (2) the supplying to the Agency of work, services, materials or supplies by Agency employees or agents or other contractors or suppliers in connection with or in support of performance of this Agreement.
- E. The indemnification, protection, defense and save harmless obligations contained herein shall survive the expiration, abandonment or termination of this Agreement.

VIII. CHOICE OF LAW AND VENUE

This Agreement will be governed by the laws of the State of Washington, both as to interpretation and performance. Any action at law, suit in equity or other judicial proceeding for the enforcement of this Agreement may be instituted only in King County Superior Court.

IX. DISPUTES

The Parties shall use their best, good-faith efforts to cooperatively resolve disputes and problems that arise in connection with this Agreement. Both Parties will make a good faith effort to continue without

delay to carry out their respective responsibilities under this Agreement while attempting to resolve the dispute under this section.

X. NO THIRD PARTY BENEFICIARIES

There are no third party beneficiaries to this Agreement, and this Agreement shall not impart any rights enforceable by any person or entity that is not a party hereto.

XI. WARRANTY OF RIGHT TO ENTER INTO AGREEMENT

The Parties each warrant they have the authority to enter into this Agreement and that the persons signing this Agreement for each Party have the authority to bind that Party.

XII. ENTIRE AGREEMENT

No change or waiver of any provision of the Agreement shall be valid unless made in writing and executed in the same manner as this Agreement. Except as to modifications to Exhibits A & B, the governing body of each Party shall approve any amendment to this Agreement. This Agreement constitutes the entire agreement between the Parties with respect to the subject matter hereof and supersedes all previous agreements, written or oral, between the Parties with respect to the subject matter hereof.

KING COUNTY	AGENCY:
_____	CITY OF MILTON POLICE
NAME OF PERSON SIGNING	NAME OF AGENCY
_____	_____
TITLE OF PERSON SIGNING	NAME OF PERSON SIGNING
_____	_____
DATE SIGNED	TITLE OF PERSON SIGNING

	DATE SIGNED

EXHIBITS:

- A: FP Equipment Requirements
- B: Biometric Handheld Fingerprint Identification Policy

EXHIBIT A
FINGERPRINT EQUIPMENT
REQUIREMENTS

I. LIVESCAN SPECIFIC REQUIREMENTS

A. Environmental

The County shall provide an Uninterruptible Power Supply (“UPS”) to be used with the Livescan equipment at no cost to the Agency.

The Agency shall provide the County with a minimum of two fixed IP addresses to be used only for the Livescan system and fingerprint card printer.

Cities must provide the proper environment for the Livescan, to include:

1. Consistent temperature ranging from 60 to 80 degrees Fahrenheit.
2. Consistent humidity ranging from 20% to 80% non-condensing.
3. Network connections no more than 3-4 feet from equipment.
4. Total of 4 power outlets within 3-4 feet of the Livescan system.

Note: It is recommended that Cities have a dedicated 120V, 15Amp, 60Hz power line for the Livescan to avoid circuit overload.

B. Local Interfaces

Livescans may be integrated with local records management systems provided that:

1. All development and installation costs are paid by the Agency
2. The integration specifications are provided for review and approval by the County prior to implementation
3. The integration is tested by the County prior to implementation

C. Fingerprint, Palmprint and Arrest Record Transmission

1. All Agency criminal misdemeanor, gross misdemeanor, and felony fingerprints and palmprints, on both adults and juveniles, will be electronically transmitted to the King County Regional AFIS database for search and registration.
2. The King County Regional AFIS will transmit the Agency’s fingerprint images, charge and demographic data, electronically to the Washington State Patrol for processing.
3. The Agency will be solely responsible for the accuracy of all demographic and charge information on its fingerprint and palmprint submissions. The County will not edit any suburban Agency demographic or charge information prior to submitting to Washington State Patrol.

II. MOBILE IDENTIFICATION SPECIFIC REQUIREMENTS

The Agency must provide the proper environment for the Mobile ID software, to include:

- A. The Mobile Data Terminal or patrol vehicle mounted laptop running Windows 7 (32 or 64 bit) operating system.
- B. The patrol vehicle must be a physically secure location according to current Criminal Justice Information Services Security Policy.

III. QUALITY CONTROL

Maintaining the quality of the Regional AFIS database is important in order to continue our region's ability to identify criminals and solve crimes. The Agency shall submit electronically captured fingerprints and palmprints (where applicable) to the Regional AFIS database that are of the best possible quality. The County will provide training to Agency staff, either through the FP Equipment Contractor or the County. The Agency and County will work together to ensure that all users are trained to competency. The County will review the quality of electronically captured prints and inform Agency of operators not meeting standards. These operators may be required to repeat training, and must improve their overall quality, in order to maintain access to the FP Equipment.

IV. NETWORKING

The Agency will provide coordination of Agency IT staff, when needed, to ensure secure networking is in place.

The Agency shall report, in advance when possible, all network changes and/or outages which have the potential to disrupt FP Equipment connectivity. Reporting can be made via the King County Service Request Line (206-263-2777) or the AFIS IT mailbox (AFISITHelp@kingcounty.gov).

V. SECURITY

A. Roles and Responsibilities

Each participating Agency is responsible for establishing appropriate security control.

All member Cities shall provide security awareness briefing to all personnel who have access to King County FP Equipment.

B. Monitoring

All access attempts are logged and/or recorded and are subject to routine audit or review for detection of inappropriate or illegal activity.

Security-related incidents that impact County FP Equipment data or communications circuits shall be reported immediately upon discovery by the Agency to the King County Regional AFIS Program.

C. Physical Security

Cities must assume responsibility for and enforce the system's security standards with regard to all Cities and users it services. The Agency must have adequate physical security to protect against any unauthorized access to FP Equipment, or stored/printed data at all times.

D. Network Environment Security

Cities hosting the connection of FP Equipment shall ensure adequate security measures are taken to provide protection from all forms of unauthorized and unsolicited access to FP Equipment. These security measures will be in compliance with Federal Information Processing Standard (FIPS) 140-2.

Cities are required to provide, manage, and maintain a firewall that segments the FP Equipment from any foreign non-public safety networks.

Any exceptions to this or any other network security requirement must be approved by the Regional AFIS Manager under the guidance of King County by and through its Sheriff's Office Information Services Section and King County Information Technology.

If a security breach occurs and personal identifiable information or confidential data is released or compromised, the host Agency shall bear the responsibility and costs to notify affected individuals whose information was released or compromised. This will be completed in accordance with any applicable state or federal laws.

EXHIBIT B



BIOMETRIC HANDHELD FINGERPRINT IDENTIFICATION POLICY King County Regional Automated Fingerprint Identification System (AFIS)

I. PURPOSE

To provide direction for the use of the biometric handheld fingerprint identification devices, more commonly known as a mobile identification device or Mobile ID. If an agency wishes to adopt its own or deviate from this policy, the agency must present its request to the Regional AFIS Manager.

II. PROGRAM

King County's regional AFIS program has initiated a Mobile ID project, involving the use of wireless remote fingerprint identification throughout the county. The project is designed to assist in identifying persons whose identities are in question. While the fingerprint verification process already exists in King County, Mobile ID moves this function to law enforcement first responders, resulting in a more timely identification process.

The system scans the fingerprints at the Mobile ID device and transmits wirelessly to the King County AFIS. If the fingerprints are in the AFIS database, a positive match returns the person's specific identifiers to the Mobile ID device or officer's mobile computer.

In the future, a simultaneous search may also be conducted to search Washington State Patrol's AFIS database and an FBI database known as the Repository for Individuals of Special Concern (RISC).

- A. Only officers trained by AFIS program staff and operating under the guidelines of the Mobile ID project may use the device.
- B. In the event that lack of usage by the assigned officer is a concern, the AFIS program will communicate with the agency and provide retraining and/or direct a reassignment of the device.
- C. Any use of the device not consistent with this policy and/or law enforcement purposes may result in reassignment or forfeiture of the device, and/or a deactivation of access to the AFIS database. Additionally, any violation of the Mobile ID policy/procedure, or of federal or state law, may subject the officer to internal discipline by his/her agency.

III. PROCEDURE

The use or retention of any Mobile ID-collected data shall conform to federal and state laws. It must also conform to individual agency policy as well as the AFIS program procedure as follows:

- A. An officer may use Mobile ID when there is probable cause to arrest a suspect.
- B. An officer may also use Mobile ID during a Terry Stop based upon reasonable suspicion. If a person provides a driver's license or other valid means of identification, or gives the officer a name that can be confirmed through a driver's license check, that form of identification should suffice without the use of Mobile ID. However, if there are articulable facts that give rise to reasonable suspicion regarding the accuracy of a person's identity, the officer may use Mobile ID to verify identity.
- C. Absent probable cause or reasonable suspicion of criminal activity, a person may consent to an officer's request to use Mobile ID. However, the consent must be voluntary as defined by current Washington case law; i.e., the person must be informed that he/she has a right to refuse the officer's request.
- D. Use of the device shall be documented in any report generated as a result of the contact. The officer must articulate the specific facts that support the basis for the use of Mobile ID and must state the voluntary compliance of the Mobile ID if used without arrest, probable cause, or reasonable suspicion.

Back to
Agenda
Bill



To: Mayor Perry and City Council Members
From: Betty J. Garrison, Interim Finance Director
Date: November 17, 2014
Re: **2015 Final Budget Public Hearing**

ATTACHMENTS: A Final Budget Document will be provided.

TYPE OF ACTION:

Information Only Discussion Action Public Hearing

Recommendation/Action: Take public testimony on the 2015 Final Budget

Fiscal Impact/Source of Funds: Outlined in the budget document

Discussion:

October 20th the City Council held a Public Hearing for Public testimony on the 2015 Preliminary Budget.

At the October 13th and 20th, November 3rd and 10th meetings Council reviewed and discussed the Preliminary Budget as presented.

The final Budget has incorporated the changes in BARS numbers for the Software transition and to more closely reflect the recommendations and system prescribed by the State Auditor. Law Enforcement revenue and expenditures have been combined in the Criminal Justice Fund as requested by the Chief. This allows for easier understanding and management with all revenue and expenses shown in one place. REET funds have been pulled back out of the Capital Improvement Fund and are showing in Municipal Improvement Fund and the Municipal Project Fund as directed by City Code. Non-expenditures that are off-set by Non-revenue identified in the Preliminary Budget have been identified and noted. These transactions are for pass through funding from the Municipal Court for the County and the State. Other minor changes were made as the BARS numbering required re-classification of some sources and expenditures.



To: Mayor Perry and City Councilmembers
From: Chris Larson, Contract Associate Planner
Date: November 17, 2014
Re: **Public Hearing regarding Marijuana Businesses**

ATTACHMENTS: See Regular Agenda Item 7C

TYPE OF ACTION:

Information Only Discussion Action Expenditure Required

Recommendation/Action: Provide an open forum for public comment on an ordinance banning the establishment of marijuana businesses in the City of Milton.

Background: See information with Item 7C.



To: Mayor Perry and City Council Members
From: Chris Larson, Contract Associate Planner
Date: November 17th, 2014
Re: 2015 Planning Commission Work Plan

ATTACHMENTS: Proposed Planning Commission 2015 Work Plan

TYPE OF ACTION:

Information Only Discussion Action Expenditure Required:

Recommendation/Action: Staff recommends approval of the 2015 Planning Commission Work Plan by motion of the Council.

Fiscal Impact/Source of Funds: It is anticipated the budget for the Planning Department will cover the work of the Planning Commission

Previous Council Review: The Council has not reviewed the 2015 Work Plan.

Issue: Review and approval of the 2015 Planning Commission Work Plan.

The proposed work plan was created by staff and has not be reviewed by the Planning Commission.

Discussion: The first portion of 2015 is dedicated to finalizing the Comprehensive Plan review.

It has also been identified that there are problems with the Sign Code in terms of internal consistency, as well as needing to be updated to match the adopted 2012 Vision.

The Planning Commission will also be reviewing the substandard lot issue, as directed by Council after Council's review of the substandard lot regulations.

In 2014 the Washington Cities Insurance Authority performed a land use audit of all of their member cities. There will be some minor code updated as a result of Milton's land use audit. The Planning Commission will also review these in 2015.



2015 Planning Commission Work Plan

Comprehensive Plan Update	January 28th
Comprehensive Plan Update	February 25th
Comprehensive Plan Update <ul style="list-style-type: none"> • Final recommendation. 	March 25th
Privately initiated Comp Plan Amendments <ul style="list-style-type: none"> • Review any privately initiated amendments submitted between 1/1/15 – 2/28/15 	March 25th – Introduction/Set review schedule (if any privately initiated amendments are received) Additional review as needed
Sign Code <ul style="list-style-type: none"> • Review of the sign code to ensure internally consistency. • Update of the sign code to assure compatibility with the 2012 adopted Vision. 	April 22nd - Introduction May 27th - Discussion June 24th – Discussion/Recommendation July 22nd – Recommendation
WCIA Land Use Audit	July 22nd – Introduction August 26th – Discussion September 23rd – Discussion/Recommendation
Substandard Lot Regulations <ul style="list-style-type: none"> • Referred back to the Planning Commission for further review. 	September 23rd – Introduction October 28th – Discussion November 25th – Discussion/Recommendation

Back to Agenda Bill



To: Mayor Perry and City Councilmembers
From: Chris Larson, Contract Associate Planner
Date: November 17th, 2014
Re: **2014 Pierce County County-wide Planning Policies (CWPP's)**

-
- ATTACHMENTS:**
1. Proposed amendments to CWPP's
 2. Explanatory sheet
 3. Resolution opposing CWPP's
 4. Additional information
-

TYPE OF ACTION:

Information Only Discussion Action Expenditure Required

Recommendation/Action: Staff recommends the City Council adopt the attached resolutions, opposing the amendments to the Pierce County county-wide planning policies.

"I move to adopt the attached resolution, opposing the 2014 amendments to the Pierce County county-wide planning policies".

Fiscal Impact/Source of Funds: None

Previous Council Review: None

Background: During 2014 the Pierce County Growth Management Coordinating Committee (GMCC) created amendments to the county-wide planning policies. These amendments were centered on annexation policies, and were subsequently adopted by the Pierce County Regional Council.

Discussion: The key provision that does not bode well for the City of Milton is new policy 4.2.1 which states: *"4.2.1 Cities and towns are allowed to annex territory only within their adopted Potential 35 Annexation Area as identified in the Pierce County Comprehensive Plan."*

Prior to this policy being created Cities were allowed to annex from another City's Potential Annexation Area (PAA) as long as the other City did not oppose the annexation. This occurred during the City's Pacific Hwy Annexation, when Milton annexed a parcel that was located in Tacoma's PAA. Fife has also annexed property from Tacoma's PAA in order to maintain efficient and logical boundaries.

Allowing Cities to work cooperatively at the time of annexation, was an efficient way to make sure that unique factors, which may have not been considered during creation of the PAA boundaries by the County, are taken into account during the annexation process. However, under the proposed CWPP's this flexibility is completely removed from Cities and put in the hands of the Pierce County Council.

For example, if Milton were to annex from Tacoma's PAA again, Milton would first need to get approval from Tacoma, then amend our Comprehensive Plan to expand the PAA by adding the parcel(s) from Tacoma's PAA. Milton would then need to apply for an amendment to the Pierce County Comprehensive Plan to change their maps to match Milton's Comprehensive Plan, and then wait for approval from the County Council. Depending on timing, this could be a two year process.

Details: Amendments to the CWPP's need to be ratified by 60% of the jurisdictions representing 75% of the population in the County, in order to become effective. This threshold correlates to 14 cities and towns, and Pierce County, representing a minimum of 610,875 people

Consequently, for the CWPP amendments to not be ratified, more than 40% of the jurisdictions representing more than 25% of the population has to take a legislative action stating opposition to a proposal for ratification to fail.

Proposed Amendments
to the
Pierce County Countywide Planning Policies
Addressing

**Potential Annexation Areas
And
Annexation**

1 **COUNTYWIDE PLANNING POLICY ON URBAN GROWTH AREAS,**
2 **PROMOTION OF CONTIGUOUS AND ORDERLY DEVELOPMENT**
3 **AND PROVISION OF URBAN SERVICES TO SUCH DEVELOPMENT**

4
5 **Background - Requirements of Growth Management Act**

6
7 The Washington State Growth Management Act has as planning goals the encouragement of development in
8 urban areas where adequate public facilities and services exist or can be provided in an efficient manner
9 [RCW 36.70A.020(1)], the reduction of sprawl (*i.e.*, the inappropriate or premature conversion of undeveloped
10 land into low-density development) [RCW 36.70A.020(2)], and the provision of adequate public facilities and
11 services necessary to support urban development at the time the development is available for occupancy and
12 use (without decreasing current service levels below locally established minimum standards) [RCW
13 36.70A.020(12)] as planning goals.

14
15 The Growth Management Act further requires (1) that the County designate an "urban growth area" (UGA) or
16 areas within which urban growth shall be encouraged and outside of which growth shall occur only if it is not
17 "urban" in character; (2) that each municipality in the County be included within an UGA; (3) that an UGA
18 include territory outside of existing municipal boundaries only if such territory is characterized by urban
19 growth or is adjacent to territory that is already characterized by urban growth. [RCW 36.70A.110(1); for
20 definition of "urban growth" see RCW 36.70A.030(17).]

21
22 The designated UGAs shall be of adequate size and appropriate permissible densities so as to
23 accommodate the urban growth that is projected by the State Office of Financial Management to occur in the
24 County for the succeeding 20-year period. While each UGA shall permit urban densities, it shall also include
25 greenbelt and open space areas [RCW 36.70A.110(2)].

26
27 As to the timing and sequencing of urban growth and development over the 20-year planning period, urban
28 growth shall occur *first* in areas already characterized by urban growth that have existing public facility and
29 service capacities to service such development, *second* in areas already characterized by urban growth that
30 will be served by a combination of both existing public facilities and services and any additional needed public
31 facilities and services that are provided by either public or private sources [RCW 36.70A.110(3)]. Urban
32 government services shall be provided primarily by cities, and it is not appropriate that urban governmental
33 services be extended to or expanded in rural areas except in those limited circumstances shown to be
34 necessary to protect basic public health and safety and environment, and when such services are financially
35 supportable at rural densities and do not permit urban development [RCW 36.70A.110(4)].

