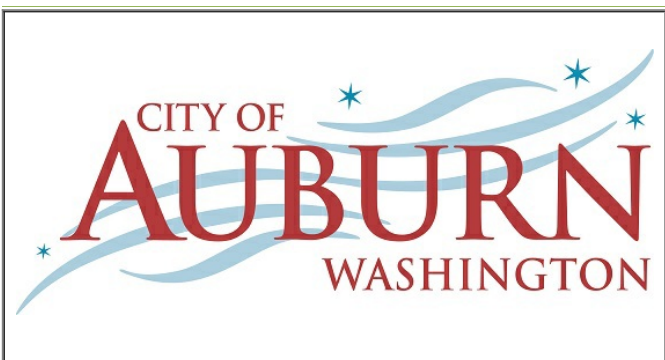


	City Council Meeting November 21, 2022 - 7:00 PM City Hall Council Chambers AGENDA Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
---	---

I. CALL TO ORDER

II. LAND ACKNOWLEDGEMENT

We would like to acknowledge the Federally Recognized Muckleshoot Indian Tribe, the ancestral keepers of the land we are gathered on today. We thank them for their immense contributions to our state and local history, culture, economy, and identity as Washingtonians.

III. PUBLIC PARTICIPATION

1. Public Participation

The Auburn City Council Meeting scheduled for Monday, November 21, 2022 at 7:00 p.m. will be held in person and virtually.

Virtual Participation Link:

To view the meeting virtually please click the below link, or call into the meeting at the phone number listed below. The link to the Virtual Meeting is:

<https://www.youtube.com/user/watchauburn/live/?nomobile=1>

To listen to the meeting by phone or Zoom, please call the below number or click the link:

Telephone: 253 215 8782

Toll Free: 888 475 4499

Zoom: <https://us06web.zoom.us/j/82611540250>

A. Pledge of Allegiance

IV. Roll Call

V. ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS

VI. APPOINTMENTS

A. Civil Service Commission

City Council to approve the appointment of David Boyd to the Civil Service Commission for a six year term expiring December 31, 2028

(RECOMMENDED ACTION: Move to approve the appointment of David Boyd to the Civil Service Commission, for a six year term to expire December 31, 2028.)

B. Auburn Municipal Airport Advisory Board

City Council to approve the appointment of Chad Ellison to the Auburn Municipal Airport Advisory Board for a three year term expiring December 31, 2025

(RECOMMENDED ACTION: Move to approve the appointment of Chad Ellison to the Auburn Municipal Airport Advisory Board, for a three year term to expire December 31, 2025.)

C. Transportation Advisory Committee

City Council to approve the appointment of Tyson Hiffman to the Transportation Advisory Committee, Citizen at Large Position for a three year term expiring December 31, 2025

(RECOMMENDED ACTION: Move to approve the appointment of Tyson Hiffman to the Transportation Advisory Committee, Citizen at Large Position, for a three year term to expire December 31, 2025.)

VII. AGENDA MODIFICATIONS

VIII. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. Public Hearings

1. Public Hearing for Ordinance No. 6879 (Thomas)

City Council to conduct a Public Hearing to consider Ordinance No. 6879 adopting the 2023 - 2024 Biennial Operating Budget for the City of Auburn, Washington

B. Audience Participation

This is the place on the agenda where the public is invited to speak to the City Council on any issue.

1. The public can participate in-person or submit written comments in advance.

The public can provide comments in-person or submit written comments in advance of the scheduled meeting. Participants can submit written comments via mail, fax, or email. All written comments must be received prior to 5:00 p.m. on the day of the scheduled meeting and must be 350 words or less.

Please mail written comments to:
City of Auburn
Attn: Shawn Campbell, City Clerk
25 W Main St
Auburn, WA 98001

Please fax written comments to:

Attn: Shawn Campbell, City Clerk
Fax number: 253-804-3116

Email written comments to:
publiccomment@auburnwa.gov

If an individual requires an accommodation to allow for remote oral comment because of a difficulty attending a meeting of the governing body, the City requests notice of the need for accommodation by 5:00 p.m. on the day of the scheduled meeting. Participants can request an accommodation to be able to provide remote oral comment by contacting the City Clerk's Office in person, by phone (253) 931-3039, or email to publiccomment@auburnwa.gov

C. Correspondence - (There is no correspondence for Council review.)

IX. COUNCIL AD HOC COMMITTEE REPORTS

Council Ad Hoc Committee Chairs may report on the status of their ad hoc Council Committees' progress on assigned tasks and may give their recommendation to the City Council, if any.

1. Finance Ad Hoc Committee (Chair Baggett)

X. CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

- A. Minutes of the November 7, 2022 Regular City Council Meeting
- B. Minutes of the November 14, 2022 Study Session Meeting
- C. Claims Voucher (Thomas)
Claims voucher list dated November 21, 2022 which includes voucher numbers 470125 through 470291, in the amount of \$5,086,033.54 and two wire transfers in the amount of \$696,972.10
- D. Payroll Voucher (Thomas)
Payroll check numbers 539435 through 539442 in the amount of \$82,288.28, electronic deposit transmissions in the amount of \$2,536,051.71 for a grand total of \$2,618,339.99 for the period covering November 3, 2022 to November 16, 2022
- E. Setting the date for a Public Hearing to modify the 2023-2028 Transportation Improvement Program (Gaub)
City Council to set the date for a Public Hearing to modify the 2023-2028 Transportation Improvement Program
- F. Public Works Project No. CP2003 (Gaub)
City Council to approve an increase of \$44,000.00 in the total maximum authorized contract amount for Public Works Contract No. 21-08; Construction of Project No. CP2003, 2nd Street SE Reconstruction Project

(RECOMMENDED ACTION: Move to approve the Consent Agenda.)