36
37 The Growth Management Act Amendments expressly require that countywide planning policies address the
38 implementation of UGA designations [RCW 36.70A.210(3)(a)], the promotion of contiguous and orderly
39 development, the provision of urban services to such development [RCW 36.70A.210(3)(b)], and the
40 coordination of joint county and municipal planning within UGAs [RCW 36.70A.210(3)(f)].

41
42 **VISION 2040 Multicounty Planning Policies (MPPs)**

43
44 VISION 2040 calls for a more efficient, sustainable, and strategic use of the region's land. It identifies urban
45 lands as a critical component to accommodate population and employment growth in a sustainable way.
46 VISION 2040 calls for directing development to the region's existing urban lands, especially in centers and
47 compact communities, and limiting growth on rural lands. The Regional Growth Strategy found in VISION
48 2040 allocates 93 percent of the region's future population growth and 97 percent of its employment growth
49 into the existing urban growth area. Cities are divided into four distinct groups: Metropolitan Cities, Core
50 Cities, Large Cities, and Small Cities. An additional geography is Unincorporated Urban Growth Areas.
51 VISION 2040 recognizes that unincorporated urban lands are often similar in character to cities they are
52 adjacent to, calling for them to be affiliated with adjacent cities for joint planning purposes and future
53 annexation.

54
55 VISION 2040 recognizes that compact development creates vibrant, livable, and healthy urban communities
56 that offer economic opportunities for all, provide housing and transportation choices, and use our resources
57 wisely. The Multicounty Planning Policies support the effective use of urban land and include provisions that



1 address brownfield and contaminated site clean-up, the development of compact communities and centers
2 with pedestrian-friendly, transit-oriented locations and a mix of residences, jobs, retail, and other amenities,
3 and the siting of facilities and major public amenities in compact urban communities and centers.

4
5 VISION 2040 recognizes that centers provide easy access to jobs, services, shopping, and
6 entertainment. With their mix of uses and pedestrian-friendly design, they can rely less on forms of
7 transportation that contribute to air pollution and greenhouse gas emissions. VISION 2040 identifies 27
8 regional growth centers. These places play an important role as locations of the region's most significant
9 business, governmental, and cultural facilities. The 18 cities that have one or more regional growth
10 centers are expected to accommodate a significant portion of the region's residential growth (53 percent)
11 and employment growth (71 percent).

12
13 VISION 2040 calls for local jurisdictions with regional growth centers to adopt housing and employment
14 targets for each center. Eight regional manufacturing/industrial centers have also been designated. These
15 are locations for more intensive commercial and industrial activity. Both regional growth centers and
16 regional manufacturing/industrial centers are focal points for economic development and transportation
17 infrastructure investments. Subregional centers, including downtowns in suburban cities and other
18 neighborhood centers, also play an important role in VISION 2040's *Regional Growth Strategy*. These,
19 too, are strategic locations for concentrating jobs, housing, shopping, and recreational opportunities.
20 VISION 2040 calls for each of the region's cities to develop one or more central places as compact
21 mixed-use hubs for concentrating residences, jobs, shops, and community facilities.

22
23 Urban services addressed in VISION 2040 include wastewater and stormwater systems, solid waste, energy,
24 telecommunications, emergency services, and water supply. An overarching goal of VISION 2040 is to
25 provide sufficient and efficient public services and facilities in a manner that is healthy, safe, and
26 economically viable. Conservation is a major theme throughout VISION 2040. The Multicounty Planning
27 Policies address increasing recycling and reducing waste and encouraging more efficient use of water, low-
28 impact development techniques, and renewable and alternative energy. The Multicounty Planning Policies
29 also address siting of public facilities and the appropriateness and scale of particular public services.

30
31 VISION 2040 calls for jurisdictions to invest in facilities and amenities that serve centers and restrict urban
32 facilities in rural and resource areas. The Multicounty Planning Policies also discourage schools and other
33 institutions serving urban residents from locating outside the urban growth area.

34 35 **Principles of Understanding Between Pierce County and the Municipalities in Pierce County**

36
37 While following the goals and regulations of the Growth Management Act, Pierce County and the
38 municipalities in Pierce County will strive to protect the individual identities and spirit of each of our cities and
39 of the rural areas and unincorporated communities.

40
41 Further agreements will be necessary to carry out the framework of joint planning adopted herein. These
42 agreements will be between the County and each city and between the various cities.

43
44 The services provided within our communities by special purpose districts are of vital importance to our
45 citizens. Consistent with the adopted regional strategy, these districts will be part of future individual and
46 group negotiations under the framework adopted by the County and municipal governments.

47
48 While the Growth Management Act defines sewer service as an urban service, Pierce County currently is a
49 major provider of both sewer transmission and treatment services. The County and municipalities recognize
50 that it is appropriate for the County and municipalities to continue to provide sewer transmission and
51 treatment services.

52
53 The County recognizes that unincorporated lands within UGAs are often Potential Annexation Areas for
54 cities. Although annexation is preferred, these are also areas where incorporation of new cities can could
55 occur. The County will work with existing municipalities and emerging communities to make such transitions
56 efficiently. The identification of "Potential Annexation Areas" (PAAs) is intended to serve as the foundation for
57 future strategies to annex areas within the urban growth area. A Potential Annexation Area refers to an



1 unincorporated area within the designated urban growth area which a city or town has identified as being
2 appropriate for annexation at some point in the future. A Potential Annexation Area designation does not
3 obligate a jurisdiction to annex an area within a defined timeline. It is the County's authority, in consultation
4 with cities and towns, to adopt the urban growth area(s), and identify individual Potential Annexation Areas.

6 In order to promote logical, orderly, and systematic annexations of the urban growth area(s), the County in
7 partnership with cities and towns, should establish joint planning agreements and annexation plans prior to
8 expanding or adding to existing PAAs. Creation of new PAAs prior to the annexation of existing PAAs may
9 directly impact Pierce County government and its service obligations, and may undermine the transition of
10 existing unincorporated lands into cities and towns.

12 The County encourages cities and towns to annex land within its respective PAAs. The County recognizes
13 cities and towns may not have a financial incentive to annex areas that will require more expenditures than
14 the revenue produced through property or sales tax. Jurisdictions need to be creative in identifying potential
15 financial incentives, in addition to establishing partnerships to overcome the financial obstacles. As a means
16 to allocate resources, the County should prioritize the PAAs, with the highest being unincorporated "islands"
17 between cities and towns. Pierce County shall support future annexations for areas in which a joint planning
18 agreement exists between the County and appropriate city or town.

20 At the same time, annexations and incorporations have direct and significant impacts on the revenue of
21 County government, and therefore, may affect the ability of the County to fulfill its role as a provider of certain
22 regional services. The municipalities will work closely with the County to develop appropriate revenue sharing
23 and contractual services arrangements that facilitate the goals of GMA.

25 The Countywide Planning Policies are intended to be the consistent "theme" of growth management planning
26 among the County and municipalities. The policies also spell out processes and mechanisms designed to
27 foster open communication and feedback among the jurisdictions. The County, and the cities and towns, will
28 adhere to the processes and mechanisms provided in the policies.

30 **Growth Targets**

31 The Regional Growth Strategy set forth in VISION 2040 provides guidance for the distribution of future
32 population and employment growth through the year 2040 within the Central Puget Sound Region. This
33 strategy, in combination with the Office of Financial Management's population forecasts, provides a
34 framework for establishing growth targets consistent with the requirements of the Growth Management Act.
35 Consistent with VISION 2040, these growth targets are the *minimum* number of residents, housing units, or
36 jobs a given jurisdiction is planning to accommodate within the appropriate planning horizon and are
37 informational tools integrated into local land use plans to assist in formulating future residential and
38 employment land needs. These targets are to be developed through a collaborative countywide process that
39 ensures all jurisdictions are accommodating a fair share of growth.

41 Achievement of the future envisioned by VISION 2040 will be challenging. Jurisdictions in some regional
42 geographies will likely be planning for growth targets that are above or below the policy direction set by
43 the Regional Growth Strategy because they are on a front- or back-loaded growth trajectory toward 2040.
44 In other regional geographies, recent growth has been at such significant odds with the policy direction
45 set by the Regional Growth Strategy (such as recent growth in unincorporated urban Pierce County from
46 2000 to 2007 has already accounted for more than half of the 40-year growth allocation), that the 2040
47 goal will likely be exceeded. In such cases, jurisdictions are asked to set growth targets as close to
48 VISION 2040 as reasonably possible in an effort to "bend the trend" of future growth to more closely
49 conform to the Regional Growth Strategy. If a jurisdiction's adopted target is lower or higher than
50 expected from a straight-line application of the Regional Growth Strategy, certification by the Puget
51 Sound Regional Council (PSRC) will be based on the actions and measures taken or proposed to be put
52 in place to bend the trend, not just on an assessment of the adopted targets.

54 It is recognized that some of the urban growth areas in existence prior to the adoption of VISION 2040
55 may contain more potential housing and employment capacity based upon zoning, allowed density, land
56 division patterns, and other factors than is needed to accommodate the growth target of the associated
57 geography. In many cases, these urban growth areas have been in existence for a decade or more,



1 contain existing development patterns, which are urban in character, and are served by sanitary sewer
2 and other urban infrastructure. These areas are largely expected to remain within the urban growth area
3 consistent with their urban character. Expansion of the urban growth area boundaries that do not comply
4 with provisions in the Amendments and Transition section of these policies is acknowledged to be
5 inconsistent with CPPs and is strongly discouraged.

6
7 **Centers**

8
9 Centers are to be areas of concentrated employment and/or housing within UGAs which serve as the hubs of
10 transit and transportation systems. Centers and connecting corridors are integral to creating compact urban
11 development that conserves resources and creates additional transportation, housing, and shopping choices.
12 Centers are an important part of the regional strategy (VISION 2040) for urban growth and are required to be
13 addressed in the Countywide Planning Policies. Centers will become focal points for growth within the
14 County's UGA and will be areas where public investment is directed.

15
16 Centers are to:

- 17 • be priority locations for accommodating growth;
- 18 • strengthen existing development patterns;
- 19 • promote housing opportunities close to employment;
- 20 • support development of an extensive multimodal transportation system which reduces dependency
21 on automobiles;
- 22 • reduce congestion and improve air quality; and
- 23 • maximize the benefit of public investment in infrastructure and services.

24
25 VISION 2040, the adopted regional growth strategy, identifies several centers as an integral feature for
26 accommodating residential and employment growth. The strategy describes Regional Growth Centers, and
27 other centers that may be designated through countywide processes or locally. Regional Growth Centers
28 once regionally designated are located either in Metropolitan Cities, or in Core Cities. VISION 2040 also
29 identifies Manufacturing/Industrial Centers, which consist primarily of manufacturing and industrial uses.
30 Pierce County has five Regional Growth Centers and two Manufacturing/Industrial Centers that have been
31 adopted into the regional growth strategy. Pierce County Regional Growth Centers are located in Tacoma,
32 which is a Metropolitan City, and in Lakewood and Puyallup, which are Core Cities.

33
34 Regional Growth Centers in the Metropolitan City

35 Tacoma Central Business District
36 Tacoma Mall

37
38 Regional Growth Centers in Core Cities

39 Lakewood
40 Puyallup Downtown
41 Puyallup South Hill

42
43 Currently there are no designated Countywide Centers.

44
45 Manufacturing/Industrial Centers are areas where employee- or land-intensive uses will be located. These
46 centers differ from Regional Growth Centers in that they consist of an extensive land base and the exclusion
47 of non-manufacturing or manufacturing-supportive uses is an essential feature of their character. These
48 areas are characterized by a significant amount of manufacturing, industrial, and advanced technology
49 employment uses. Large retail and non-related office uses are discouraged. Other than caretakers'
50 residences, housing is prohibited within Manufacturing/Industrial Centers. However, these centers should be
51 linked to high density housing areas by an efficient multimodal transportation system. The efficiency of rail
52 and overland freight to markets is the critical element for manufacturers and industries located in these
53 centers.

54
55 The designated Manufacturing/Industrial Centers, within Pierce County are as follows:
56



1
2 Manufacturing / Industrial Centers
3 Frederickson
4 Port of Tacoma
5

6 Within Pierce County, a limited number of additional centers may be designated through amendment of the
7 Countywide Planning Policies consistent with the process below.
8

9 Designated centers may vary substantially in the number of households and jobs they contain today. The
10 intent of the Countywide Planning Policies is that Regional Growth Centers become attractive places to live
11 and work, while supporting efficient public services such as transit and being responsive to the local market
12 for jobs and housing.
13

14 The Countywide Planning Policies establish target levels for housing and employment needed to achieve the
15 benefit of a center. Some centers will reach these levels over the next twenty years, while for others the
16 criteria set a path for growth over a longer term, providing capacity to accommodate growth beyond the
17 twenty year horizon.
18

19 **County-Level Centers Designation Process**
20

21 The County and any municipality in the County that is planning to include a Metropolitan City Center,
22 Regional Growth Center, Countywide Center or Manufacturing / Industrial Center within its boundaries shall
23 specifically define the area of such center within its comprehensive plan. The comprehensive plan shall
24 include policies aimed at focusing growth within the center and along corridors consistent with the applicable
25 criteria contained within the Countywide Planning Policies. The County or municipality shall adopt
26 regulations that reinforce the center's designation.
27

28 No more often than once every two years, the Pierce County Regional Council (PCRC) shall invite
29 jurisdictions with centers already adopted in their comprehensive plan that seek to be designated as centers
30 in the Countywide Planning Policies to submit a request for such designation. Said request shall be
31 processed in accordance with established procedures for amending the Countywide Planning Policies.
32

33 Each jurisdiction seeking to have a center designated in the Countywide Planning Policies shall provide the
34 PCRC with a report demonstrating that the proposed center meets the minimum criteria for designation
35 together with a statement and map describing the center, its consistency with the applicable Countywide
36 Planning Policies, and how adopted regulations will serve the center.
37

38 Transit services shall be defined in the broadest sense and shall include local and regional bus service, rail
39 where appropriate, vanpool, carpool, and other transportation demand measures designed to reduce vehicle
40 trips.
41

42 The minimum designation criteria to establish a candidate center by type are as follows:
43

44 Metropolitan City Center

45 Area: up to 1-1/2 square miles in size;

46 Capital Facilities: served by sanitary sewers;

47 Employment: a minimum of 25 employees per gross acre of non-residential lands with a minimum of
48 15,000 employees;

49 Population: a minimum of ten households per gross acre; and

50 Transit: serve as a focal point for regional and local transit services.
51

52 Regional Growth Center

53 Area: up to 1-1/2 square miles in size;

54 Capital Facilities: served by sanitary sewers;

55 Employment: a minimum of 2,000 employees;

56 Population: a minimum of seven households per gross acre; and

57 Transit: serve as a focal point for regional and local transit services.



1
2 Countywide Center

3 Area: up to one square mile in size;
4 Capital Facilities: served by sanitary sewers;
5 Employment: a minimum of 1,000 employees;
6 Population: a minimum of 6 households per gross acre; and
7 Transit: serve as a focal point for local transit services.
8

9 Manufacturing / Industrial Center

10 Capital Facilities: served by sanitary sewers;
11 Employment: a minimum of 7,500 jobs and/or 2,000 truck trips per day; and
12 Transportation: within one mile of a state or federal highway or national rail line.
13

14 The minimum criteria report and statement shall be reviewed by the Growth Management Coordinating
15 Committee (GMCC) for consistency with Countywide Planning Policies, the Transportation Coordination
16 Committee (TCC) for consistency with transportation improvements plans of WSDOT, and with Pierce
17 Transit's comprehensive plan. The coordinating committees shall provide joint recommendation to the
18 PCRC.
19

20 Once included in the Countywide Planning Policies, the jurisdiction where a center is located may go on to
21 seek regional designation of the center from the Puget Sound Regional Council (PSRC) in accordance with
22 its established criteria and process.
23

24 In order to be designated a Regional Growth Center the center should meet the regional criteria and
25 requirements including those in VISION 2040, the regional growth, economic and transportation strategy as
26 may be amended and designated by the Puget Sound Regional Council.
27

28 After county-level designation occurs within the Countywide Planning Policies and until regional-level
29 designation by the PSRC occurs the center shall be considered a "candidate" Regional Growth Center.
30

31 Each jurisdiction which designates a Regional Growth Center shall establish 20-year household and
32 employment growth targets for that Center. The expected range of targets will reflect the diversity of the
33 various centers and allow communities to effectively plan for needed services. The target ranges not only set
34 a policy for the level of growth envisioned for each center, but also for the timing and funding of infrastructure
35 improvements. Reaching the target ranges will require careful planning of public investment and providing
36 incentives for private investments.
37

38 Three candidate regional centers have been included into the Countywide Planning Policies. One of the
39 candidate centers is a Regional Growth Center and the other two candidate centers are an
40 Industrial/Manufacturing Center.
41

42 Candidate Regional Centers

43 University Place – Candidate Regional Growth Center
44 South Tacoma – Candidate Industrial/Manufacturing Center
45 Sumner-Pacific – Candidate Industrial/Manufacturing Center
46

47 Urban Growth Outside of Centers

48
49 A variety of urban land uses and areas of growth will occur outside of designated centers but within the UGA.
50 Local land use plans will guide the location, scale, timing, and design of development within UGAs. The UGA
51 will be where the majority of future growth and development will be targeted. Development should be
52 encouraged which complements the desired focus of growth into centers and supports a multimodal
53 transportation system. For example, policies which encourage infill and revitalization of communities would
54 help to achieve the regional and statewide objectives of a compact and concentrated development pattern
55 within urban areas. The Countywide Planning Policies provide guidance for development and the provision
56 of urban services to support development within the UGA.
57



1
2 **Satellite Cities and Towns**
3

4 The cities and towns in the rural areas are a significant part of Pierce County's diversity and heritage. They
5 have an important role as local trade and community centers. These cities and towns are the appropriate
6 providers of local rural services for the community. They also contribute to the variety of development
7 patterns and housing choices within the county. As municipalities, these cities and towns provide urban
8 services and are located within the County's designated UGA. The urban services, residential densities and
9 mix of land uses may differ from those of the large, contiguous portion of the UGA in Pierce County.

10
11 **Countywide Planning Policy**
12

13 UGA-1. The County shall designate a the countywide urban growth area and Potential Annexation
14 Areas within it, and identify where appropriate municipal urban growth areas within the
15 countywide urban growth area, based on in consultations between the County and each
16 municipality.
17

18 1.1 County referral of proposed urban growth area and Potential Annexation Area
19 designations to the Pierce County Regional Council (PCRC).
20

21 1.1.1 The PCRC may refer the proposed designations to the Growth Management
22 Coordinating Committee (GMCC), or its successor entity for technical advice and
23 for a report.
24

25 1.1.2 The PCRC may conduct public meetings to review the proposed designation
26 and, at such meetings, may accept oral or written comments and
27 communications from the public.
28

29 1.1.3 At the conclusion of its review and analysis, the PCRC shall make a
30 recommendation to the County and to the municipalities in the County.
31

32 1.2 Once adopted by the County, the urban growth area and Potential Annexation Area(s)
33 designations shall not be changed except in accordance with the Countywide Policy on
34 "Amendments and Transition."
35

36 1.2.1 A jurisdiction shall not be required to modify existing urban growth area
37 boundaries or Potential Annexation Areas in order to reduce the residential or
38 employment capacity to conform to adopted growth targets reflecting VISION
39 2040's Regional Growth Strategy. Jurisdictions shall, however, consider the
40 adopted growth targets when updating their local comprehensive plans.
41

42 1.2.2 Growth targets are the minimum number of residents, housing units, or jobs a
43 given jurisdiction is planning to accommodate within the appropriate planning
44 horizon and are to be developed through a collaborative countywide process that
45 ensures all jurisdictions are accommodating a fair share of growth. These
46 targets are informational tools integrated into local land use plans to assist in
47 formulating future residential and employment land needs.
48

49 UGA-2. The following specific factors and criteria shall dictate the size and boundaries of urban growth
50 areas:
51

52 2.1 Size
53

54 2.1.1 Urban growth areas must be of sufficient size to accommodate the urban growth
55 projected to occur over the succeeding 20-year planning period taking into
56 account the following:



- a. land with natural constraints, such as critical areas (environmentally-sensitive land);
- b. agricultural land to be preserved;
- c. greenbelts and open space;
- d. New Fully Contained Communities pursuant to RCW § 36.70A.350;
- e. maintaining a supply of developable land sufficient to allow market forces to operate and precluding the possibility of a land monopoly but no more than is absolutely essential to achieve the above purpose;
- f. existing projects with development potential at various stages of the approval or permitting process (i.e., the "pipeline");
- g. land use patterns created by subdivisions, short plats or large lot divisions;
- h. build-out of existing development and areas which are currently only partially built out;
- i. follow existing parcel boundary lines ~~(if a parcel is split and more than 50% is within the urban growth boundary, the entire parcel shall be considered part of the urban growth area as long as the increase does not exceed 2% of the municipality's total urban growth area).~~

2.1.2. The County, and each municipality in the County, shall cooperatively develop and propose objective standards and criteria to disaggregate the State Office of Financial Management's Countywide growth forecasts and VISION 2040 Regional Growth Strategy forecasts for the allocation of projected population to the County and municipalities, taking into account the availability and concurrency of public facilities and services with the impact of development, as well as the VISION 2040 Regional Growth Strategy.

2.1.3 The County shall use a consistent countywide targeting process for allocating population and employment growth consistent with the regional vision, including establishing:

- a. local employment targets,
- b. local housing targets based on population projections, and
- c. local housing and employment targets for each designated regional growth center.

2.2 Boundaries

2.2.1 The following shall be considered in determining the location of urban growth area boundaries:

- a. geographic, topographic, and manmade features;
- b. public facility and service availability, limits and extensions;
- c. jurisdictional boundaries including special improvement districts;
- d. location of designated natural resource lands and critical areas;
- e. avoidance of unserviceable islands of County land surrounded by other jurisdictional entities;
- f. destination 2030 urban/rural line and PSCAA burn ban line.

Phasing of Development within the Urban Growth Area

2.3 The County and each municipality in the County shall seek to direct growth as follows:

- a. first to cities and towns, centers and urbanized areas with existing infrastructure capacity;
- b. second to areas that are already urbanized such that infrastructure improvements can be easily extended; and
- c. last to areas requiring major infrastructure improvements.

2.3.1 Capital facilities plans shall identify existing, planned, and future infrastructure needs within Urban Growth Areas.



1 2.3.2 The County and each municipality in the County should identify appropriate
2 levels of service and concurrency standards that address schools, sewer, water,
3 and parks.

4 2.3.3 The County and each municipality in the County shall identify appropriate levels
5 of service and multimodal concurrency standards that address roads.
6

7 ~~2.4 Municipal urban growth area boundaries shall be determined as set forth above and with~~
8 ~~consideration for the following additional factors:~~

9
10 ~~2.4.1 the VISION 2040 document, including Multicounty Planning Policies;~~

11 ~~2.4.2 the carrying capacity of the land considering natural resources, agricultural land~~
12 ~~and environmentally sensitive lands;~~

13 ~~2.4.3 population, housing, and employment projections;~~

14 ~~2.4.4 financial capabilities and urban services capacities;~~

15 ~~2.4.5 consistency and compatibility with neighborhood, local and regional plans;~~

16 ~~2.4.6 the existing land use and subdivision pattern.~~
17

18 2.4 The urban growth area in unincorporated portions of the County shall be limited to the
19 following:

20
21 2.4.1 build-out of existing partially developed areas with urban services;

22 2.4.2 new fully contained communities;

23 2.4.3 redevelopment corridors.
24

25 2.5 The County's urban growth area may be extended to allow for build-out of newly
26 developed areas only if development capacity within ~~municipal urban growth boundaries~~
27 **Potential Annexation Areas** and growth in the areas identified in Policy 2.5 is determined
28 to be inadequate to meet total population and employment projections consistent with
29 the other policies set forth herein.
30

31 2.6 Encourage efficient use of urban land by maximizing the development potential of
32 existing urban lands, such as advancing development that achieves zoned density.
33

34 2.7 ~~The municipal urban growth areas as well as unincorporated urban growth areas not~~
35 ~~affiliated with a city or town, in existence prior to the adoption of VISION 2040 may~~
36 ~~contain capacity beyond that needed to accommodate the growth target per regional~~
37 ~~geography for the succeeding 20-year planning period based upon existing zoning~~
38 ~~designations, allowed density, existing land division patterns, and similar factors. It is~~
39 ~~permissible for such areas to continue to be designated as urban growth areas.~~
40 ~~Expansion of these urban growth areas boundaries is acknowledged to be inconsistent~~
41 ~~with the CPPs and strongly discouraged if the urban growth area expansion is not in~~
42 ~~accordance with policy AT-2.3.~~
43

44 **UGA-3. Potential annexation areas shall be designated through the Pierce County Comprehensive Plan**
45 **in consultation with cities and towns.**
46

47 **3.1 A city or town shall first identify a Potential Annexation Area(s) within its respective**
48 **Comprehensive Plan;**
49

50 **3.2 Potential Annexation Area boundaries shall be determined with consideration for the**
51 **following additional factors;**
52

53 **3.2.1 the VISION 2040 document, including Multicounty Planning Policies;**

54 **3.2.2 the carrying capacity of the land considering natural resources, agricultural land**
55 **and environmentally-sensitive lands;**

56 **3.2.3 population, housing, and employment projections;**

57 **3.2.4 financial capabilities and urban services capacities;**



- 3.2.5 consistency and compatibility with neighborhood, local and regional plans;
- 3.2.6 the existing land use and subdivision pattern;
- 3.2.7 property access and ownership.

3.3 Potential Annexation Areas should not overlap or leave unincorporated urban islands between cities and towns.

3.3.1 Future requests to establish a new Potential Annexation Area shall not result in an overlap with an existing Potential Annexation Area or create islands between cities and towns.

3.3.2 Cities and towns with existing Potential Annexation Area overlaps should work toward resolving the existing overlaps.

3.4 The urban service areas and satellite urban growth areas as designated through the Pierce County Comprehensive Plan as of June 30, 2013 shall be recognized as designated Potential Annexation Areas.

3.4.1 Urban service area designations approved by the Pierce County Council through its 2013 Comprehensive Plan Amendment Cycle shall be recognized as a Potential Annexation Area.

3.4.2 Boundaries of the Potential Annexation Areas should not split parcels. Efforts should be put forth to resolve split parcels prior to the initial designation of Potential Annexation Areas.

Annexation within the Urban Growth Area

UGA-4. Pierce County, in conjunction with its cities and towns, shall establish a strategy for future annexations within the urban growth area.

4.1 Annexation is preferred over incorporation within the urban growth area.

4.2 The Potential Annexation Areas as identified in the Pierce County Comprehensive Plan shall be the foundation to an annexation strategy.

4.2.1 Cities and towns are allowed to annex territory only within their adopted Potential Annexation Area as identified in the Pierce County Comprehensive Plan.

4.2.2 Annexation of an area should be phased to coincide with a city or town's ability to coordinate the provision of a full range of urban services to the areas proposed for annexation.

4.3 The County and its cities and towns should proactively coordinate the annexation of unincorporated areas within the urban growth area that are within each respective city or town's Potential Annexation Area.

4.3.1 The County and each city and town should work towards the establishment of annexation plans and joint planning agreements, with an exception for lands associated with Joint Base Lewis McChord and Camp Murray.

4.3.1.1 A joint planning agreement is to serve as a mechanism where the County or a city can, prior to notice of annexation, identify potential objections and resolutions.

4.3.1.2 An annexation plan should identify a potential schedule for annexation of areas with a city or town.

4.3.2 The County should explore and implement financial incentives for a city or town to annex areas associated with its respective Potential Annexation Area.



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4.3.2.1 Financial incentives may include the establishment of a County level grant fund to assist in financial challenges a city or town may have in annexing an area.

4.3.2.2 Financial incentives may include the elimination or reduction in a fee associated with a County service to a city or town in exchange for annexing an area.

4.3.3 The County, and cities and towns, should explore potential partnerships in grant funding opportunities to overcome obstacles associated with annexing specific areas.

4.3.4 Cities and towns should recognize the financial impacts experienced by the County when annexation only encompasses commercial or greenfield areas and avoids existing residential development.

4.3.4.1 Cities and towns are encouraged to include a mix of existing commercial, residential, and greenfield areas, where appropriate, in future annexation proposals.

4.4 The County should prioritize the adopted Potential Annexation Areas for annexation.

4.4.1 The County's highest priority should be Potential Annexation Areas representing unincorporated "islands" between cities and towns; and,

4.4.2 The County shall support annexation for areas in which a joint planning agreement exists between the County and appropriate city or town.

Note: The policy numbers/citations for all policies that follow will need to be changed.

Back to Agenda Bill

PIERCE COUNTY REGIONAL COUNCIL
INTERLOCAL AGREEMENT
AMENDMENTS TO THE PIERCE COUNTY
COUNTYWIDE PLANNING POLICIES

ATTACHED TO THIS COVER SHEET ARE:

- A copy of the County's Ordinance authorizing execution of the interlocal agreement, and thereby ratifying the amendments to the Pierce County Countywide Planning Policies (CPPs).
- A copy of the interlocal agreement showing the amendments to the CPPs as approved by the PCRC.

What To Do If Your Jurisdiction is in Support of the Proposed Amendment:

Option #1

1. Develop a similar ordinance or resolution in whatever form is used by your jurisdiction. It is **not** necessary for everyone to adopt identical documents. The ordinance/resolution needs to include two attachments: 1) the interlocal agreement, and 2) Potential Annexation Area (PAA) amendments. *Note: Jurisdictions cannot make line item modifications; this is a pass or fails policy choice.*
2. Have your Council vote on the ordinance/resolution.
3. If the ordinance/resolution passes, have the authorized agents for your jurisdiction sign the interlocal agreement.
4. **Two original copies** of your signed resolution/ordinance and interlocal agreement must be received by Cindy Anderson, Pierce County Planning and Land Services, 2401 S. 35th St., Room 175, Tacoma, WA 98409, no later than **December 21, 2014**.

Option#2

Take no action addressing the proposed amendment.

What to Do if Your Jurisdiction is NOT in Support of the Proposed Amendment:

1. Develop a resolution in whatever form is used by your jurisdiction that states opposition to the proposed amendment.
2. Have your Council vote on the resolution.
3. If the resolution not to support the proposed amendment passes, forward a signed copy to Cindy Anderson, Pierce County Planning and Land Services, 2401 South 35th Street, Room 175, Tacoma, WA 98409. The resolution must be received no later than **December 21, 2014**.

WHAT HAPPENS NEXT

Once ordinances/resolutions and interlocal agreements are approved by 60% of the jurisdictions representing 75% of the population in the County, the amendments will become effective. This threshold correlates to 14 cities and towns, and Pierce County, representing a minimum of 610,875 people (based on 2013 OFM estimate).

Per Pierce County Countywide Planning Policy AT 1.2.1, "A jurisdiction shall be deemed as casting an affirmative vote if it has not taken legislative action to disapprove a proposed amendment within 180 days from the date the Pierce County Council formally authorizes the Pierce County Executive to enter into an interlocal agreement." Consequently, for a proposal to not be ratified, more than 40% of the jurisdictions representing more than 25% of the population has to take a legislative action stating opposition to a proposal for ratification to fail.

**CITY OF MILTON
RESOLUTION NO. 14-**

**A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF MILTON,
WASHINGTON, OPPOSING THE PROPOSED 2014 AMENDMENTS TO THE
PIERCE COUNTY COUNTY-WIDE PLANNING POLICIES.**

WHEREAS, the City of Milton has been authorized to annex into the potential annexation areas (PAA) of the cities of Fife and Tacoma for several years, and

WHEREAS, this sharing of PAAs has enabled the City of Milton to accommodate the desires of local citizens when they are ready and want to annex into the City of Milton, and

WHEREAS, Pierce County is currently considering the adoption of county-wide planning policy amendments that prohibit cities from annexing into the PAAs of other cities, and

WHEREAS, the adoption of these amendments will unnecessarily reduce the annexation options available to Pierce County citizens and slow down the annexation of unincorporated areas, and

WHEREAS, the expeditious annexation of the unincorporated portions of urban growth areas is consistent with Growth Management Act goals and policies that encourage the efficient use of infrastructure and that designate cities as urban service providers, and

WHEREAS, the proposed amendments provide no significant public benefit,

**THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON DOES HEREBY
RESOLVE AS FOLLOWS:**

The City Council opposes and declines to ratify the proposed 2014 Pierce County County-Wide Planning Policies attached as Exhibit A.

PASSED AND APPROVED by the City Council of the City of Milton, Washington, at a regularly scheduled meeting this _____th day of November, 2014.

Debra Perry, Mayor

Attest:

Katie Bolam, City Clerk

Approved as to form:

Back to Agenda Bill



Phil A. Olbrechts

City Attorney



City of Tacoma
City Manager's Office

12 April 2011

Chris Larson, Planner
City of Milton
1000 Laurel St
Milton, WA 98354

Dear Mr. Larson:

Thank you for the opportunity to comment on the annexation proposed by the City of Milton of areas adjacent to Pacific Highway East. We appreciate that you would communicate early and openly about annexation plans by the City of Milton.

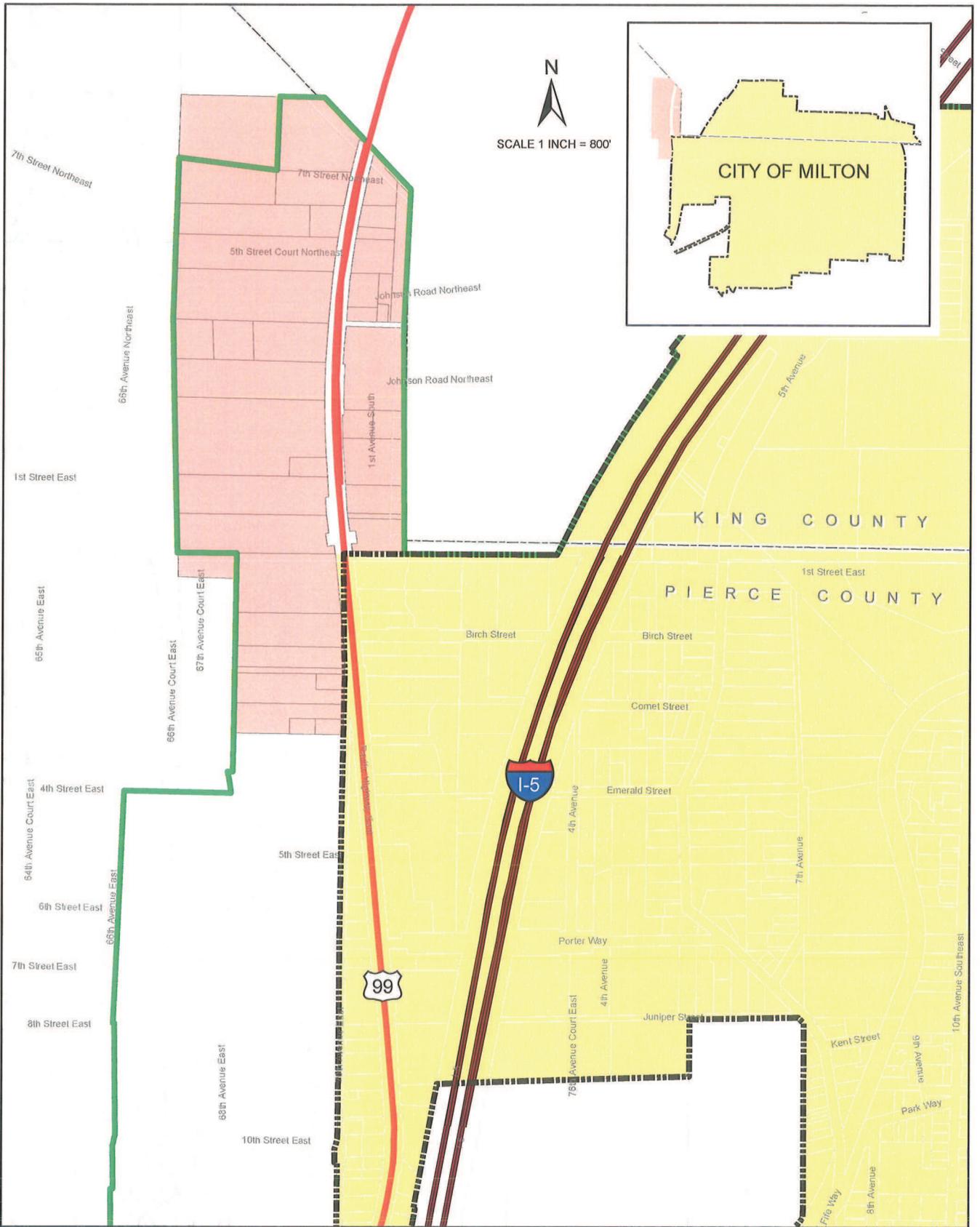
All members of the Tacoma City Council had the opportunity to review the map you provided and a brief summary about the proposed annexation. There were no questions about the proposal.