XI. UNFINISHED BUSINESS

XII. NEW BUSINESS

- A. Selection of Deputy Mayor

XIII. ORDINANCES

- A. Ordinance No. 6879 (Thomas)

An Ordinance adopting the 2023 - 2024 Biennial Operating Budget for the City of Auburn, Washington

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6879.)

- B. Ordinance No. 6880 (Thomas)

An Ordinance establishing the levy for regular property taxes by the City of Auburn for collection in 2023 for general City operational purposes in the amount of \$24,110,666

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6880.)

- C. Ordinance No. 6882 (Thomas)

An Ordinance increasing the rate of tax on utilities within the City, amending sections 3.40.010, 3.41.010, 3.42.020, 3.84.040, and 3.88.040 of the Auburn City Code

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6882.)

- D. Ordinance No. 6883 (Thomas)

An Ordinance amending sections 13.06.360, 13.20.440, and 13.48.100 of the Auburn City Code (ACC), relating to City utility rates, and establishing a separate customer class for customers served by the City's Braunwood Water Utility

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6883.)

- E. Ordinance No. 6888 (Thomas)

An Ordinance adopting the 2023-2024 Biennial Capital Budget for the City of Auburn, Washington

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6888.)

XIV. RESOLUTIONS

- A. Resolution No. 5690 (Tate)

A Resolution authorizing an agreement between the City of Auburn and B-Force Protection Security

(RECOMMENDED ACTION: Move to adopt Resolution No. 5690.)

XV. MAYOR AND COUNCILMEMBER REPORTS

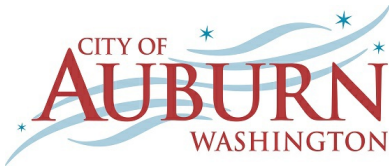
At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. From the Council

B. From the Mayor

XVI. ADJOURNMENT

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Hearing for Ordinance No. 6879 (Thomas)

Date:

November 4, 2022

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

\$224,064,233 - 2023

\$248,713,031 - 2024

Administrative Recommendation:

City Council to conduct a final public hearing to receive public comments, proposals and suggestions on the 2023-2024 Preliminary Biennial Budget.

****See Ordinance No. 6879 for more information on this item.****

Background for Motion:**Background Summary:****Reviewed by Council Committees:**

Councilmember: Baggett

Staff:

Thomas

Meeting Date: November 21, 2022

Item Number:

PH.1



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the November 7, 2022 Regular City Council Meeting

Date:

November 16, 2022

Department:

City Council

Attachments:

[11-07-2022 Minutes](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

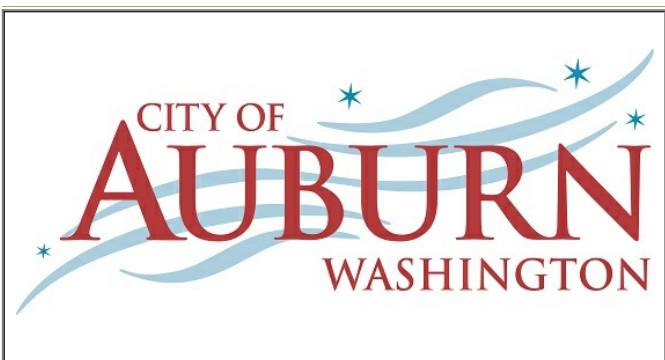
Revised Budget: \$0

Administrative Recommendation:**Background for Motion:****Background Summary:****Reviewed by Council Committees:****Councilmember:**

Meeting Date: November 21, 2022

Staff:

Item Number: CA.A

	City Council Meeting November 7, 2022 - 7:00 PM City Hall Council Chambers MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
---	---

I. CALL TO ORDER

II. LAND ACKNOWLEDGEMENT

We would like to acknowledge the Federally Recognized Muckleshoot Indian Tribe, the ancestral keepers of the land we are gathered on today. We thank them for their immense contributions to our state and local history, culture, economy, and identity as Washingtonians.

III. PUBLIC PARTICIPATION

The City Council Meeting was held in person and virtually.

A. Pledge of Allegiance

Mayor Nancy Backus called the meeting to order at 7:00 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street, and led those in attendance in the Pledge of Allegiance.

IV. Roll Call

Councilmembers present: Deputy Mayor James Jeyaraj, Kate Baldwin, Bob Baggett, Larry Brown, Robyn Mulenga, Chris Stearns, and Yolanda Trout-Manuel.

Department directors and staff members present included:
City Attorney Kendra Comeau, Chief of Police Mark Caillier, Director of Public Works Ingrid Gaub, Director of Parks, Arts, and Recreation Daryl Faber, Director of Finance Jamie Thomas, Business Systems Analyst Chrissy Malave, and Deputy City Clerk Hannah Scholl.

V. ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS

A. Native American Heritage Month

Mayor Backus to proclaim November 2022 as "Native American Heritage Month" in the City of Auburn

Mayor Backus proclaimed November 2022 as "Native American Heritage Month" in the City of Auburn.

Councilmember Chris Stearns accepted the proclamation.

B. Small Business Saturday

Mayor Backus to proclaim November 26, 2022 as "Small Business Saturday" in the City of Auburn

Mayor Backus proclaimed November 26, 2022, as "Small Business Saturday" in the City of Auburn.

Cheryl Rakes from the Downtown Auburn Cooperative accepted the proclamation.