Again, thank you for taking the initiative to consult with City of Tacoma staff and allowing time for Tacoma City Council members to comment. We appreciate your courtesousness.

Sincerely,

Alisa M. O'Hanlon
Government Relations Coordinator

M:\Milton\11481 Annexation Legal\GIS\Annexation Figure.mxd - 5/17/2011 @ 6:29:52 AM



LEGEND

-  PROPOSED ANNEXATION
-  MILTON URBAN GROWTH BOUNDARY
-  MILTON CITY LIMITS

**CITY OF MILTON
PROPOSED ANNEXATION**



Gray & Osborne, Inc.
CONSULTING ENGINEERS



To: Mayor Perry and City Councilmembers
From: Chris Larson, Contract Associate Planner
Date: November 17th, 2014
Re: **Marijuana Regulations**

-
- ATTACHMENTS:**
1. Proposed Ordinance
 2. September 24th, 2014 Planning Commission minutes
 3. October 22nd, 2014 Planning Commission minutes
 4. October 30th, 2014 Planning Commission minutes
 5. 1000 ft buffer map
 6. AGO2014-2 Washington Attorney General Opinion
 7. Supplementary Information
-

TYPE OF ACTION:

Information Only Discussion Action Expenditure Required

Recommendation/Action: Staff recommends the City Council adopt the planning commission’s recommendation regarding marijuana related uses.

“I move to adopt the attached ordinance banning recreational marijuana uses in the City of Milton”.

Fiscal Impact/Source of Funds: No fiscal impacts are expected as a result of adopting the Planning Commission’s recommendation.

If the Council chooses to allow marijuana uses, there will be fiscal impacts to the police department in the form of increased work load. To date those fiscal impacts have not been quantified.

Previous Council Review: The City Council has reviewed regulations related to both medical and recreational marijuana a number of times in recent history. Since medical cannabis collective gardens have already been banned, the current discussion is solely related to recreational marijuana authorized under Initiative 502.

Below is a brief regulatory history of recreational marijuana regulations in the City of Milton.

March 13th, 2013 - Ordinance 1819 – Milton adopted interim regulations regarding the location of recreational marijuana facilities (producers, processors and retailers).

These regulations were adopted with the understanding that if the City did not have regulations in place, marijuana facilities could locate in a commercial or industrial zone as long as they received the appropriate license from the Washington State Liquor Control Board (WSLCB) Under these

regulations, state license retailers were allowed in the Light Manufacturing District (M-1) and the Business District (B), while producers and processors were only allowed in the Light Manufacturing District (M-1).

January 21st, 2014 - Ordinance 1835 – This ordinance created a 6 month moratorium for all recreational marijuana facilities.

This ordinance was adopted based on the legitimate concern that Milton could potentially be burdened with a disproportionate share of marijuana related uses. This was due to adjacent cities not allowing marijuana related uses while Milton was allowing them.

July 7th, 2014 - Ordinance 1846 – Extended the moratorium on recreational marijuana facilities.

The moratorium was extended an additional 6 months, now set to expire on January 7th, 2014. This ordinance also directed the Planning Commission to make a recommendation to the City Council by October 31st, 2014, and for the City Council to adopt permanent regulations by November 30th, 2014.

Background: The Planning Commission discussed marijuana regulations at their regularly scheduled meetings on September 24th and October 22nd as well as a special meeting held on October 30th, 2014.

During their September meeting the Commission was presented with information regarding marijuana regulations. Through discussion at this meeting it was identified that a majority of the commissioners were against allowing marijuana uses in the City. A number of concerns with allowing marijuana uses were identified. These concerns are summarized below, and are also identified in the Planning Commission minutes (attachment 2).

- Does not fit the small town family atmosphere the City is trying to protect.
- There are plenty of communities that allow it already.
- Too many unanswered questions regarding federal pre-emption.
- Federal law should be protected.
- Bonneville power issue is huge unanswered questions.
- If the City does want to allow it, we should wait until all of the uncertainties are addressed.
- If state law gets over turned by federal pre-emption the City of Milton could be in a position of liability.

The planning commissioners that were in favor of allowing marijuana uses identified the following ideas as supporting allowances (see attachment 2):

- Vote of the people should allow for fair business opportunities.
- We can disallow growing operation (smell/power/security issues) but still allow the processor and retailers.
- The stores are safe, attractive and already heavily regulated by WSLCB.
- Allowing this will take revenue away from the criminal cartels that are currently profiting from the black market.

At their October 22nd meeting the Commission was presented with a draft ordinance (attachment 1) banning marijuana related uses. Due to unforeseen circumstances there were only four (4) members present. Although there was not a full commission present, there was a quorum, and the planning commission moved forward with making a recommendation.

The recommendation from the October 22nd meeting was two (2) for and two (2) against allowing marijuana related uses. Per Robert's Rules, a tie vote is a failed vote. Furthermore, a failed vote means there was not a recommendation. Upon discussions with the City attorney, it was determined that the Planning Commission needed to hold a special meeting, in order to make a recommendation to the City Council.

The special meeting was scheduled, and notice provided prior to the meeting being held on October 30th, 2014. At this meeting, the planning commission voted to recommend approval of the attached ordinance, banning marijuana related uses in the City. The recommendation passed by a vote of 4/2. The minutes of the October 30th special meeting are attached as attachment 4.

Discussion:

Authority:

The 2014 State Attorney General Opinion (attachment 6) answered two key questions in regards to what a City can or cannot do in regulating marijuana related uses. Specifically it addressed if cities can ban marijuana related uses and if cities can adopt regulations in excess of state law. In both cases, the answer is yes. This is further clarified in attachment 6.

More recently, the City of Fife's regulation banning marijuana related uses in Fife was challenged in Pierce County Superior Court. The question(s) being addressed in this case were if cities can ban marijuana related uses authorized under I-502, and if not, whether federal prohibition trumps Washington State's law. Although the official written opinion has not yet been issued, the outcome of the hearing is that Cities are in fact allowed to ban marijuana related uses. However, the Pierce County Superior Court did not address the federal preemption issue.

Although an appeal of the Fife case has been file with the State Supreme Court, the current law of the land is that Cities are allowed to ban marijuana uses all together and/or adopt regulations more stringent that those adopted by the Washington State Liquor Control Board (WSLCB).

Vision

As mentioned above, the City has the authority to disallow marijuana related uses, or to allow them, as seen fit by the City. As such the question then becomes is this appropriate for Milton, and how will this fit into the adopted Vision.

Uptown District

The Uptown District is geared towards establishing a vibrant, pedestrian-friendly commercial center that can act as a gateway into the City and a recognizable destination within the City. A walkable district also provides for strolling through the district, and can provide a family atmosphere.

Although voters of the state chose to allow marijuana related uses, it is fairly clear that marijuana related uses do not blend with the intended pedestrian-oriented/gateway into the City vision of the Uptown District.

West Milton Commercial District

The West Milton Commercial District was created with the thought of creating a lively commercial district in the City. The development pattern was envisioned to be a flex space, or business park type atmosphere. This concept envisions buildings that support a mix of uses form administrative, office, light assembly, storage, laboratory, and restaurant which can accommodates all sizes from small suites to larger light industrial units.

The goal is to provide areas where smaller businesses can get their business started in a building with relatively cheap rents, while also providing flexibility for them to grow and expand as necessary. It was also envisioned that over time, the uses in the district would become self supporting and complementary of each other. This means that there is the opportunity for future uses to come in a support the existing uses. This comingling of compatible uses supports the desire for a thriving commercial center.

Allowing a marijuana related facility in this sort of concept *could* be seen to be consistent with the vision, in that it would allow a start up marijuana business a place to locate and get up and going.

However, it very well may reduce the attractiveness of the district to future tenants and limit the development and growth of the envisioned development pattern. For example it would be surprising if a child's store, restaurant, book store, dentist office, retail store, etc would want to locate in a commercial complex that has a marijuana related use.

Police Impact

As requested by the Planning Commission Chief Hernandez Chief Hernandez was at the Planning Commission's October 22nd meeting and spoke about the primary and secondary impacts related to allowing marijuana related uses in the City.

The Police Department anticipates seeing an increased work load, should a marijuana related facility be located in the City. This is due to primary impacts (breaking/entering the marijuana related facility etc.) as well as secondary impacts (impaired drivers, increased DUI etc.)

Chief Hernandez also spoke to the impact on the City's youth. Yes this will be available in other Cities, but what image does it portray to the youth if the City allows it? Also, what image is portrayed when the parents/elders are seen visiting these places in the City?

Even though recreational marijuana will be available in adjacent jurisdictions, keeping it out of Milton will be beneficial for Milton's small town family atmosphere.

State Requirements

The State Liquor Control Board requires that marijuana related uses be at least 1000 feet from any *"elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older."* Attachment 5 shows the location of the known uses in which marijuana uses shall be buffered from, along with a 1000 ft buffer.

Details: The proposed ordinance (attachment 1) will do the following:

- Keep the state definitions of Marijuana Related uses.
- Repeal the previously adopted interim regulations for recreational marijuana related uses.
- Amend the table of allowed uses to disallow all marijuana related uses in all zones.

**CITY OF MILTON
ORDINANCE 18XX-14**

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON; ADOPTING PERMANENT REGULATIONS BANNING MARIJUANA RELATED BUSINESSES FROM LOCATING WITHIN THE CITY OF MILTON; REPEALING ORDINANCE 1846-14 AND SECTION 17.44.120 OF THE MILTON MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Milton enacted Ordinance 1819-13 adopting interim regulations on marijuana related uses including medical and recreational marijuana, and

WHEREAS, the City of Milton enacted ordinance 1846-14 adopting a moratorium on all recreational marijuana related uses, and

WHEREAS, the Washington State Attorney General has issued a formal opinion (AGO 2014 No.2) that states that local governments may ban marijuana businesses within their jurisdiction or impose stricter regulations than those in I-502; and

WHEREAS, several local governments around the City, including Pierce County, have enacted moratoriums and bans on marijuana businesses resulting in the possibility that a disproportionate number of marijuana businesses will locate in the City of Milton; and

WHEREAS, the City Council, deeming it to be in the public interest to not allow marijuana related uses within the City; and

WHEREAS, the City issues a State Environmental Protection Act (SEPA) determination of Non-significance on October 2nd 2014; and

WHEREAS, the City Planning Commission held a public hearing on October 22nd, 2014 prior to making a recommendation; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings of Facts: The recitals set forth above are hereby adopted as findings of facts.

Section 2. Section 17.14 of the Milton Municipal Code is hereby amended as follows.

Description of Use	RS	RM	RMD	MX	B	M-1	CF	OS
Residential Use Category								
Accessory apartment	acc ¹	acc	acc	acc				

Description of Use	RS	RM	RMD	MX	B	M-1	CF	OS
Accessory structure larger than principal building	cup							
Adult day care facility	cup	au	au	au				
Adult family home	au	au	au	au				
Adult retirement community		au	au	au				
Apartment		au	cup	au				
Assisted living facility		cup	cup	cup				
Carport	acc	acc	acc	acc				
Dwelling, multifamily		au	cup	au				
Dwelling, single-family	au	au	au	au				
Dwelling, two-family	au ²	au	au	au				
Garage, private	acc	acc	acc	acc	acc	acc		
Group homes	cup	au	cup	au				
Mobile home park	cup	cup	cup					
Parking area, private	acc	acc	acc	acc	acc	acc		
Swimming pool, private	acc	acc	acc	acc				
Commercial Use Category								
Adult entertainment business					cup			
Ambulance service				au	au	au		
Amusement parks				su2	su2	su2	su2	su2
Animal hospital					au	au		
Auction house/barn (no vehicle or livestock)					au	au		
Automobile service station				cup	au	au		
Automobile wash					au	au		
Automobile, repair					au	au		
Automobile, sales					au	au		
Banks, savings and loan association				au	au			
Beauty/barber shop			cup	au	au			
Bed and breakfast	cup	au	cup	au				
Billiard hall and pool hall				au	au	au		
Child day care, commercial	cup	cup	cup	au	au	cup	cup	
Child day care, family	au	au	au	au				
Commercial recreation < 2 ac.		cup		cup	au		au	au
Commercial recreation > 2 ac.					cup		cup	

Description of Use	RS	RM	RMD	MX	B	M-1	CF	OS
Confectionery stores (see Retail sales)				au	au			
Convenience store				au	au			
Crematories and mausoleums					su 1	su 1	su 1	su 1
Department stores (see Retail sales)					au			
Drug stores (see Personal services)				au	au			
Dry cleaners (see Personal services)				au	au			
Electric vehicle infrastructure ⁵	acc	acc	acc	au	au	au	acc	acc
Espresso stands				au	au	au		
Flea market						cup		
Food markets and grocery stores				au	au			
Golf and athletic facilities				su 1	su 1	su 1	su 1	su 1
Greenhouses, private and noncommercial	au	au	au	cup	cup			
Hardware stores < 10,000 sf				au	au	au		
Hardware stores > 10,000 sf					au	au		
Health club		acc		au	au	acc		
Home occupation	au ⁴	au ⁴	au ⁴	au ⁴	au ⁴	au ⁴	au ⁴	au ⁴
Horticultural nursery, wholesale and retail					au	au		
Hotel				cup	au			
Inn		cup		au	au			
Liquor stores				au	au	au		
Locksmiths				au	au	au		
Lumber yards					au	au		
Marijuana producers or processors, state licensed ⁶	<u>-Prohibited in all zoning districts</u>				au			
Marijuana retailer, state licensed ⁶	<u>Prohibited in all zoning districts</u>				au au			
Medical marijuana or cannabis collective gardens	Prohibited in all zoning districts							
Mortuaries					au			
Motel				cup	au			
Outdoor advertising display				cup	au	au		
Pet shop				au	au			
Photographer's studio			cup	au	au			
Radio and TV repair shops				au	au	au		
Recreational areas, commercial, including tennis clubs and similar activities				su 1	su 1	su 1	su 1	su 1

Description of Use	RS	RM	RMD	MX	B	M-1	CF	OS
Recreational areas privately operated				su 1				
Recycling collection points		acc		acc	acc	acc	acc	acc
Restaurant				au	au	au		
Restaurants, drive-through					cup	au		
Retail <1,000 square feet				au	au	au		
Retail >1,000 square feet					au	au		
Rodeos					su 1	su 1	su 1	su 1
Secondhand store				cup	au	au		
Self-service storage facility		acc		acc	cup	au		
Shoe stores or repair shop				au	au			
Sports arenas					su 1	su 1	su 1	su 1
Stadiums					su 2	su 2	su 2	su 2
Stationery store				au	au			
Studios (i.e., recording, artist, dancing, etc.)				au	au			
Swimming pool, commercial		cup		cup	au		au	
Taverns				au	au	au		
Theaters, enclosed				cup	au	cup		
Video store (rental, not adult) < 5,000 sf				au	au	au		
Video store (rental, not adult) > 5,000 sf					au	au		
Civic Use Category								
Ballfield				su 1				
Bicycle paths, walking trails	au	au	au	au	au	au	au	au
Church	cup	au	cup	au	au	cup		
Club or lodge, private				cup	cup			
Fairgrounds					su 1	su 1	su 1	su 1
Garage, public						au		
Heliports					su 2	su 2	su 2	su 2
Hospitals and sanitariums					cup	cup		
Libraries				au	au		au	
Open-air theaters				su 1				
Parking area, public		acc		acc	acc	acc	acc	acc
Post office, branch or contract station				au	au			
Post office, distribution center or terminal						cup		

Description of Use	RS	RM	RMD	MX	B	M-1	CF	OS
Public parks	cup	cup	cup	cup	cup	cup	au	au
Schools, elementary or secondary	cup	cup	cup	cup	cup		au	
Swimming pool, public	cup	cup	cup	cup	cup			
Transit facilities, bus barns, park-and-ride lots, transit stations				su 1				
Vocational schools/colleges				cup	cup	cup	cup	
Utilities Use Category								
Electric transmission substation	cup	cup	cup	cup	cup	au	cup	cup
Fuel storage tanks (underground, < 500 gal.)	acc	acc	acc	au	au	au		
Fuel storage tanks (underground, > 500 gal.)		cup	cup	cup	au	au		
Fuel storage tanks, above ground				au	au	au		
Public utility facilities (services)	cup	cup	cup	cup	au	au	au	
Public utility service yard						au	au	
Radio, cellular phone, microwave, and/or television transmission facilities or towers	cup	cup	cup	cup	cup	cup	cup	cup
Sewage treatment plants							cup	
Transfer station solid waste facility						cup	cup	
Industrial Use Category								
Blueprinting and photostating				au	au	au		
Buy-back recycling center						cup		
Cabinet shops (see Industry, light)					cup	au		
Cargo storage containers					acc	acc	acc	
Carpenter shops (see Industry, light)					cup	au		
Composting facilities					su 2	su 2	su 2	su 2
Contractor yards					au	au		
Distributing plants (see Industry, light)						au		
Electric/neon sign assembly, servicing repair						au		
Freight terminal, truck						cup		
Furniture repair (see Industry, light)					cup	au		
Industry, light						au		
Machine shops, punch press up to five tons (see Industry, light)						au		
Motor vehicle impound yard in enclosed building (see Industry, light)						au		
Nonautomotive, motor vehicle and related equipment sales, rental, repair and service					au	au		
Outdoor storage					cup	au		
Paint shop (see Industry, light)						au		

Description of Use	RS	RM	RMD	MX	B	M-1	CF	OS
Parcel service delivery (see Industry, light)						au		
Pesticide application service (see Industry, light)						au		
Plumbing shop (see Industry, light)						au		
Plumbing supply yards (see Industry, light)						au		
Printing establishments					au	au		
Recycling processing centers					su2	su2	su2	su2
Storage for transit and transportation equipment						cup		
Tool sales and rental				cup	au	au		
Trailer-mix concrete plant						cup		
Upholstering					au	au		
Warehousing						au		
Welding shops and sheets metal shops						cup		
Office/Business Use Category								
Medical-dental clinic			cup	au	au			
Professional offices			cup	au	au	au		
Resource Use Category								
Agricultural buildings	acc					acc	acc	acc
Agricultural crops; orchards	au	cup	au			acc	acc	au
Livestock	au ³							
Pasture	au							
Stable, private arena	au ³							
Surface mining					su2	su2	su2	su2
acc: Accessory Use au: Authorized or Permitted Use cup: Conditionally Permitted Use su1: Type I Special Use su2: Type II Special Use								

1 Minimum lot size 9,600 square feet.

2 Minimum lot size 12,000 square feet.

3 Maximum one animal/acre.

4 Subject to the limitations of MMC [17.44.090](#).

5 Battery exchange stations and rapid charging stations are only allowed in the MX, B, and M-1 zones.

6 Subject to limitations of MMC [17.44.120](#).

Section 3. Repealed: Ordinance 1846-14 and Section 17.44.120 of the Milton Municipal Code are hereby repealed.

Section 4. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by

State or Federal law or regulations, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Transmittal to Department: Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

Section 6. Publication: This ordinance shall be published by an approved summary consisting of the title.

Section 7. Effective Date: This ordinance shall be in full force and effect five (5) days from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED at the regular meeting of the Council of the City of Milton, Washington, this ____th Day of November 20____

Debra Perry, Mayor

Attest/Authenticated:

Katie Bolam, City Clerk

Approved as to form:

Bio Park, City Attorney

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PLANNING COMMISSION MINUTES

September 24, 2014
Wednesday, 7:00 p.m.

Council Chambers
1000 Laurel Street

1. **CALL TO ORDER** Chair Whalen called the meeting to order at 7:00 pm; the flag salute was conducted.

2. **ROLL CALL** Present: Chair Whalen, Commissioners Reeves, McMillan, Anderson, Boyle, and Larson

STAFF Associate Planner Larson, City Clerk Bolam

3. **CITIZEN COMMENT PERIOD**

None.

4. **ADDITIONS/DELETIONS**

None.

5. **APPROVAL OF MINUTES**

a. 8/27/14

COMMISSIONER REEVES MOVED, seconded by Commissioner Anderson, to approve the minutes of 8/27/14. **Passed 6/0.**

6. **DISCUSSION ITEMS**

a. **DRAFT Capital Facilities Goals and Policies**

Planner Larson explained the definition of "capital facility", and the only requirement for inclusion in the element is for items for which the city collects an impact fee. He then returned the discussion to the planning commission for comments. Consultant Casey Bradfield was present to help answer questions.

Chair Whalen announced each goal, asking for any comments for each. Questions and comments were addressed as introduced. Topics included:

- Recommendation to include a threshold of \$100,000 to go before Council.
- Fire level of service in light of the city annexing into East Pierce Fire District.

- How specific to be regarding which essential providers must or should review.

Planner Larson explained that the old Goal 5 was covered in other areas of the comprehensive plan and so excluded from this one.

Speaker	Address	Comments
Leonard Sanderson	1201 24 th Ave Ct	<ul style="list-style-type: none"> • Doing a wise thing changing “shall” to “should,” allowing for latitude for good business judgment. • Page 16 at the top – seems backward – the comprehensive plan should be the prevailing document. Once you decide the growth pattern, the capital facilities should support that, rather than the growth plan supporting the capital facilities. • Page 19, letter C – “increase the amount of revenue available...” – should consider saying “increase the rates”.

b. Marijuana Regulations

Planner Larson explained that this discussion is to get a general sense of direction from the Planning commission in order to prepare an ordinance for review by applicable agencies prior to the next Planning Commission meeting. He explained the city’s authority in regulating marijuana related uses and reviewed the state’s requirements. He summarized the concerns regarding Bonneville’s position and the potential tier system impact of establishing marijuana regulations. And he explained that there is no provision by the state for income above the usual tax structure from marijuana businesses.

He shared the city attorney’s answer to a previously asked question regarding the location of a future school (or other) inside the buffer...

Commissioner Reeves said she’d like to hear the public comments, and would like to see more extensive advertising for our next meeting on this topic.

Speaker	Address	Comments
Leonard Sanderson	1201 24 th Ave Ct	There are true medicinal benefits to certain people. The 3 precincts that are primarily residential all rejected I-502. Hasn’t seen anything from the police department about their concerns of impacts on them. Objects to “unfunded mandates” – no revenue allowances.

Consensus Question: Should the city, from a general perspective, allow for marijuana regulations? **4 No / 2 Yes**

Commissioners stated the reasoning behind each opinion:

- Commissioner Boyle – Thanked staff for the extensive packet of information. Feels that the vote of the people should allow for a fair opportunity to business. No growing should be allowed due to impacts such as smell, utility concerns, and criminal aspect. Processing is probably okay. Doesn't think power concerns will be an issue for retail. Likes the zoning designations in the light industrial, away from residential. Likes that some cities have extended the setbacks away from residential areas (referred to a Pacific County publication – page 96-97). Suggested making the business license cost more to make up for the assumed higher costs to the city and no extra revenue. Disappointed in lack of input from the police department. Favors limiting the number of businesses allowed in the city.
- Commissioner McMillan – Stated that state law should be respected and allowed for. She visited a store on 6th Ave in Tacoma and asked questions, where she felt perfectly safe. She is in favor of legalizing drugs to get the money away from the cartels. Concerned about some of the issues; there are gray areas with the state, and money should come to the localities. Liked the City of Pacific's report on the topic.
- Commissioner Anderson – A small community like Milton doesn't need to have marijuana allowed; plenty of surrounding communities have it available. It detracts from the family atmosphere we've identified we want for Milton. There are too many questions left unanswered; we should wait and make sure we are in full compliance.
- Commissioner Larson – Concurs with Commissioner Anderson regarding the small town character of Milton. Federal law needs to be followed. Wants more information from the people he represents, not just county and state numbers. Wants to hear impacts from the police.
- Commissioner Reeves – Would like to see statistics from cities that have allowed businesses. The BPA issue is a big one, as is the federal law. As far as the B&O tax, probably can't single out just this kind of business.
- Chair Whalen – Concurs with Commissioners Anderson and Larson. Very concerned about the federal law – if federal law winds up "trumping" state law, will the city be protected? Too many unanswered questions.

Planner Larson said that Council has asked that the Planning Commission discuss, decide, and make a recommendation according to the Commission's consensus.

According to what has been stated at this meeting, he will draft an ordinance that bans all uses, in accordance with the consensus; the proposed ordinance will be brought before the Planning Commission at the October 22 meeting for recommendation to Council. He will include the minutes from this meeting with the recommended ordinance to Council, which will provide Council with the Commission's comments and concerns.

Additional comments made:

- Commissioner Reeves supports stiff penalties for serving to minors.
- Chair Whalen added concerns about buffers and buffering the trail.
- Discussion about tribal influences.
- Discussion regarding buffer rules on city boundary lines.

7. PLANNING COMMISSIONER COMMENTS

Commissioner Boyle attended a Fife football game on their new field, and encourages attendance.

8. CITIZEN COMMENT PERIOD

None.

9. ADJOURNMENT – Chair Whalen adjourned the meeting at 9:10 pm.

Chair, Jacquelyn Whalen	Date	City Clerk, Katie Bolam	Date
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PLANNING COMMISSION MINUTES

October 22, 2014
Wednesday, 7:00 p.m.

Council Chambers
1000 Laurel Street

1. **CALL TO ORDER** Chair Whalen called the meeting to order at 7:00 pm; the flag salute was conducted.
2. **ROLL CALL** Present: Chair Whalen, Commissioners McMillan, Boyle, and Larson
ABSENT Commissioners Anderson and Reeves – **MOTION** (Boyle / Larson) to excuse Commissioner Reeves – **Passed 4/0.**
STAFF Associate Planner Larson, City Clerk Bolam, Director Neal, Mayor Perry

3. CITIZEN COMMENT PERIOD

None.

4. ADDITIONS/DELETIONS

Chair Whalen added discussion regarding November and December meeting schedule as Item 8b.

5. APPROVAL OF MINUTES

a. 9/24/14

COMMISSIONER LARSON MOVED, seconded by Commissioner Boyle, to approve the minutes of 9/24/14. **Passed 4/0.**

6. DISCUSSION ITEMS

a. DRAFT Capital Facilities Element

Planner Larson introduced consultant Randy Young. He explained the overview of the Capital Facilities element. Mr. Young added information on the connectivity of this element to the others in the comprehensive plan.

Chair Whalen led discussion through each section of the element. Commissioners made suggestions for missing utility suppliers.

Chief Hernandez answered commissioner's questions; Mr. Young explained how changes can be made to the document before the next update.

Planner Larson explained that Council recently added an item to the stormwater six-year capital improvement plan, which will be updated in this element.

Mr. Young explained that estimated traffic counts are not related to city population due to thru-traffic. Planner Larson will report back regarding the relationship of the Highway 167 impact to the estimated increase in traffic counts.

Mr. Young answered questions related to fire station 18's inclusion in Milton's comprehensive plan and the fire insurance rating system.

Discussion regarding library facilities repair or replacement ensued.

Mr. Young will report back regarding the exclusion of capacity figures in the school district's capital facilities plan.

Mr. Young will add in a statement indicating that a utility body's governing authority will determine rate changes.

Chair Whalen suggested policies regarding emergency management training so that staff is positioned for FEMA funding in the case of a disaster such as occurred at Oso.

7. PUBLIC HEARING

a. Marijuana Regulations

Planner Larson introduced this item and provided a brief background of I-502, Milton's current position, and the Planning Commission's direction from last meeting. He answered Commissioner's questions posed in the last meeting, including tribal relationships, B&O tax, and statistics from communities with regulations in place. BPA has not issued policies to the public yet.

Chair Whalen opened the public hearing at 8:01 pm.

Chair Whalen explained process for entering public comment.

Speaker	Address	Comments
Jacki Strader	1809 13 th Ave	<ul style="list-style-type: none">• She has spoken to council, and appreciates the opportunity to make concerns known to the Planning Commission, also.• She has reviewed the reasoning of commissioners from the last meeting.• Regarding utilities for retail – if the city allows businesses, we have to allow for a plan if BPA

		<p>cuts power.</p> <ul style="list-style-type: none"> • Without B&O tax, we receive no revenue. • At the time of the vote on I-502, she had no idea of the potential impact to utilities or lack of revenue for cities. • Regarding the comment of a councilmember suggesting LED/energy efficiency requirements – wonders if we really want police resources to go to that. • The crime statistics provided left some crimes off the list that have gone up significantly, creating a big impact on police departments in those communities. • Relating to the liquor initiative results – grocery stores are having problems with theft.
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Chair Whalen closed the public hearing at 8:08 pm.

Planner Larson explained the process for public notice that took place in advance of this meeting. There were no public comments submitted to the city.

Chief Hernandez reported to the commission regarding pros and cons of allowing for marijuana distribution, including the potential impact to the Milton Police Department.

Commissioner Boyle asked Chief Hernandez if this is more dangerous to officers and the public than alcohol. Chief Hernandez answered that impairment is a problem either way.

Chair Whalen asked if the city allowed for a marijuana business, and after that a buffered business use chose to locate within the state-imposed buffer, would the marijuana facility be required to relocate. Planner Larson answered, as per the city attorney, that no, the preexisting business would not be required to relocate.

8. ACTION ITEM

a. Marijuana Regulations

Planner Larson explained what the proposed ordinance would amend in the Milton Municipal Code.

COMMISSIONER LARSON MOVED, seconded by Chair Whalen, to recommend approval to the City Council of the attached ordinance, banning marijuana related uses within the City.

Commissioner Larson spoke to his motion that marijuana related uses are inconsistent with the small town character of Milton, and there is much harm that can come from it.

Chair Whalen stated it is inappropriate at this time for marijuana related businesses in the City of Milton with too many unanswered questions and unintended consequences.

Commissioner Boyle referred to economic diversity and wonders how Milton can take advantage of the inevitable business to come, stating economic statistics. The city needs new business.

Commissioner McMillan said she volunteered in drug and alcohol rehab for years and only saw one person for which marijuana was a problem. She referred to King County sheriff's comments that the industry is not a problem. She supports regulated businesses economically, citing the additional tax revenue.

The motion was voted on and failed 2/2.

Planner Larson will report the outcome of the discussion to Council.

Chair Whalen invited Mayor Perry to comment. Mayor Perry commended the Commission for all the hard work drilling down on all the related details. She referred to the visioning work the city has gone through and the public comments received which overwhelmingly stated that citizens did not want a night life and wanted to maintain the small-town character of Milton.

Chair Whalen invited commissioners' comments to Planner Larson for inclusion in analysis to Council. Planner Larson also invited those comments by email or verbally after this meeting. Commissioner Boyle asked for the inclusion of the Pacific report to Council. Chair Whalen asked for a return to the Planning Commission in the case of crafting an ordinance in allowance of marijuana related businesses.

Planner Larson clarified that Council is not required by code to hold an additional public hearing on the matter.

b. November-December Meeting Schedule

Planner Larson explained that the work plan identifies the December meeting as cancelled and the November meeting as tentative, which is yet to be determined.

9. PLANNING COMMISSIONER COMMENTS

- Commissioner Larson shared about fundraising opportunities for Fife HS.
- Commissioner Boyle attended this week's City Council meeting and appreciated the opportunity to speak.

10. CITIZEN COMMENT PERIOD

None.

11. ADJOURNMENT – Chair Whalen adjourned the meeting at 9:20 pm.

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Chair, Jacquelyn Whalen Date

City Clerk, Katie Bolam Date



PLANNING COMMISSION SPECIAL MEETING MINUTES

Council Chambers
October 30, 2014

1000 Laurel Street, Milton WA
Wednesday, 6:00 p.m.

- 1. CALL TO ORDER** Chair Whalen called the meeting to order at 6:00 pm; Chair Whalen led the flag salute.
- 2. ROLL CALL** Present: Chair Whalen, Commissioners McMillan, Boyle, Anderson, Reeves and Larson. Note for the record: Commissioners Boyle and McMillian were present via conference call.

STAFF Associate Planner Larson, and Interim Finance Director Garrison,

3. ACTION ITEM

a. Marijuana Regulations

Planner Larson introduced this item and provided a brief background, Milton's current position, and the Planning Commission's direction from last meeting.

Commissioner Anderson moved to recommend approval to the City Council the attached Ordinance. Commissioner Larson seconded the motion. Commissioners all spoke to the motion pro and con. Motion carried 4-2.

4. PLANNING COMMISSIONER COMMENTS

- Commissioner Boyle expressed appreciation to Staff for working out the manner for everyone to participate.

- 5. ADJOURNMENT** – Chair Whalen adjourned the meeting at 6:20 pm.

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Chair, Jacquelyn Whalen Date

Interim Finance Director Date

**STATUTES—INITIATIVE AND REFERENDUM—ORDINANCES—COUNTIES—
CITIES AND TOWNS—PREEMPTION—POLICE POWERS—Whether Statewide
Initiative Establishing System For Licensing Marijuana Producers, Processors, And
Retailers Preempts Local Ordinances**

1. **Initiative 502, which establishes a licensing and regulatory system for marijuana producers, processors, and retailers, does not preempt counties, cities, and towns from banning such businesses within their jurisdictions.**
2. **Local ordinances that do not expressly ban state-licensed marijuana licensees from operating within the jurisdiction but make such operation impractical are valid if they properly exercise the local jurisdiction's police power.**

January 16, 2014

The Honorable Sharon Foster
Chair, Washington State Liquor Control Board
3000 Pacific Avenue SE
Olympia, WA 98504-3076

Cite As:
AGO 2014 No. 2

Dear Chair Foster:

By letter previously acknowledged, you have requested our opinion on the following paraphrased questions:

1. **Are local governments preempted by state law from banning the location of a Washington State Liquor Control Board licensed marijuana producer, processor, or retailer within their jurisdiction?**
2. **May a local government establish land use regulations (in excess of the Initiative 502 buffer and other Liquor Control Board requirements) or business license requirements in a fashion that makes it impractical for a licensed marijuana business to locate within their jurisdiction?**

BRIEF ANSWERS

1. No. Under Washington law, there is a strong presumption against finding that state law preempts local ordinances. Although Initiative 502 (I-502) establishes a licensing and regulatory system for marijuana producers, processors, and retailers in Washington State, it includes no clear indication that it was intended to preempt local authority to regulate such

businesses. We therefore conclude that I-502 left in place the normal powers of local governments to regulate within their jurisdictions.

2. Yes. Local governments have broad authority to regulate within their jurisdictions, and nothing in I-502 limits that authority with respect to licensed marijuana businesses.

BACKGROUND

I-502 was approved by Washington voters on November 6, 2012, became effective 30 days thereafter, and is codified in RCW 69.50. It decriminalized under state law the possession of limited amounts of useable marijuana¹ and marijuana-infused products by persons twenty-one years or older. It also decriminalized under state law the production, delivery, distribution, and sale of marijuana, so long as such activities are conducted in accordance with the initiative's provisions and implementing regulations. It amended the implied consent laws to specify that anyone operating a motor vehicle is deemed to have consented to testing for the active chemical in marijuana, and amended the driving under the influence laws to make it a criminal offense to operate a motor vehicle under the influence of certain levels of marijuana.

I-502 also established a detailed licensing program for three categories of marijuana businesses: production, processing, and retail sales. The marijuana producer's license governs the production of marijuana for sale at wholesale to marijuana processors and other marijuana producers. RCW 69.50.325(1). The marijuana processor's license governs the processing, packaging, and labeling of useable marijuana and marijuana-infused products for sale at wholesale to marijuana retailers. RCW 69.50.325(2). The marijuana retailer's license governs the sale of useable marijuana and marijuana-infused products in retail stores. RCW 69.50.325(3).

Applicants for producer, processor, and retail sales licenses must identify the location of the proposed business. RCW 69.50.325(1), (2), (3). This helps ensure compliance with the requirement that "no license may be issued authorizing a marijuana business within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older." RCW 69.50.331(8).