VI. APPOINTMENTS

A. Junior City Council

City Council to approve the appointment of Khysner Ghein to Auburn Junior City Council for a two year term expiring December 31, 2024

Deputy Mayor Jeyaraj moved and Councilmember Baggett seconded to appoint Khysner Ghein to the Auburn Junior City Council for a two-year term to expire on December 31, 2024.

MOTION CARRIED UNANIMOUSLY. 7-0

VII. AGENDA MODIFICATIONS

There were no modifications to the agenda.

VIII. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. Public Hearings

1. Public Hearing for Ordinance No. 6879 (Thomas)

A Public Hearing to consider Ordinance No. 6879 adopting the 2023-2024 Biennial Operating Budget for the City of Auburn, Washington

No one came forward to speak.

2. Public Hearing for Ordinance No. 6880 (Thomas)

A Public Hearing to consider Ordinance No. 6880 establishing the levy for regular property taxes by the City of Auburn for collection in 2023 for general City operational purposes in the amount of \$24,110,666

No one came forward to speak.

B. Audience Participation

This is the place on the agenda where the public is invited to speak to the City Council on any issue.

Jenapher Henslee

Ms. Henslee expressed her concerns regarding traffic near the new roundabout by Chinook Elementary.

C. Correspondence

There was no correspondence for Council to review.

IX. COUNCIL AD HOC COMMITTEE REPORTS

Council Ad Hoc Committee Chairs may report on the status of their ad hoc Council Committees' progress on assigned tasks and may give their recommendation to the City Council, if any.

1. Finance Ad Hoc Committee (Chair Baggett)

Councilmember Baggett, Chair of the Finance ad hoc committee, reported he and Councilmember Baldwin have reviewed the claims and payroll vouchers described on the agenda this evening and recommended their approval.

X. CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

A. Minutes of the October 10, 2022 and October 24, 2022 Study Session Meeting

B. Minutes of the October 17, 2022 City Council Meeting

C. Claims Voucher (Thomas)

Claims voucher list dated November 7, 2022 which includes voucher numbers 469903 through 470124, in the amount of \$3,091,532.78 and five wire transfers in the amount of \$857,824.46

D. Payroll Voucher (Thomas)

Payroll check numbers 539429 through 539434 in the amount of \$562,121.08, electronic deposit transmissions in the amount of \$2,357,601.98 for a grand total of \$2,919,723.06 for the period covering October 13, 2022 to November 2, 2022

E. Public Works Project No. CP2118 (Gaub)

City Council to approve an increase of \$12,200.00 in the total maximum authorized contract amount for Public Works Contract No. 22-12; Construction of Project No. CP2118, North Airport Stormwater Improvements Phase 2

Deputy Mayor Jeyaraj moved and Councilmember Baldwin seconded to approve the consent agenda.

MOTION CARRIED UNANIMOUSLY. 7-0

XI. UNFINISHED BUSINESS

There was no unfinished business.

XII. NEW BUSINESS

There was no new business.

XIII. ORDINANCES

A. Ordinance No. 6887 (Gaub)

An Ordinance granting to Sprint Communications Company, L.P. a Delaware Corporation, a franchise for telecommunications

Councilmember Stearns moved and Councilmember Trout-Manuel seconded to adopt Ordinance No. 6887.

MOTION CARRIED UNANIMOUSLY. 7-0

XIV. RESOLUTIONS

A. Resolution No. 5687 (Tate)

A Resolution approving the South King Housing and Homelessness 2023 Work Plan and 2023 Operating Budget

Councilmember Brown moved and Deputy Mayor Jeyaraj seconded to adopt Resolution No. 5687.

Council discussed a scrivener's error, operating budget, and homelessness funds.

MOTION CARRIED UNANIMOUSLY. 7-0

B. Resolution No. 5688 (Tate)

A Resolution adopting the 2023 Community Development Block Grant Action Plan for the Consolidated Plan Years 2023-2024

Councilmember Mulenga moved and Deputy Mayor Jeyaraj seconded to adopt Resolution No. 5688.

MOTION CARRIED UNANIMOUSLY. 7-0

XV. MAYOR AND COUNCILMEMBER REPORTS

At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. From the Council

Deputy Mayor Jeyaraj reported he attended the Veterans Day Parade.

Councilmember Baggett invited everyone to the Lewis Lake Nature Park dedication.

Councilmember Baldwin reported she attended the Veterans Day Parade and the grand opening of Chinook Elementary School.

Councilmember Brown thanked our Veterans and reminded citizens to vote.

Councilmember Mulenga reported she attended the Veterans Day Luncheon.

Councilmember Stearns reported he attended the Veterans Day Parade and National League Of Cities Panel.

Councilmember Trout-Manuel reported she attended the Trunk or Treat event at Les Gove Park and the Veterans Day Parade.

B. From the Mayor

Mayor Backus reported she attended the Seattle Metropolitan Chamber of Commerce Regional Leadership Conference, Battlefield Addiction fifth annual dinner auction, Good Eggs Breakfast, Grand Opening of Lea Hill Elementary, Halloween Harvest Trunk or Treat event at Les Gove Park, Rita and Katherine's House annual fundraiser breakfast, Veterans Day Breakfast and Parade.

XVI. ADJOURNMENT

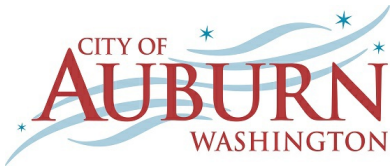
There being no further business to come before the Council, the meeting was adjourned at 7:38 p.m.

APPROVED this 21st day of November, 2022.