Upon receipt of an application for a producer, processor, or retail sales license, the Liquor Control Board must give notice of the application to the appropriate local jurisdiction. RCW 69.50.331(7)(a) (requiring notice to the chief executive officer of the incorporated city or town if the application is for a license within an incorporated city or town, or the county legislative authority if the application is for a license outside the boundaries of incorporated

¹ Useable marijuana means "dried marijuana flowers" and does not include marijuana-infused products. RCW 69.50.101(II).

cities or towns). The local jurisdiction may file written objections with respect to the applicant or the premises for which the new or renewed license is sought. RCW 69.50.331(7)(b).

The local jurisdictions' written objections must include a statement of all facts upon which the objections are based, and may include a request for a hearing, which the Liquor Control Board may grant at its discretion. RCW 69.50.331(7)(c). The Board must give "substantial weight" to a local jurisdiction's objections based upon chronic illegal activity associated with the applicant's operation of the premises proposed to be licensed, the applicant's operation of any other licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. RCW 69.50.331(9). Chronic illegal activity is defined as a pervasive pattern of activity that threatens the public health, safety, and welfare, or an unreasonably high number of citations for driving under the influence associated with the applicant's or licensee's operation of any licensed premises. RCW 69.50.331(9).²

In addition to the licensing provisions in statute, I-502 directed the Board to adopt rules establishing the procedures and criteria necessary to supplement the licensing and regulatory system. This includes determining the maximum number of retail outlets that may be licensed in each county, taking into consideration population distribution, security and safety issues, and the provision of adequate access to licensed sources of useable marijuana and marijuana-infused products to discourage purchases from the illegal market. RCW 69.50.345(2). The Board has done so, capping the number of retail licenses in the least populated counties of Columbia County, Ferry County, and Wahkiakum County at one and the number in the most populated county of King County at 61, with a broad range in between. *See* WAC 314-55-081.

The Board also adopted rules establishing various requirements mandated or authorized by I-502 for locating and operating marijuana businesses on licensed premises, including minimum residency requirements, age restrictions, and background checks for licensees and employees; signage and advertising limitations; requirements for insurance, recordkeeping, reporting, and taxes; and detailed operating plans for security, traceability, employee qualifications and training, and destruction of waste. *See generally* WAC 314-55.

Additional requirements apply for each license category. Producers must describe plans for transporting products, growing operations, and testing procedures and protocols. WAC 314-55-020(9). Processors must describe plans for transporting products, processing operations, testing procedures and protocols, and packaging and labeling. WAC 314-55-020(9). Finally, retailers must also describe which products will be sold and how they will be displayed, and may only operate between 8 a.m. and 12 midnight. WAC 314-55-020(9), -147.

The rules also make clear that receipt of a license from the Liquor Control Board does not entitle the licensee to locate or operate a marijuana processing, producing, or retail business in violation of local rules or without any necessary approval from local jurisdictions. WAC 314-

² The provision for objections based upon chronic illegal activity is identical to one of the provisions for local jurisdictions to object to the granting or renewal of liquor licenses. RCW 66.24.010(12).

-55-020(11) provides as follows: “The issuance or approval of a license shall not be construed as a license for, or an approval of, any violations of local rules or ordinances including, but not limited to: Building and fire codes, zoning ordinances, and business licensing requirements.”

ANALYSIS

Your question acknowledges that local governments have jurisdiction over land use issues like zoning and may exercise the option to issue business licenses. This authority comes from article XI, section 11 of the Washington Constitution, which provides that “[a]ny county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.” The limitation on this broad local authority requiring that such regulations not be “in conflict with general laws” means that state law can preempt local regulations and render them unconstitutional either by occupying the field of regulation, leaving no room for concurrent local jurisdiction, or by creating a conflict such that state and local laws cannot be harmonized. *Lawson v. City of Pasco*, 168 Wn.2d 675, 679, 230 P.3d 1038 (2010).

Local ordinances are entitled to a presumption of constitutionality. *State v. Kirwin*, 165 Wn.2d 818, 825, 203 P.3d 1044 (2009). Challengers to a local ordinance bear a heavy burden of proving it unconstitutional. *Id.* “Every presumption will be in favor of constitutionality.” *HJS Dev., Inc. v. Pierce County ex rel. Dep’t of Planning & Land Servs.*, 148 Wn.2d 451, 477, 61 P.3d 1141 (2003) (internal quotation marks omitted).

A. Field Preemption

Field preemption arises when a state regulatory system occupies the entire field of regulation on a particular issue, leaving no room for local regulation. *Lawson*, 168 Wn.2d at 679. Field preemption may be expressly stated or may be implicit in the purposes or facts and circumstances of the state regulatory system. *Id.*

I-502 does not express any indication that the state licensing and operating system preempts the field of marijuana regulation. Although I-502 was structured as a series of amendments to the controlled substances act, which does contain a preemption section, that section makes clear that state law “fully occupies and preempts the entire field of *setting penalties* for violations of the controlled substances act.” RCW 69.50.608 (emphasis added).³ It also allows “[c]ities, towns, and counties or other municipalities [to] enact only those laws and

³ RCW 69.50.608 provides: “The state of Washington fully occupies and preempts the entire field of setting penalties for violations of the controlled substances act. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to controlled substances that are consistent with this chapter. Such local ordinances shall have the same penalties as provided for by state law. Local laws and ordinances that are inconsistent with the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of the city, town, county, or municipality.” The Washington Supreme Court has interpreted this provision as giving local jurisdictions concurrent authority to criminalize drug-related activity. *City of Tacoma v. Luvene*, 118 Wn.2d 826, 835, 827 P.2d 1374 (1992).

ordinances relating to controlled substances that are consistent with this chapter.” RCW 69.50.608. Nothing in this language expresses an intent to preempt the entire field of regulating businesses licensed under I-502.

With respect to implied field preemption, the “legislative intent” of an initiative is derived from the collective intent of the people and can be ascertained by material in the official voter’s pamphlet. *Dep’t of Revenue v. Hoppe*, 82 Wn.2d 549, 552, 512 P.2d 1094 (1973); *see also Roe v. TeleTech Customer Care Mgmt., LLC*, 171 Wn.2d 736, 752-53, 257 P.3d 586 (2011). Nothing in the official voter’s pamphlet evidences a collective intent for the state regulatory system to preempt the entire field of marijuana business licensing or operation. Voters’ Pamphlet 23-30 (2012). Moreover, both your letter and the Liquor Control Board’s rules recognize the authority of local jurisdictions to impose regulations on state licensees. These facts, in addition to the absence of express intent suggesting otherwise, make clear that I-502 and its implementing regulations do not occupy the entire field of marijuana business regulation.

B. Conflict Preemption

Conflict preemption arises “when an ordinance permits what state law forbids or forbids what state law permits.” *Lawson*, 168 Wn.2d at 682. An ordinance is constitutionally invalid if it directly and irreconcilably conflicts with the statute such that the two cannot be harmonized. *Id.*; *Weden v. San Juan County*, 135 Wn.2d 678, 693, 958 P.2d 273 (1998). Because “[e]very presumption will be in favor of constitutionality,” courts make every effort to reconcile state and local law if possible. *HJS Dev.*, 148 Wn.2d at 477 (internal quotation marks omitted). We adopt this same deference to local jurisdictions.

An ordinance banning a particular activity directly and irreconcilably conflicts with state law when state law specifically entitles one to engage in that same activity in circumstances outlawed by the local ordinance. For example, in *Entertainment Industry Coalition v. Tacoma-Pierce County Health Department*, 153 Wn.2d 657, 661-63, 105 P.3d 985 (2005), the state law in effect at the time banned smoking in public places except in designated smoking areas, and specifically authorized owners of certain businesses to designate smoking areas. The state law provided, in relevant part: “A smoking area may be designated in a public place by the owner” Former RCW 70.160.040(1) (2004), *repealed by* Laws of 2006, ch. 2, § 7(2) (Initiative Measure 901). The Tacoma-Pierce County Health Department ordinance at issue banned smoking in all public places. The Washington Supreme Court struck down the ordinance as directly and irreconcilably conflicting with state law because it prohibited what the state law authorized: the business owner’s choice whether to authorize a smoking area.

Similarly, in *Parkland Light & Water Co. v. Tacoma-Pierce County Board of Health*, 151 Wn.2d 428, 90 P.3d 37 (2004), the Washington Supreme Court invalidated a Tacoma-Pierce County Health Department ordinance requiring fluoridated water. The state law at issue authorized the water districts to decide whether to fluoridate, saying: “A water district by a

majority vote of its board of commissioners may fluoridate the water supply system of the water district.” RCW 57.08.012. The Court interpreted this provision as giving water districts the ability to regulate the content and supply of their water systems. *Parkland Light & Water Co.*, 151 Wn.2d at 433. The local health department’s attempt to require fluoridation conflicted with the state law expressly giving that choice to the water districts. As they could not be reconciled, the Court struck down the ordinance as unconstitutional under conflict preemption analysis.

By contrast, Washington courts have consistently upheld local ordinances banning an activity when state law regulates the activity but does not grant an unfettered right or entitlement to engage in that activity. In *Weden v. San Juan County*, the Court upheld the constitutionality of the County’s prohibition on motorized personal watercraft in all marine waters and one lake in San Juan County. The state laws at issue created registration and safety requirements for vessels and prohibited operation of unregistered vessels. The Court rejected the argument that state regulation of vessels constituted permission to operate vessels anywhere in the state, saying, “[n]owhere in the language of the statute can it be suggested that the statute creates an unabridged right to operate [personal watercraft] in all waters throughout the state.” *Weden*, 135 Wn.2d at 695. The Court further explained that “[r]egistration of a vessel is nothing more than a precondition to operating a boat.” *Id.* “No unconditional right is granted by obtaining such registration.” *Id.* Recognizing that statutes often impose preconditions without granting unrestricted permission to participate in an activity, the Court also noted the following examples: “[p]urchasing a hunting license is a precondition to hunting, but the license certainly does not allow hunting of endangered species or hunting inside the Seattle city limits,” and “[r]eaching the age of 16 is a precondition to driving a car, but reaching 16 does not create an unrestricted right to drive a car however and wherever one desires.” *Id.* at 695 (internal citation omitted).

Relevant here, the dissent in *Weden* argued: “Where a state statute licenses a particular activity, counties may enact reasonable regulations of the licensed activity within their borders but they may not prohibit same outright[,]” and that an ordinance banning the activity “renders the state permit a license to do nothing at all.” *Weden*, 135 Wn.2d at 720, 722 (Sanders, J., dissenting). The majority rejected this approach, characterizing the state law as creating not an unabridged right to operate personal watercraft in the state, but rather a registration requirement that amounted only to a precondition to operating a boat in the state.

In *State ex rel. Schillberg v. Everett District Justice Court*, 92 Wn.2d 106, 594 P.2d 448 (1979), the Washington Supreme Court similarly upheld a local ban on internal combustion motors on certain lakes. The Court explained: “A statute will not be construed as taking away the power of a municipality to legislate unless this intent is clearly and expressly stated.” *Id.* at 108. The Court found no conflict because nothing in the state laws requiring safe operation of vessels either expressly or impliedly provided that vessels would be allowed on all waters of the state.

The Washington Supreme Court also rejected a conflict preemption challenge to the City of Pasco's ordinance prohibiting placement of recreational vehicles within mobile home parks. *Lawson*, 168 Wn.2d at 683-84. Although state law regulated rights and duties arising from mobile home tenancies and recognized that such tenancies may include recreational vehicles, the Court reasoned "[t]he statute does not forbid recreational vehicles from being placed in the lots, nor does it create a right enabling their placement." *Id.* at 683. The state law simply regulated recreational vehicle tenancies, where such tenancies exist, but did not prevent municipalities from deciding whether or not to allow them. *Id.* at 684.

Accordingly, the question whether "an ordinance . . . forbids what state law permits" is more complex than it initially appears. *Lawson*, 168 Wn.2d at 682. The question is not whether state law permits an activity in some places or in some general sense; even "[t]he fact that an activity may be licensed under state law does not lead to the conclusion that it must be permitted under local law." *Rabon v. City of Seattle*, 135 Wn.2d 278, 292, 957 P.2d 621 (1998) (finding no preemption where state law authorized licensing of "dangerous dogs" while city ordinance forbade ownership of "vicious animals"). Rather, a challenger must meet the heavy burden of proving that state law creates an entitlement to engage in an activity in circumstances outlawed by the local ordinance. For example, the state laws authorizing business owners to designate smoking areas and water districts to decide whether to fluoridate their water systems amounted to statewide entitlements that local jurisdictions could not take away. But the state laws requiring that vessels be registered and operated safely and regulating recreational vehicles in mobile home tenancies simply contemplated that those activities would occur in some places and established preconditions; they did not, however, override the local jurisdictions' decisions to prohibit such activities.

Here, I-502 authorizes the Liquor Control Board to issue licenses for marijuana producers, processors, and retailers. Whether these licenses amount to an entitlement to engage in such businesses regardless of local law or constitute regulatory preconditions to engaging in such businesses is the key question, and requires a close examination of the statutory language.

RCW 69.50.325 provides, in relevant part:

(1) There shall be a marijuana producer's license to produce marijuana for sale at wholesale to marijuana processors and other marijuana producers, regulated by the state liquor control board and subject to annual renewal. . . .

(2) There shall be a marijuana processor's license to process, package, and label useable marijuana and marijuana-infused products for sale at wholesale to marijuana retailers, regulated by the state liquor control board and subject to annual renewal. . . .

(3) There shall be a marijuana retailer's license to sell useable marijuana and marijuana-infused products at retail in retail outlets, regulated by the state liquor control board and subject to annual renewal. . . .

RCW 69.50.325(1)-(3). Each of these subsections also includes language providing that activities related to such licenses are not criminal or civil offenses under Washington state law, provided they comply with I-502 and the Board's rules, and that the licenses shall be issued in the name of the applicant and shall specify the location at which the applicant intends to operate. They also establish fees for issuance and renewal and clarify that a separate license is required for each location at which the applicant intends to operate. RCW 69.50.325.

While these provisions clearly authorize the Board to issue licenses for marijuana producers, processors, and retail sales, they lack the definitive sort of language that would be necessary to meet the heavy burden of showing state preemption. They simply state that there "shall be a . . . license" and that engaging in such activities with a license "shall not be a criminal or civil offense under Washington state law." RCW 69.50.325(1). Decriminalizing such activities under state law and imposing restrictions on licensees does not amount to entitling one to engage in such businesses regardless of local law. Given that "every presumption" is in favor of upholding local ordinances (*HJS Dev., Inc.*, 148 Wn.2d at 477), we find no irreconcilable conflict between I-502's licensing system and the ability of local governments to prohibit licensees from operating in their jurisdictions.

We have considered and rejected a number of counterarguments in reaching this conclusion. First, one could argue that the statute, in allowing Board approval of licenses at specific locations (RCW 69.50.325(1), (2), (3)), assumes that the Board can approve a license at any location in any jurisdiction. This argument proves far too much, however, for it suggests that a license from the Board could override any local zoning ordinance, even one unrelated to I-502. For example, I-502 plainly would not authorize a licensed marijuana retailer to locate in an area where a local jurisdiction's zoning allows no retail stores of any kind. The Board's own rules confirm this: "The issuance or approval of a license shall not be construed as a license for, or an approval of, any violations of local rules or ordinances including, but not limited to: Building and fire codes, zoning ordinances, and business licensing requirements." WAC 314-55-020(11).

Second, one could argue that a local jurisdiction's prohibition on marijuana licensees conflicts with the provision in I-502 authorizing the Board to establish a maximum number of licensed retail outlets in each county. RCW 69.50.345(2); *see also* RCW 69.50.354. But there is no irreconcilable conflict here, because the Board is allowed to set only a *maximum*, and nothing in I-502 mandates a minimum number of licensees in any jurisdiction. The drafters of I-502 certainly could have provided for a minimum number of licensees per jurisdiction, which would have been a stronger indicator of preemptive intent, but they did not.

Third, one could argue that because local jurisdictions are allowed to object to specific license applications and the Board is allowed to override those objections and grant the license anyway (RCW 69.50.331(7), (9)); local jurisdictions cannot have the power to ban licensees altogether. But such a ban can be harmonized with the objection process; while some jurisdictions might want to ban I-502 licensees altogether, others might want to allow them but still object to specific applicants or locations. Indeed, this is the system established under the state liquor statutes, which I-502 copied in many ways. *Compare* RCW 69.50.331 *with* RCW 66.24.010 (governing the issuance of marijuana licenses and liquor licenses, respectively, in parallel terms and including provisions for local government input regarding licensure). The state laws governing liquor allow local governments to object to specific applications (RCW 66.24.010), while also expressly authorizing local areas to prohibit the sale of liquor altogether. *See generally* RCW 66.40. That the liquor opt out statute coexists with the liquor licensing notice and comment process undermines any argument that a local marijuana ban irreconcilably conflicts with the marijuana licensing notice and comment opportunity.

Fourth, RCW 66.40 expressly allows local governments to ban the sale of liquor. Some may argue that by omitting such a provision, I-502's drafters implied an intent to bar local governments from banning the sale of marijuana. Intent to preempt, however, must be "clearly and expressly stated." *State ex rel. Schillberg*, 92 Wn.2d at 108. Moreover, it is important to remember that cities, towns, and counties derive their police power from article XI, section 11 of the Washington Constitution, not from statute. Thus, the relevant question is not whether the initiative provided local jurisdictions with such authority, but whether it removed local jurisdictions' preexisting authority.

Finally, in reaching this conclusion, we are mindful that if a large number of jurisdictions were to ban licensees, it could interfere with the measure's intent to supplant the illegal marijuana market. But this potential consequence is insufficient to overcome the lack of clear preemptive language or intent in the initiative itself. The drafters of the initiative certainly could have used clear language preempting local bans. They did not. The legislature, or the people by initiative, can address this potential issue if it actually comes to pass.