NANCY BACKUS, MAYOR

Hannah Scholl, Deputy City Clerk

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the November 14, 2022 Study Session Meeting

Department:

City Council

Attachments:

[11-14-2022 Minutes](#)

Date:

November 16, 2022

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background for Motion:****Background Summary:****Reviewed by Council Committees:****Councilmember:**

Meeting Date: November 21, 2022

Staff:

Item Number: CA.B

	City Council Study Session PWCD SFA November 14, 2022 - 5:30 PM City Hall Council Chambers MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
---	---

I. CALL TO ORDER

II. PUBLIC PARTICIPATION

A. Public Participation

The City Council Meeting was held in person and virtually.

B. Roll Call

Councilmembers present: Deputy Mayor James Jeyaraj, Bob Baggett, Kate Baldwin, Larry Brown, Chris Stearns, and Yolanda Trout-Manuel. Councilmember Robyn Mulenga was excused.

Department directors and staff members present include: Senior City Staff Attorney Harry Boesche, Assistant Chief of Police Samuel Betz, Director of Public Works Ingrid Gaub, Director of Innovation and Technology David Travis, Financial Planning Manager Frank Downard, Utility Engineering Manager Ryan Vondrak, and City Clerk Shawn Campbell.

III. AGENDA MODIFICATIONS

A updated version of Ordinance No. 6883 was provided to Council prior to the meeting.

IV. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Ordinance No. 6883 Utility Rate Amendment (Thomas) (1 Hour)

Review the work performed by FCS Group and summarize their findings

Manager Downard introduced the FCS Group representative Serge Tarasov to present the third and final Utility Rate Study presentation. Mr. Tarasov reviewed the background for the rate study, an overview of the rate setting process, the rate design, and rate schedules for water, sewer, and stormwater. He reviewed the Braunwood area system, he explained the Braunwood satellite system, he reviewed the concerns with the Braunwood system, the options for providing additional water when needed, the proposed rate changes to the Braunwood Tate Structure, and the impacts for the proposed rate increase. He noted FCS group does not

recommend an increase to the wholesale rates at this time.

Council discussed the how rates are adjusted for multifamily units or mobile home parks, swimming pools water usage, additional administrative costs for additional billing codes, conservation messaging, the experience for Braunwood customers when the supply is low in their satellite system, and consequences of not increasing rates.

V. PUBLIC WORKS AND COMMUNITY DEVELOPMENT DISCUSSION ITEMS

A. Emergency Management Update (Hinman) (20 Minutes)

Emergency Management staff will provide an update on preparations and readiness for this winter season, including a weather outlook and an overview of Emergency Management's role during severe winter weather

Councilmember Stearns Chaired this portion of the meeting.

Director Hinman introduced Emergency Manager Karissa Smith who provided Council with an update on the City's Emergency Management preparedness. She stated the City is looking at a La Nina year and reviewed the forecasted temperatures and precipitation levels, the plan prior to severe weather, the plan during severe weather, and after severe weather. She reviewed the warming center operations. She reviewed the items people need to be prepared for winter weather and ways for people to remain informed during winter weather.

Council discussed the notification methods, the number of warming centers, historical capacity, resources at warming centers, partnering with the non-profits, resources needed by the community, and resources in the emergency management team.

Deputy Mayor Jeyaraj announced the following: the annual Council Election for Deputy Mayor, working on a Council process to appoint new Councilmembers when positions are vacant, and the Council will return to conducting meetings on the floor during Study Sessions.

VI. ADJOURNMENT

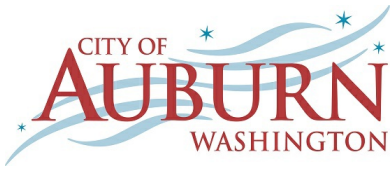
There being no further business to come before the Council, the meeting was adjourned at 6:49 p.m.

APPROVED this 21st day of November, 2022.

JAMES JEYARAJ, DEPUTY MAYOR Shawn Campbell, City Clerk

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review

at the City Clerk's Office.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Voucher (Thomas)

Date:

November 8, 2022

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Claim Vouchers.

Background for Motion:**Background Summary:**

Claims voucher list dated November 21, 2022 which includes voucher numbers 470125 through 470291, in the amount of \$5,086,033.54 and two wire transfers in the amount of \$696,972.10

Reviewed by Council Committees:

Councilmember: Baggett

Staff:

Thomas

Meeting Date: November 21, 2022

Item Number:

CA.C



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Voucher (Thomas)

Department:

Finance

Attachments:

No Attachments Available

Date:

November 8, 2022

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Payroll Vouchers.

Background for Motion:**Background Summary:**

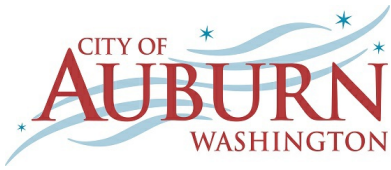
Payroll check numbers 539435 through 539442 in the amount of \$82,288.28, electronic deposit transmissions in the amount of \$2,536,051.71 for a grand total of \$2,618,339.99 for the period covering November 3, 2022 to November 16, 2022.

Reviewed by Council Committees:**Councilmember:**

Meeting Date: November 21, 2022

Staff:

Item Number: CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

Setting the date for a Public Hearing to modify the 2023-2028 Transportation Improvement Program (Gaub)

Date:

November 15, 2022

Department:

Public Works

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to set the date of the Public Hearing to modify the 2023-2028 Transportation Improvement Program on November 21, 2022, at 7:00 pm.