With respect to your second question, about whether local jurisdictions can impose regulations making it "impractical" for I-502 licensees to locate and operate within their boundaries, the answer depends on whether such regulations constitute a valid exercise of the police power or otherwise conflict with state law. As a general matter, as discussed above, the Washington Constitution provides broad authority for local jurisdictions to regulate within their boundaries and impose land use and business licensing requirements. Ordinances must be a reasonable exercise of a jurisdiction's police power in order to pass muster under article XI, section 11 of the state constitution. *Weden*, 135 Wn.2d at 700. A law is a reasonable regulation if it promotes public safety, health, or welfare and bears a reasonable and substantial relation to accomplishing the purpose pursued. *Id.* (applying this test to the personal watercraft ordinance); *see also Duckworth v. City of Bonney Lake*, 91 Wn.2d 19, 26, 586 P.2d 860 (1978) (applying this

ATTORNEY GENERAL OF WASHINGTON

The Honorable Sharon Foster

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test to a zoning ordinance). Assuming local ordinances satisfy this test, and that no other constitutional or statutory basis for a challenge is presented on particular facts, we see no impediment to jurisdictions imposing additional regulatory requirements, although whether a particular ordinance satisfies this standard would of course depend on the specific facts in each case.

We trust that the foregoing will be useful to you.



wros

ROBERT W. FERGUSON
Attorney General

Jessica Fogel

JESSICA FOGEL
Assistant Attorney General
(360) 753-6287

Back to Agenda Bill

Tony Hernandez

From: Serena Dolly [serenad@awcnet.org]
Sent: Wednesday, November 05, 2014 4:12 PM
To: Tony Hernandez
Subject: How much sales tax?

The answer depends on where you are in the city!

If you are in the Pierce County portion of the city, the sales tax rate is 0.008982. This means for every \$100 in retail sales, the city gets almost 90 cents.

If you are in the King County portion of the city, the sales tax rate is 0.009285. This means for every \$100 in retail sales, the city gets almost 93 cents.

Let me know if I can help with any other information.

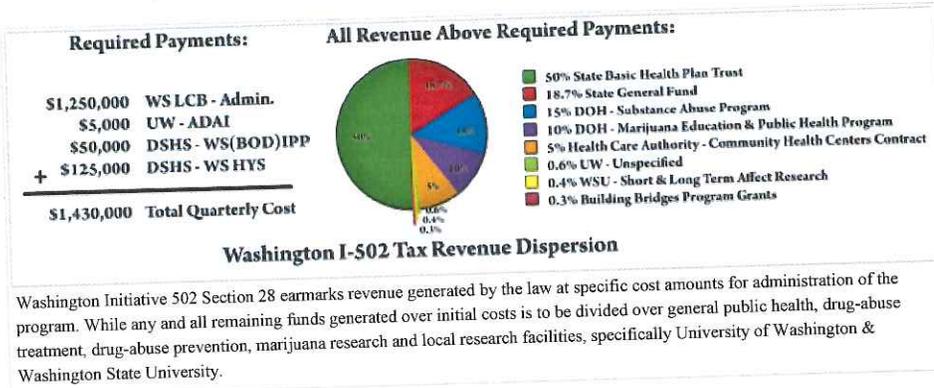
Serena

Serena Dolly

Government Relations Analyst
Association of Washington Cities
1076 Franklin St SE Olympia, WA 98501-1346
(360) 753-4137 (office)
(800) 562-8981 (toll free)
serenad@awcnet.org

Disclaimer: Public documents and records are available to the public as provided under the Washington State Public Records Act (RCW 42.56). This e-mail may be considered subject to the Public Records Act and may be disclosed to a third-party requestor.

Part IV establishes a "dedicated marijuana fund" for all revenue received by the liquor control board, and explicitly earmarks any surplus from this new revenue for health care (55%), drug abuse treatment and education (25%), with 1% for marijuana-related research at University of Washington and Washington State University, most of the remainder going to the state general fund. A March 2012 analysis by the state Office of Financial Management estimated annual revenues above \$560 million for the first full year, rising thereafter.^[9] February 2011 analysis of the similar Washington House Bill 1550 estimated annual state and county law-enforcement savings of approximately \$22 million.^{[10][11]} OFM's final, official analysis did not include law-enforcement savings, but estimated five-year revenues at approximately \$1.9 billion from an assumed retail price of \$12 per gram.^{[12][13][14]} Proponents of I-502 have posted a pie chart showing annual dollar-per-purpose earmarks, based on these projections.^[15]



Washington Initiative 502 Section 28 earmarks revenue generated by the law at specific cost amounts for administration of the program. While any and all remaining funds generated over initial costs is to be divided over general public health, drug-abuse treatment, drug-abuse prevention, marijuana research and local research facilities, specifically University of Washington & Washington State University.

Part V on "driving under the influence of marijuana" sets a per se DUI limit of "delta-9" THC levels at greater than or equal to 5 nanograms per milliliter of blood (5 ng/mL). Some medical cannabis advocates are concerned that this will lead to DUI convictions for medicinal cannabis users, who are driving with blood THC levels greater than or equal to 5 nanograms per milliliter.^[16] "The metabolite THC-COOH, also known as carboxy-THC" is explicitly excluded from consideration.

Sponsors

Registered sponsors for the measure include: John McKay, former U.S. Attorney for the Western District of Washington; Pete Holmes, Seattle city attorney; Kim Marie Thorburn MD and MPH, former director of the Spokane Regional Health District; and travel writer Rick Steves.^[1] Other sponsors include state representative for the 36th district Mary Lou Dickerson, immediate past president of the Washington State Bar Association Salvador A. Mungia, past president of the Washington State Bar Association Mark Johnson, former King County health official Robert W. Wood MD, University of Washington School of Social Work professor emeritus Roger Roffman DSW, and Alison Holcomb, campaign director for New Approach Washington, "on loan from" the American Civil Liberties Union of Washington.^{[17][18]}

Support and opposition

As per RCW 42.17A on "campaign disclosure and contribution", the Washington state Public Disclosure Commission posts campaign information online, including information for referenda and initiatives.^[19] Statements for and against each ballot measure are also available online as part of the official online voter's guide.^[20] Many groups which might traditionally be expected to take a stance on the issue have been silent, including business, education, law-enforcement, and drug treatment organizations.^[21]

Support

Early supporters of the measure included Dominic Holden of *The Stranger*.^[11] In September, the Washington State Democratic Central Committee endorsed I-502 by a vote of 75 in favor and 43 opposed.^[22] Eastern Washington's *The Spokesman-Review* endorsed I-502 from December 2011 as part of a broader call for legalization and federal reclassification of cannabis under the 1970 Controlled Substances Act.^[23] Other supporters include a variety of current legislators, organizations, former judges, law enforcement personnel, prosecutors and elected officials such as Jolene Unsoeld.^{[24][25]} The mayor and entire city council of Seattle support I-502,^[26] as does the King County sheriff.^[27] Former narcotics deputy and candidate for King County sheriff John Urquhart, saying "the war on drugs has been an abject failure".^[28] Noting the disproportionate impact of marijuana arrests and incarceration on families and racial minorities, the Children's Alliance,^[29] NAACP and various African-American pastors have also endorsed I-502.^{[30][31][32]}

Early national support for the measure comes from the National Organization for the Reform of Marijuana Laws (NORML)^[33] and television evangelist Pat Robertson.^[34] Law Enforcement Against Prohibition (LEAP) has also endorsed the measure, including prominent LEAP spokesman and former Seattle police chief Norm Stamper^[35] and other law enforcement officials.^[36] The initiative has also been endorsed by former governor of New Mexico, Libertarian presidential candidate Gary Johnson,^[37] and cannabis-reform advocate Marc Emery.^{[38][39]}

The primary group supporting I-502 is New Approach Washington, which maintains an updated list of official endorsements on its website.^[40] In July, 2012, major donations of financial support were given by the Drug Policy Alliance, Peter Lewis of Progressive Insurance and the American Civil Liberties Union.^[41]

Newspapers endorsing I-502 in the weeks immediately prior to the election include *Seattle Times*,^[42] *The Spokesman-Review*,^[43] *The Columbian*,^[44] *The Olympian*,^[45] and *The Wenatchee World*.^[46]

Opposition

Public and formal opposition was not well organized and mostly came from advocates of medical cannabis, who objected to "Part V: Driving Under the Influence of Marijuana".^{[47][48]} A key spokesperson was Steve Sarich, whom an *Esquire* blog has called one of the "great marijuana prohibitionists of 2012".^[49] A Facebook group, *Patients Against New Approach Washington (PANAW)* began vocal opposition.^[50] A letter was sent to I-502 sponsors by Richard Bayer, MD; lawyers David Arganian and Jeffrey Steinborn; Gil Mobley, MD; Vivian McPeak, Executive Director of Seattle Hempfest; and Ric Smith, who has been a prominent patient advocate since 1996, arguing that I-502's DUIC language was unnecessary, unscientific, and unfair.^[51] Dominic Holden, of Seattle's alternative newspaper *The Stranger*, disagreed with

What about off-duty marijuana consumption?

Washington public employers have a strong legal basis to discipline or discharge employees who test positive for marijuana if this action is consistent with the respective contracts, policies and past disciplinary action. However, further legislation and litigation will likely determine whether discharge for off-duty marijuana use violates public policy.

Land use & zoning

Can jurisdictions implement policies to limit producers, processors and retailers licenses and locations? Growing marijuana (unless it is a collective garden) remains illegal until the Liquor Control Board (LCB) establishes a process for licensing and regulation. The LCB will also regulate permissions for marijuana cultivation, processing, distribution, and retail facilities. The LCB is taking public comments until Feb. 10 about the rules and restrictions needed for a marijuana-grower license.

The initiative specifies that only state-licensed production, processing and sale of marijuana are permitted. The initiative intended that the licensing process be similar to that for alcohol. Cities will have the ability to object to the LCB regarding a proposed license. Presumably, local land use and zoning regulations will apply to the siting of growing, processing and retail outlets. The initiative specifies that such facilities must be at least 1,000 feet from elementary and secondary schools, playgrounds, recreation centers, day cares, parks, transit centers, libraries and arcades.

Medical marijuana collective gardens and not affected by this initiative.

Taxes & revenue

Will cities get any revenue from the sale of marijuana? The initiative does not provide for any direct funding to cities. Cities will receive their share of local sales tax revenues and any locally imposed B&O taxes. The Washington State Office of Financial Management (OFM) estimates that locals could receive as much as \$120 million in these taxes over five years. However, there has been some concern that OFM overestimated how much marijuana will actually be consumed from these state-licensed stores. Cities will not see any revenue from marijuana sales until at least December 2013.

What about all of the expected new revenue from legal marijuana sales? The initiative created a specific new taxing scheme. The initiative provides for a 25% excise tax at each transaction point (producer to processor, processor to retailer, and retailer to consumer). The taxes will be placed in a dedicated marijuana fund. After quarterly distributions of \$1.25 million for LCB administration and \$180,000 to other specific programs, the taxes will be distributed as follows:

- 50% to the state's Basic Health Plan
- 19.07% to the state general fund
- 15% to the Department of Social & Health Services for behavioral health & recovery
- 10% to the Department of Health for marijuana education & public health
- 5% to Community Health Centers
- 1% to the UW and WSU for research on the short- and long-term effects of marijuana use
- 0.03% to the Building Bridges Programs

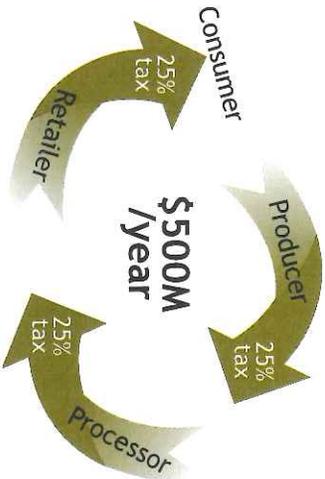


Fund new city responsibilities related to legalized marijuana

Strong Cities Great State

Cities' funding needs are overlooked

OFM predicts over \$500 million annually to the state from marijuana taxes, however, under the current tax system, **no revenues are allocated to municipalities**. A few cities that have applicable existing local B & O and sales taxes may collect some revenue.



Impacting local public safety

The federal Department of Justice will not act against the State's new law, so long as the State implements a highly-regulated and strictly-enforced system that ensures money stays out of criminal hands, prevents distribution to minors, and prevents drugged driving and other adverse public health consequences.

The State alone lacks the resources to effectively enforce the new law to the federal government standards. Significant enforcement effort will fall to cities and counties. The State must partner with cities and counties for this to work.

Many are counting on local law enforcement to crack down on illicit marijuana operations that undermine the legal market. However, **no revenues from marijuana production or sales are provided to help cities control the illegal market**. Local law enforcement is already strained and local prosecutors lack the resources to prosecute these crimes. Without additional resources, cities will struggle to sufficiently address marijuana violations and the illicit market.

"We need to have accountability and that means a regulated system with oversight. We need the funds to make that happen."

Mayor Tim Levitt, Vancouver

Medical-marijuana v. recreational marijuana

In 2014, the Legislature must reconcile the unregulated medical and highly-regulated recreational systems.

- Cities support regulation that provides clarity to law enforcement and meets the federal mandate for a tightly-regulated marijuana system.
- Cities believe the right approach will provide clear guidance and protect legitimate patient access.

"Jurisdictions...must provide the necessary resources and demonstrate the willingness to enforce their laws and regulations..."

US DOJ Cole memo 8/29/2013

Act now!

- **Adopt legislation to fund local impacts from legalized marijuana.** It is essential for cities to share in the revenue generated by the taxes on marijuana-related business. Over half of the retail stores are allocated to cities, potentially more with at-large locations. This will require significant local resources to protect public safety.
- **Adopt legislation reconciling medical and recreational marijuana markets.** The unregulated medical marijuana market is a threat to the legal recreational market. We need a better system that ensures legitimate patient access and enforceability.

AWC contacts

Candice Bock, candiceb@awcnet.org
Brittany Sill, brittanys@awcnet.org

334 Retail stores

Over 50% of retail will be located in cities Plus growers & processors may locate in cities



February 24, 2014

The Honorable Jay Inslee
Governor

The Honorable Rodney Tom
Senate Majority Leader

The Honorable Mark Schoesler
Senate Republican Leader

The Honorable Sharon Nelson
Senate Democratic Leader

The Honorable Andy Hill
Ways & Means Chair

The Honorable Frank Chopp
Speaker of the House of Representatives

The Honorable Pat Sullivan
House Majority Leader

The Honorable Dan Kristiansen
House Minority Leader

The Honorable Ross Hunter
Appropriations Chair

Subject: Mayors call on state to provide marijuana legalization enforcement and public safety protections

Dear Governor and Legislative Leaders:

As mayors from across Washington State, we are asking that the state partner with cities and towns to meet the commitment to provide local communities with strong regulation, law enforcement and public safety protections expected by citizens when voters legalized marijuana. Of the eight mandates for legalized marijuana from the federal government, five fall to local jurisdictions and local law enforcement.

Washington voters supported marijuana legalization with the assurance that government would implement robust oversight and enforcement. The state needs to meet these commitments to make the new marijuana laws work. To do so the state and cities must work in cooperation.

The majority of marijuana sales and use will occur in our jurisdictions. This makes us responsible for overseeing permitting, code enforcement, ensuring money and drugs stay out of criminal hands, preventing distribution to minors, and addressing drugged driving and other adverse public health consequences.

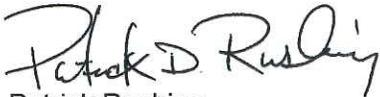
If the state is relying on local cities to enforce new marijuana laws, it needs to provide some of the new marijuana tax revenues to pay for it – this is a matter of common sense and fairness. It is estimated legalizing marijuana will give the state significant new annual tax revenue. We're asking for a portion of those revenues.

Communities are already feeling the impacts of legalized marijuana, even before retail operations open this summer which will dramatically expand access. The state has only 69 liquor enforcement officers and they will only focus on licensing. All other oversight and enforcement falls to local governments.

Cities can't accommodate the increased needs created by legalization of marijuana without funding. We can't wait, this is already having an impact and will only increase in the next few months as businesses start-up operations.

Washington voters took a leap of faith and approved marijuana legalization. We have to work together if this initiative is to be implemented successfully. We have a history of partnership working together to meet the needs of our communities and state. Let's build on this track record of success going forward. We ask that the legislature take action now, before the 2014 session ends, to share marijuana revenue with cities.

Sincerely,


Patrick Rushing
Mayor, Airway Heights


Betty Barnes
Mayor, Bingen

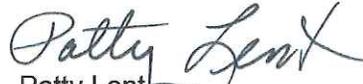

Tom Trulove
Mayor, Cheney


Einar Larson
Mayor, Almira

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Dave Gordon
Mayor, Black Diamond


Dorothy Knauss
Mayor, Chewelah

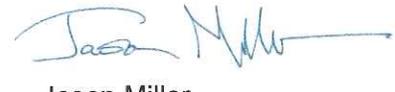

Laurie Gere
Mayor, Anacortes


Patty Lent
Mayor, Bremerton

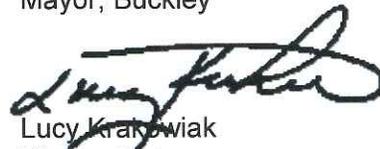

Todd Vanek
Mayor, Colfax


Barb Tolbert
Mayor, Arlington

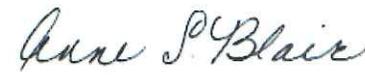

Pat Johnson
Mayor, Buckley

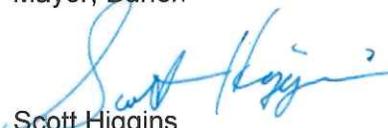

Jason Miller
Mayor, Concrete


Vicki Bonfield
Mayor, Asotin


Lucy Krakowiak
Mayor, Burien


Bruce Blackwell
Mayor, Connell


Anne Blair
Mayor, Bainbridge Island

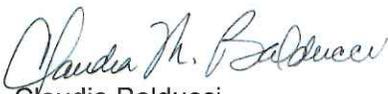

Scott Higgins
Mayor, Camas


Margaret Harto
Mayor, Covington

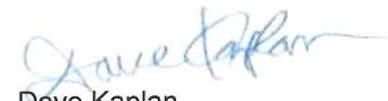

Shane Bowman
Mayor, Battle Ground


Brian Whitmore
Mayor, Carbonado


Craig George
Mayor, Dayton


Claudia Balducci
Mayor, Bellevue

Authorized, no signature available
Bonnie Canaday
Mayor, Centralia


Dave Kaplan
Mayor, Des Moines


Kelli Linville
Mayor, Bellingham


Dennis Dawes
Mayor, Chehalis


Dave Earling
Mayor, Edmonds



To: Mayor Perry and City Council Members
From: Betty J. Garrison, Interim Finance Director
Date: November 17, 2014
Re: 2015 Budget Adoption

ATTACHMENTS:

1. **Budget Ordinance**
 2. **2015 Budget Summary – All Funds**
 3. **Staff Distribution by Fund**
 4. **2015 Salary/Wage Scale**
-

TYPE OF ACTION:

Information Only Discussion Action Public Hearing

Recommendation/Action: “Move to approve the Budget Ordinance adopting the 2015 Operating and Capital Budget”.

Previous Council Review: October 13th and 20th, November 3rd, and 10th. Public Hearings were held on October 20th, November 3rd and 17th.

This Budget has incorporated the changes listed below.

Changes in BARS numbers to be configured for the Software transition and more closely follow the recommendations from the State Auditor.

Combining all Law Enforcement income and expenditures in the Criminal Justice Fund.

Splitting the REET Funds back out of the Capital Improvements Fund to follow Milton Municipal Code which requires two separate funds for REET money, one for Improvements and one for Projects.

Identification of Non-Expenditures that offset the Non-Revenue that was identified in the Preliminary Budget (these are County and State funds that pass through the City from the Municipal Court).

As discussed, additional changes will be discussed in the New Year when solid beginning fund balances will be available.

**CITY OF MILTON
ORDINANCE 18xx-14**

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON; ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the tax estimates and budget for the City of Milton, Washington, for the 2015 calendar year have been prepared and filed as provided by the laws of the State of Washington; and

WHEREAS, the preliminary budget was printed for distribution and notice published in the official paper of the City of Milton, setting the time and place for hearing on the budget and stating that all taxpayers requesting a copy from the City Clerk would be furnished a copy of the preliminary budget to review; and

WHEREAS, the City Council of the City of Milton, having held public hearings on the preliminary budget on November 10 and 17, 2014 as required by law, and having considered the public testimony presented;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILTON,
WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. BUDGET AMOUNTS BY FUND

The annual budget of the City of Milton for the year 2015 is hereby authorized in the following amounts:

Fund	Revenues	Expenditures	Ending Fund Balance
General Fund	\$ 3,574,311	\$ 3,620,836	\$ 1,668,372
Street Fund	503,180	497,675	28,595
Strategic Reserve Fund	5,000	-	804,084
Drug Seizure Fund	15,000	15,015	13,458
Criminal Justice Fund	1,820,284	1,931,579	98,951
Community Events Fund	22,300	19,700	17,041
Reserve Officer's Fund	2,500	5,000	8,106
Muni Improvements REET 1	78,100	67,390	107,950
Municipal Projects REET 2	77,100	117,390	56,950
Traffic Impact Fee Fund	6,100	-	99,762
Capital Improvement Fund	4,117,421	4,481,000	56,390
Electric Utility Fund	4,463,769	6,052,218	3,322,476
Water Utility Fund	2,101,478	2,070,144	3,194,059
Storm Water Fund	757,000	943,218	593,575
Storm Water / Capital Fund	248,500	311,740	517,549
Vehicle R&M Fund	163,000	155,627	9,681
	\$ 17,955,043	\$ 20,288,532	\$ 10,596,999

Section 2. Administration. The Mayor shall administer the budget, and in doing so may authorize adjustments within the funds set forth in Section 1 above, to the extent that such adjustments are consistent with the budget approved in Section 1.

Section 3. Salaries and Compensation. The salaries and compensation for the City of Milton employees for the calendar year 2015 shall be as set forth in the “Supplementary Information” section of the 2015 Operating Budget document, or as the same may be amended by the Mayor as part of her administration of the budget pursuant to Section 2 above.

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

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

Section 6. Effective Date. This Ordinance shall take effect January 1, 2015.

PASSED AND APPROVED by the City Council of the City of Milton, Washington, at a regularly scheduled meeting this 17th day of November 2014.

Debra Perry, Mayor

Attest/Authenticated:

Approved as to Form:

Katie Bolam, City Clerk

Bio F. Park, City Attorney

Date of Publication: November 21, 2014

Effective Date: January 1, 2015

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**City of Milton
2015 Budget Summary**

Fund	Fund Balance	Revenues	Expenditures	Ending Fund Balance
General Fund	\$ 1,714,897	\$ 3,574,311	\$ 3,620,836	\$ 1,668,372
Street Fund	23,090	503,180	497,675	28,595
Strategic Reserve Fund	799,084	5,000	-	804,084
Drug Seizure Fund	13,473	15,000	15,015	13,458
Criminal Justice Fund	210,246	1,820,284	1,931,579	98,951
Community Events Fund	14,441	22,300	19,700	17,041
Reserve Officer's Fund	10,606	2,500	5,000	8,106
Municipal Improvements REET 1	97,240	78,100	67,390	107,950
Municipal Projects REET 2	97,240	77,100	117,390	56,950
Traffic Impact Fee Fund	93,662	6,100	-	99,762
Capital Improvement Fund	419,969	4,117,421	4,481,000	56,390
Electric Utility Fund	4,910,925	4,463,769	6,052,218	3,322,476
Water Utility Fund	3,162,725	2,101,478	2,070,144	3,194,059
Storm Water Fund	779,793	757,000	943,218	593,575
Storm Water / Capital Fund	580,789	248,500	311,740	517,549
Vehicle R&M Fund	2,308	163,000	155,627	9,681
	\$ 12,930,488	\$ 17,955,043	\$ 20,288,532	\$ 10,596,999

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2015 STAFFING SUMMARY by FUND

Position:	Affiliation	Step/ Level	GENERAL	STREET	CRIMINAL	ELECTRIC	WATER	STORM	VEHICLE	TOTAL
			FUND	FUND	JUSTICE	UTILITY	UTILITY	WATER	R&M	FTE
City Council	Elected		-	-	-	-	-	-	-	-
Mayor	Elected		-	-	-	-	-	-	-	-
City Administrator (VACANT)	Exempt		-	-	-	-	-	-	-	-
Police Chief	Exempt		1.00	-	-	-	-	-	-	1.00
Police Lieutenant (VACANT)	Exempt		-	-	-	-	-	-	-	-
Public Works Director	Exempt		0.10	0.10	-	0.30	0.30	0.20	-	1.00
Finance Director	Exempt		0.52	-	-	0.20	0.19	0.09	-	1.00
Accounting Supervisor	Exempt		0.52	-	-	0.20	0.19	0.09	-	1.00
StormWater Compliance	Exempt		-	-	-	-	-	1.00	-	1.00
City Clerk	Exempt		0.70	-	-	0.14	0.16	-	-	1.00
Deputy City Clerk	IBEW	13/E	0.70	-	-	0.14	0.16	-	-	1.00
Public Works Admin Asst.	IBEW	14/E	0.40	0.20	-	0.15	0.15	0.10	-	1.00
Public Works Admin Asst./Oper	IBEW	14/E	0.05	0.05	-	0.30	0.40	0.20	-	1.00
Sr. Accountant (VACANT)	IBEW	18/E	-	-	-	-	-	-	-	-
Finance Tech I	IBEW	13/E	0.52	-	-	0.20	0.19	0.09	-	1.00
Finance Tech I -Utilities	IBEW	13/E	-	-	-	0.33	0.34	0.33	-	1.00
Court Administrator (VACANT)	IBEW	19/E	-	-	-	-	-	-	-	-
Court Clerk (VACANT)	IBEW	13/E	-	-	-	-	-	-	-	-
Building Official	IBEW	23/E	1.00	-	-	-	-	-	-	1.00
Permit Tech (VACANT)	IBEW		-	-	-	-	-	-	-	-
Supervisor - Electric	IBEW	26/E	-	-	-	1.00	-	-	-	1.00
Lineman	IBEW	23/E	-	-	-	3.00	-	-	-	3.00
Electric Equip Operator	IBEW	17/E	-	-	-	1.00	-	-	-	1.00
Supervisor - Street/Water/Storm	IBEW	23/E	0.05	0.20	-	-	0.50	0.25	-	1.00
Water Quality Maint	IBEW	17/E	-	0.01	-	-	0.98	0.01	-	1.00
Maintenance III	IBEW	19/D	0.08	0.37	-	-	0.40	0.15	-	1.00
Maintenance II	IBEW	16/D	0.11	0.36	-	-	0.40	0.13	-	1.00
Maintenance II	IBEW	16/C	0.16	0.43	-	-	0.20	0.21	-	1.00
Maintenance I	IBEW	13/B	0.16	0.37	-	-	0.33	0.14	-	1.00
Maintenance I	IBEW	13/A	0.07	0.18	-	0.01	0.60	0.14	-	1.00
Facilities/Parks Maint II	IBEW	16/E	0.70	-	-	0.15	0.15	-	-	1.00
Facilities/Parks Maint I	IBEW	12/E	0.70	-	-	0.15	0.15	-	-	1.00
Meter Reader	IBEW	13/E	-	-	-	0.50	0.50	-	-	1.00
Mechanic	IBEW	16/E	-	-	-	-	-	-	1.00	1.00
Police Sergeant	Police	S/4	1.00	-	-	-	-	-	-	1.00
Police Sergeant	Police	S/3	1.00	-	-	-	-	-	-	1.00
Police Detective	Police	P/5	-	-	1.00	-	-	-	-	1.00
Police Officer	Police	P/5	6.00	-	-	-	-	-	-	6.00
Police Officer	Police	P/3	1.00	-	-	-	-	-	-	1.00
Code Enforcement	Police	P/5	1.00	-	-	-	-	-	-	1.00
Police Clerk	IBEW	13/E	1.00	-	-	-	-	-	-	1.00
Evidence Technician	n/a		-	-	-	-	-	-	-	-
			18.54	2.27	1.00	7.77	6.29	3.13	1.00	40.00

ANNUAL STAFFING LEVELS

Amended Proposed

DEPARTMENT	POSITION	2009	2010	2011	2012	2013	2014	2015
Executive	City Administrator	1.00	1.00	1.00	1.00	1.00	1.00	-
	City Clerk						1.00	1.00
	Deputy City Clerk	1.00	1.00	1.00	1.00	-	1.00	0.50
	Sub-Total	2.00	2.00	2.00	2.00	1.00	3.00	1.50
Municipal Court	Court Admin	1.00	1.00	1.00	1.00	-	-	-
	Court Clerk	1.00	1.00	1.00	1.00	-	-	-
	Sub-Total	2.00	2.00	2.00	2.00	-	-	-
Finance	Finance Director	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	Accounting Supervisor	-	-	-	-	-	1.00	1.00
	Sr Financial Analyst	1.00	1.00	1.00	-	-	-	-
	Sr Accountant	-	-	-	1.00	1.00	-	-
	Finance Tech II	1.00	1.00	1.00	-	-	-	-
	Finance Tech I	2.00	2.00	2.00	2.00	2.00	2.00	2.50
	Sub-Total	5.00	5.00	5.00	4.00	4.00	4.00	4.50
Activity Center	Sr Ctr Coord	0.75	0.75	0.25	-	-	-	-
	Sub-Total	0.75	0.75	0.25	-	-	-	-
Community Development	Building Official	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	Community Development Director	1.00	-	-	-	-	-	-
	Building Inspector/Code Enforcement	1.00	-	-	-	-	-	-
	Senior Planner	1.00	-	-	-	-	-	-
	Planner	-	-	-	-	-	-	-
	Permit Technician	-	-	-	-	-	-	-
	Sub-Total	4.00	1.00	1.00	1.00	1.00	1.00	1.00
Fire	Fire Chief	1.00	1.00	-	-	-	-	-
	Fire Captain	1.00	1.00	-	-	-	-	-
	Firefighter/EMT	2.00	1.00	-	-	-	-	-
	Fire-Admin Assistant	0.75	0.75	-	-	-	-	-
	Sub-Total	4.75	3.75	-	-	-	-	-
Public Works	PW Director	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	PW Admin Assistant	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	Stormwater Compliance	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	Elec Supervisor	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	Lineman	2.00	2.00	2.00	3.00	3.00	3.00	3.00
	Apprentice Lineman	1.00	1.00	1.00	-	-	-	-
	Elec Equip Operator	1.00	1.00	1.00	-	1.00	1.00	1.00
	Water/Storm/Street Supervisor	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	Water Maint	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	Mechanic	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	Maint Worker 3	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	Maint Worker 2	2.00	2.00	1.00	2.00	2.00	2.00	2.00
	Maint Worker 1	2.00	2.00	2.00	2.00	2.00	2.00	2.00
	Meter Reader	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	PW Admin Assistant / Operations	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	Park/Facilities Maint 2	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	Park/Facilities Maint 1	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Sub-Total	20.00	20.00	19.00	19.00	20.00	20.00	20.00	
Police	Police Chief	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	Lieutenant	1.00	1.00	1.00	1.00	1.00	1.00	-
	Sergeant	2.00	1.00	1.00	1.00	1.00	2.00	2.00
	Code Enforcement	-	-	-	1.00	1.00	1.00	1.00
	Officer	7.00	7.00	7.00	8.00	8.00	7.00	7.00
	Detective	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	Community Service Officer	-	0.50	-	-	-	-	-
	Police Clerk	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	Evidence Tech							
	Sub-Total	13.00	12.50	12.00	14.00	14.00	14.00	13.00
TOTAL		51.50	47.00	41.25	42.00	40.00	42.00	40.00

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**Monthly Wage Scale
2015**

Full Time Employees	2015 Proposed FTE	IBEW Grade	STEP A	STEP B	STEP C	STEP D	STEP E
Maintenance I - Parks/Facilities	1.00	12	\$ 3,242	\$ 3,427	\$ 3,603	\$ 3,782	\$ 3,970
Administrative Assistant							
Court Clerk	-						
Deputy City Clerk	1.00						
Finance Technician I	2.00	13	\$ 3,427	\$ 3,603	\$ 3,782	\$ 3,970	\$ 4,168
Maintenance Worker I	2.00						
Meter Reader	1.00						
Police Clerk	1.00						
PW Field Administrative Assistant	1.00						
PW Administrative Assistant	1.00	14	\$ 3,603	\$ 3,782	\$ 3,970	\$ 4,168	\$ 4,379
Sr Admin Asst/Permit Tech w/License	-						
Mechanic	1.00						
Maintenance II - Parks/Facilities	1.00	16	\$ 3,970	\$ 4,168	\$ 4,379	\$ 4,595	\$ 4,822
Maintenance Worker II	2.00						
Finance Technician II	-						
Utility Maintenance III/Water Treatment	1.00	17	\$ 4,168	\$ 4,379	\$ 4,595	\$ 4,822	\$ 5,066
Electric Equipment Operator	1.00						
Senior Accountant	-	18	\$ 4,379	\$ 4,595	\$ 4,822	\$ 5,066	\$ 5,319
Maintenance III - Lead	1.00	19	\$ 4,595	\$ 4,822	\$ 5,066	\$ 5,319	\$ 5,584
Court Administrator	-						
Journey Elec Lineman	3.00						
Utility Supervisor	1.00	23	\$ 5,584	\$ 5,865	\$ 6,156	\$ 6,466	\$ 6,789
Apprentice Lineman (varying % of LM)	-						
Building Official	1.00						
Electrical Foreman	1.00	26	\$ 6,466	\$ 6,789	\$ 7,131	\$ 7,484	\$ 7,585
Uniformed Personnel			Academy	STEP A	STEP B	STEP C	STEP D
Police Officer	7.00		\$ 4,712	\$ 4,947	\$ 5,195	\$ 5,453	\$ 5,728
Code Enforcement Officer	1.00		\$ 4,712	\$ 4,947	\$ 5,195	\$ 5,453	\$ 5,728
Police Sergeant	2.00		\$ -	\$ 6,304	\$ 6,619	\$ 6,950	\$ 7,298
Detective	1.00		\$ 4,712	\$ 4,947	\$ 5,195	\$ 5,453	\$ 5,728
Exempt Postions - Directors			2015 Salary Range				
City Administrator	-		\$ 120,000	-----	-----	-----	\$ 126,000
Finance Director	1.00		\$ 75,600	-----	-----	-----	\$ 104,990
City Clerk	1.00		\$ 66,990	\$ 70,340	\$ 73,856	\$ 77,549	\$ 81,427
Public Works Director	1.00		\$ 75,600	-----	-----	-----	\$ 104,990
Police Chief	1.00		\$ 75,600	-----	-----	-----	\$ 104,990
Community Development Director	-		\$ 72,000	-----	-----	-----	\$ 104,990
Other Exempt Personnel			2015 Salary Range				
Police Lieutenant	-		\$ 68,400	-----	-----	-----	\$ 92,400
Senior Planner	-		\$ 66,990	\$ 70,340	\$ 73,856	\$ 77,549	\$ 82,241
Accounting Supervisor	1.00		\$ 66,990	\$ 70,340	\$ 73,856	\$ 77,549	\$ 82,241
Storm Water Compliance Officer	1.00		\$ 66,990	\$ 70,340	\$ 73,856	\$ 77,549	\$ 82,241
Part-Time Employees							
Senior Program Coordinator	0	13	\$ 3,427	\$ 3,603	\$ 3,782	\$ 3,970	\$ 4,168
Clerical Pool	1,500 hrs						
Evidence Custodian	0						
Seasonal Public Works Crew	0		\$ 11.00				
Elected Officials (Non FTE)							
Mayor	1						
Council	7						

FTE Summary	2015
Total Regular FTE's	40.00
Total Part-Time FTE's	-



To: Mayor Perry and City Council Members
From: Betty J. Garrison, Interim Finance Director
Date: November 17, 2014
Re: Authorize December Voucher

ATTACHMENTS: None

TYPE OF ACTION:

Information Only Discussion Action Expenditure Required:

Recommendation/Action: I move to authorize the Finance Committee to approve the December vouchers for payment.

Issue: At the November 10, 2014 meeting, Council approved a motion to suspend the regular Council meetings for the month of December. City invoices and payroll must still be approved for payment.

Discussion: Per City Attorney Bio Park, the Council can delegate its authority to approve the December vouchers to the Finance Committee. The agreed-upon date for the Finance Committee meeting will be advertised as an open meeting, and an agenda and minutes will be posted.