Background for Motion:**Background Summary:**

Changes to the Transportation Improvement Plan (TIP) require a public hearing and adoption by resolution of the City Council. This TIP modification is needed to reflect recent grant awards, and changes to project scopes and schedules since the adoption of the 2023-2028 TIP in June 2022.

The City Council is asked to set a time and date for a public hearing to modify the Six Year Transportation Improvement Program (TIP). The public hearing is proposed to be held on December 5, 2022 during the City Council Meeting.

A summary of the proposed changes will be presented at City Council Study Session on November 28, 2022.

NEXT STEPS:

The public hearing and adoption are scheduled for the December 5, 2022 City Council meeting.

Reviewed by Council Committees:

Councilmember: Stearns

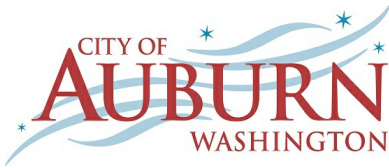
Staff:

Gaub

Meeting Date: November 21, 2022

Item Number:

CA.E



AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Works Project No. CP2003 (Gaub)

Department:

Public Works

Attachments:

[Vicinity Map](#)

Date:

November 15, 2022

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve an increase of \$44,000.00 in the total maximum authorized contract amount for Public Works Contract No. 21-08; Construction of Project No. CP2003, 2nd Street SE Reconstruction Project.

Background for Motion:**Background Summary:**

Auburn City Code (ACC) Chapter 3.10 specifies the total maximum authorized contract amount for public work contracts based on contract value. The maximum authorized contract amount includes the original contract amount plus an authorized contingency. The code allows for administrative approval of change order work within the authorized contingency amount. If additional contingency exists within the overall project budget, the code also allows the City Council to increase the total maximum authorized contract amount, which is an increase to the authorized contingency available for administrative approval.

The 2nd Street SE Reconstruction Project reconstructed the pavement on 2nd Street SE between A Street SE and Auburn Way S. The project also replaced 450 feet of sewer main and replaced or relocated various other City and non-City utilities.

Construction began in April 2022 and is expected to be complete in December 2022.

This requested increase in the maximum authorized contract amount will use available overall project contingency to provide for items of work that were not part of the original contract as follows:

1. The contractor replaced two driveways and additional sidewalk in front of Safeway (located 101 Auburn Way N). Safeway was required to replace these driveways and sidewalk as part of a subdivision application submitted to the City. The City and Safeway entered into an agreement to have the City replace these driveways as part of the City's construction contract and have the costs reimbursed by Safeway. Budget amendment No. 6 included this agreement and budget increase.
2. The contractor installed power vaults and replaced additional sidewalk, driveways,

and curb and gutter as part of the non-City utility undergrounding work. The costs of this additional work will be reimbursed by PSE, Comcast, and Lumen as part of joint utility trench agreements with each utility, which were included in Budget Amendment No. 5.

This additional construction contract work requires an increase in the total authorized contract amount of \$44,000.00, which is available within the existing overall project budget. After the allocation of this additional construction contract contingency the 105 arterial street preservation fund project budget is fully allocated and the remaining project budget contingency in the 461 sewer fund is \$104,370.00.

Reviewed by Council Committees:

Councilmember: Stearns

Staff: Gaub

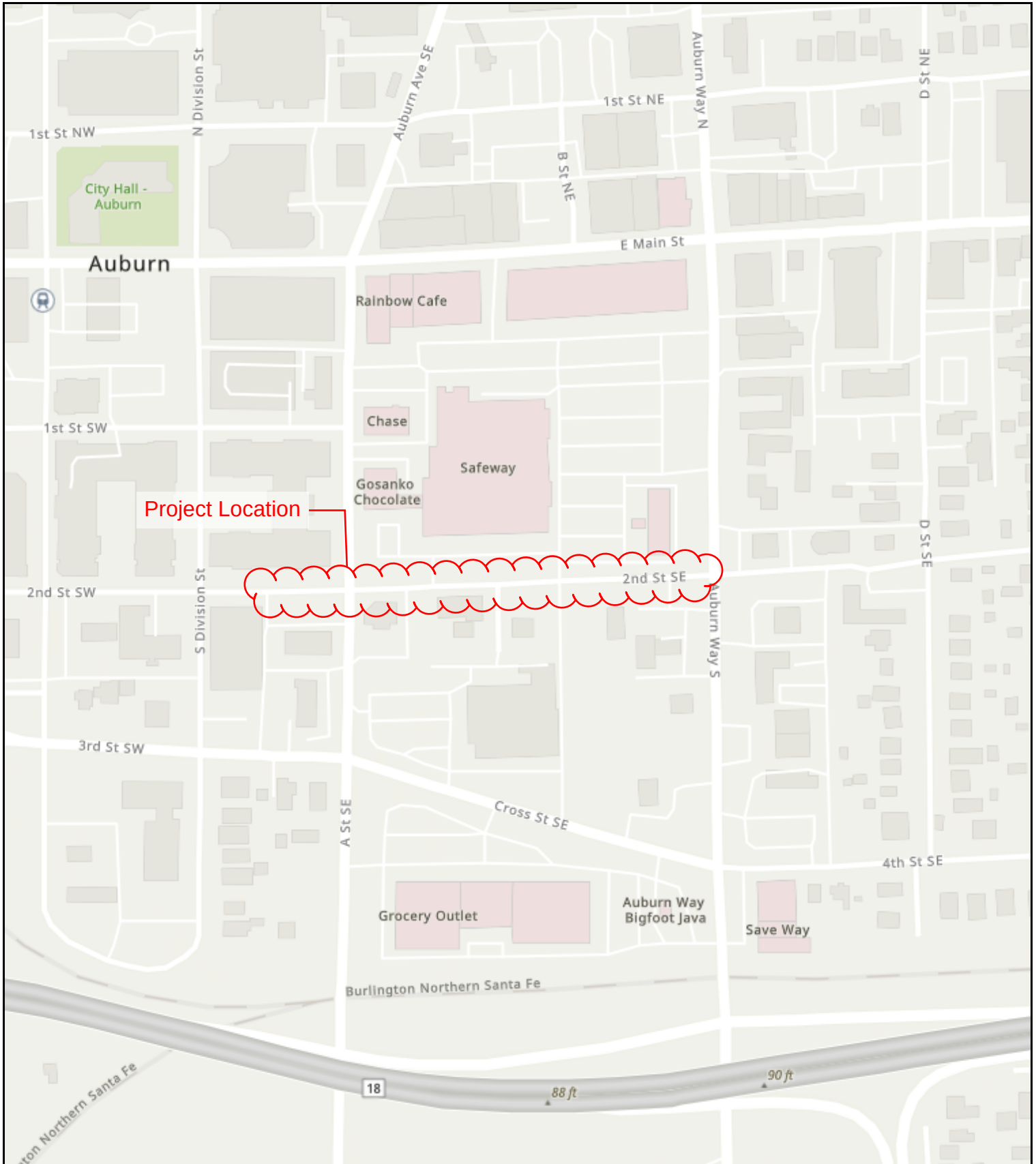
Meeting Date: November 21, 2022

Item Number: CA.F

VICINITY MAP

CP2003, 2nd Street SE Reconstruction

Printed On: 11/14/2022
Map created by City of Auburn eGIS



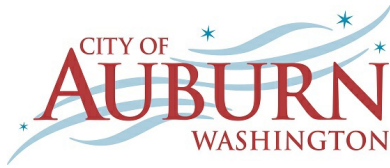
0 450 900 ft

WGS84 Web Mercator (Auxiliary Sphere)

1: 4514



Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6879 (Thomas)

Date:

November 16, 2022

Department:

Finance

Attachments:

[Ordinance No. 6879](#)

Budget Impact:

\$224,064,233 - 2023

\$248,713,031 - 2024

Administrative Recommendation:

City Council to adopt Ordinance No. 6879.

Background for Motion:

Ordinance No. 6888 establishes the City of Auburn's operating budget at \$224,064,233 in 2023 and at \$248,713,031 in 2024.

Background Summary:

As part of the biennial process, the Council has reviewed the details of the proposed 2023-2024 Biennial Budget during a series of budget workshops in September 2022. Goals, priorities, and projects were discussed and as a result the City has prepared and presented the 2023-2024 Biennial Budget, which is summarized below.

2023	General Fund		All other Funds	
Beginning Fund Balance	\$	16.4	\$	89.0
Revenues		91.2		118.7
Expenditures		98.1		126.0
Ending Fund Balance	\$	9.5	\$	81.7
2024	General Fund		All other Funds	
Beginning Fund Balance	\$	9.5	\$	81.7
Revenues		101.9		123.2
Expenditures		101.4		147.3
Ending Fund Balance	\$	10.0	\$	57.6

in millions, rounded

Staff recommends Council approval of Ordinance No. 6879

Reviewed by Council Committees:

Councilmember: Baggett

Staff: Thomas

Meeting Date: November 21, 2022

Item Number: ORD.A

ORDINANCE NO. 6879

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, ADOPTING THE 2023-2024 BIENNIAL OPERATING BUDGET FOR THE CITY OF AUBURN, WASHINGTON

THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. As required by Chapter 35A.34 RCW, the Mayor of the City of Auburn has completed and placed on file with the City Clerk of the City of Auburn a preliminary biennial operating budget for 2023-2024. Notice was published, as required by law, stating that: a) the Mayor had completed and placed the preliminary budget on file; b) a copy would be provided at the office of the City Clerk to any taxpayer who requested a copy; c) the City Council of the City of Auburn would meet on November 21, 2022 at 7:00 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street, Auburn, Washington for the purpose of fixing the budget and any taxpayer might appear at such time and be heard for or against any part of the budget; d) the Mayor provided a suitable number of copies of the detailed preliminary operating budget to meet the reasonable demands of taxpayers; e) The Mayor and the City Council met at the time and place designated in the notice and all taxpayers of the City were given full opportunity to be heard for or against the budget; f) the City Council has conducted public hearings on November 7, 2022, and November 21, 2022 to consider this preliminary operating budget; g) at the meeting held by the City Council on the November 21, 2022 the City Council considered modifications of the proposed operating budget and approved the 2023-2024 biennial budget for the City of Auburn as adopted by this Ordinance as shown on Schedule A.

Section 2. **Implementation.** The Mayor is authorized to implement those administrative procedures as may be necessary to carry out the directives of this legislation.

Section 3. **Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. **Effective Date.** This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

PUBLISHED: _____

Schedule A

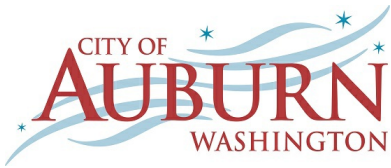
2023 OPERATING FUNDS BUDGET SUMMARY

Fund		Beginning Fund Balance	2023 Resources	2023 Expenditures	Ending Fund Balance
GENERAL FUND		\$16,428,633	\$91,190,426	\$98,143,349	\$9,475,710
SPECIAL REVENUE FUNDS	Hotel/Motel Tax	480,179	143,900	177,100	446,979
	American Rescue Plan Act (ARPA)	-	4,030,000	4,030,000	-
	Drug Forfeiture	857,236	148,000	392,671	612,565
	Housing & Community Development	42,842	650,000	650,000	42,842
	Business Improvement Area	97,502	-	90,000	7,502
	Cumulative Reserve	30,713,551	80,000	1,391,450	29,402,101
DEBT SERVICE	City Hall Annex 2010 A&B Bond	-	-	-	-
	Local Revitalization 2010 C&D Bond	-	-	-	-
	2020 LTGO A&B Refunding Bonds	662,707	1,507,600	1,507,600	662,707
	LID #249	1,687	10	-	1,697
	LID #350	-	-	-	-
	Golf / Cemetery 2016 Refunding	-	370,700	370,700	-
	SCORE 2009 A&B Bond	-	1,366,100	1,366,100	-
ENTERPRISE FUNDS	Water	10,210,632	20,513,410	24,485,990	6,238,052
	Sewer	9,299,995	9,573,200	10,346,701	8,526,494
	Sewer Metro	3,328,134	20,613,900	20,586,400	3,355,634
	Storm Drainage	12,957,725	11,087,600	10,729,632	13,315,693
	Solid Waste	2,135,607	26,646,830	26,533,984	2,248,453
	Airport	601,969	1,653,800	1,988,188	267,581
	Cemetery	1,812,215	1,432,300	2,308,402	936,113
INTERNAL SERVICE FUNDS	Insurance	1,710,775	12,000	182,500	1,540,275
	Workers' Compensation	3,102,720	1,144,900	750,700	3,496,920
	Facilities	415,868	4,683,900	4,731,374	368,394
	Innovation and Technology (includes Multimedia)	3,155,085	9,046,000	9,173,835	3,027,250
	Equipment Rental	1,769,286	3,527,200	3,564,826	1,731,660
FIDUCIARY FUNDS	Fire Pension	1,790,627	103,600	196,256	1,697,971
	SKHHP (South King Housing & Homelessness Partners)	1,668,893	297,400	366,475	1,599,818
PERMANENT FUNDS	Cemetery Endowment Care	2,158,347	64,130	-	2,222,477
TOTAL OPERATING BUDGET		\$105,402,215	\$209,886,906	\$224,064,233	\$91,224,888
TOTAL OPERATING BUDGET		\$315,289,121		\$315,289,121	

Schedule A

2024 OPERATING FUNDS BUDGET SUMMARY

Fund		Beginning Fund Balance	2024 Resources	2024 Expenditures	Ending Fund Balance
GENERAL FUND		\$9,475,710	\$101,921,889	\$101,372,924	\$10,024,675
SPECIAL REVENUE FUNDS	Hotel/Motel Tax	446,979	143,900	177,100	413,779
	American Rescue Plan Act (ARPA)	-	4,246,866	4,246,866	-
	Drug Forfeiture	612,565	148,000	404,917	355,648
	Housing & Community Development	42,842	650,000	650,000	42,842
	Business Improvement Area	7,502	-	7,502	-
	Cumulative Reserve	29,402,101	80,000	12,959,994	16,522,107
DEBT SERVICE	City Hall Annex 2010 A&B Bond	-	-	-	-
	Local Revitalization 2010 C&D Bond	-	-	-	-
	2020 LTGO A&B Refunding Bonds	662,707	1,504,200	1,504,100	662,807
	LID #249	1,697	10	-	1,707
	LID #350	-	-	-	-
	Golf / Cemetery 2016 Refunding	-	374,400	374,400	-
	SCORE 2009 A&B Bond	-	1,366,200	1,366,200	-
ENTERPRISE FUNDS	Water	6,238,052	18,963,410	21,242,749	3,958,713
	Sewer	8,526,494	9,661,700	10,676,197	7,511,997
	Sewer Metro	3,355,634	21,989,300	21,961,800	3,383,134
	Storm Drainage	13,315,693	11,160,700	17,964,446	6,511,947
	Solid Waste	2,248,453	28,102,400	28,328,158	2,022,695
	Airport	267,581	1,938,000	2,107,005	98,576
	Cemetery	936,113	1,432,300	1,878,038	490,375
INTERNAL SERVICE FUNDS	Insurance	1,540,275	12,000	182,500	1,369,775
	Workers' Compensation	3,496,920	1,144,900	751,000	3,890,820
	Facilities	368,394	4,451,000	4,468,294	351,100
	Innovation and Technology (includes Multimedia)	3,027,250	11,696,580	11,755,538	2,968,292
	Equipment Rental	1,731,660	3,608,990	3,749,447	1,591,203
FIDUCIARY FUNDS	Fire Pension	1,697,971	103,600	206,256	1,595,315
	SKHHP (South King Housing & Homelessness Partners)	1,599,818	331,000	377,600	1,553,218
PERMANENT FUNDS	Cemetery Endowment Care	2,222,477	64,130	-	2,286,607
TOTAL OPERATING BUDGET		\$91,224,888	\$225,095,475	\$248,713,031	\$67,607,332
TOTAL OPERATING BUDGET		\$316,320,363		\$316,320,363	



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6880 (Thomas)

Date:

November 4, 2022

Department:

Finance

Attachments:

[Ordinance No. 6880](#)

Budget Impact:**Administrative Recommendation:**

City Council to adopt Ordinance No. 6880.

Background for Motion:

Ordinance No. 6880 establishes the City of Auburn's 2023 Property Tax Levy at \$24,110,666, which is a 1% increase, or \$238,719, over the 2022 Property Tax Levy. In addition, the City will Levy an additional \$247,237 in new construction and \$67,455 in refund levies from prior years.

Background Summary:

Proposed Ordinance No. 6880 establishes the 2023 Property Tax Levy based on the assessed valuations provided by King County. It represents a 1% increase over 2022, plus one-time increases due to new construction and refunds. The following table summarizes the 2023 Property Tax Levy calculation.

Table 1 - 2023 Property Tax Levy Calculation	
2022 Levy	\$ 23,871,947
1% Increase for 2023	\$ 238,719
2023 Levy	\$ 24,110,666
Plus: Estimated New Construction	\$ 247,237
Plus: Estimated Refund Levy	\$ 67,455
Total 2023 Amount	\$ 24,425,358

As of this date, the county has preliminarily established the 2023 assessed valuation (including estimated new construction) for the City of Auburn at \$17.5 billion, which is a 21.5% increase over the 2022 assessed value of \$14.4 billion. The 2023 Property Tax Levy will be distributed to the General Fund to support general governmental operations.

Reviewed by Council Committees:

Councilmember: Baggett

Staff:

Thomas

Meeting Date: November 21, 2022

Item Number:

ORD.B

ORDINANCE NO. 6880

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, ESTABLISHING THE LEVY FOR REGULAR PROPERTY TAXES BY THE CITY OF AUBURN FOR COLLECTION IN 2023 FOR GENERAL CITY OPERATIONAL PURPOSES IN THE AMOUNT OF \$24,110,666

WHEREAS, the City Council of the City of Auburn has met and considered its budget for the calendar year 2023; and

WHEREAS, pursuant to RCW 84.55.120 the City Council held public hearings on November 7, 2022 and November 21, 2022, after proper notice was given, to consider the City of Auburn's 2023-2024 biennial budget and the regular property tax levy to support it; and

WHEREAS, the City Council of the City of Auburn, after public hearing, and after duly considering all relevant evidence and testimony presented, has determined that the City of Auburn requires property tax revenue and any increase of new construction and improvements to property, any increase in the value of state-assessed property, annexations, and any refund levies in order to discharge the expected expenses and obligations of the City and in its best interest; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Regular property taxes for collection in the City of Auburn

for the year 2023 are authorized in the amount of \$24,110,666. Not including the addition of new construction and improvements to property, any increases related

to the value of state assessed property, and any refund levies available, the regular property tax levy for 2023 collection represents an increase from regular property taxes levied for collection in 2022 of \$238,719 which is a 1.0% increase in revenue from the previous year.

Section 2. Implementation. The Mayor is hereby authorized to implement those administrative procedures necessary to carry out the directions of this legislation.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application of it to any person or circumstance will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective date. This Ordinance will take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

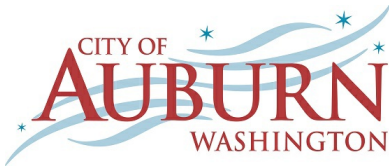
ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6882 (Thomas)

Date:

October 24, 2022

Department:

Finance

Attachments:

[Ordinance No. 6882](#)

Budget Impact:**Administrative Recommendation:**

City Council to adopt Ordinance No. 6882

Background for Motion:

Ordinance No. 6882 increases the utility tax rate imposed on water, sewer, storm, and solid waste utilities from 10% to 11.5%. It further provides that 2.5% of the total tax rate for water, sewer, storm, and solid waste utilities, and 1% of the total tax rate for all other utility services, will be dedicated to acquiring, investing in, constructing, improving, providing, operating, preserving, maintaining and/or funding transportation improvements in the City.

Background Summary:

In early 2022 a Council Ad Hoc Committee was formed to discuss sustainable funding needs for the City's Arterial and Local Street Preservation Programs. In April 2022, the City Council concurred with the Ad Hoc Committee's funding recommendation, which included a three-pronged approach: Implementation of a .1% Sales Tax as authorized by RCW 36.73.040(3)(a)(v) effective January 1, 2023; increasing the utility tax on city operated utilities to 2.5% effective January 1, 2023; and implementing car tab fees by January 1, 2025. Leveraging and implementing these three funding options will generate an estimated \$7 million in revenue, to exclusively fund essential transportation improvements city wide. Based on the concurrence of the City Council, management developed a proposed 2023-2024 Biennial Budget and a 2023-2028 Capital Facilities plan incorporating these new funding sources. Council subsequently adopted the first step of the Ad Hoc committee's plan with Ordinance No. 6881, which enacted the .1% Sales Tax levy.

This ordinance, Ordinance No. 6882, is the second step of the Ad Hoc Committee's recommended funding plan. Sections 1 and 2 increases the existing utility tax rate for water, sewer, storm, and solid waste utilities from 10% to 11.5%, effective January 1, 2023. This 1.5% increase will be dedicated to the purpose of acquiring, investing in, constructing, improving, providing, operating, preserving, maintaining and/or funding transportation improvements in the City. This 1.5% increase will be combined with the existing 1% that is currently being allocated to the City's street special revenue funds. The Council considered these amendments at the October 24, 2022 study session.

Since that Study Session, City staff has proposed additional sections 3-5 to the ordinance, amending ACC 3.42.020, 3.84.040, and 3.88.040 that have not previously presented to

council at a Study Session. These changes reference the existing 6% utility tax that is levied on cable, telephone, and utility services and directs the existing 1% tax from the City's "arterial street program" to a broader purpose of "acquiring, investing in, constructing, improving, providing, operating, preserving, maintaining and/or funding transportation improvements in the City". These changes align the City Code with the intent that has been consistently communicated with both the Ad Hoc Committee and Council since April, as well as represented in the 2023-2024 Biennial Budget and the 2023-2028 Capital Facilities Plan which were presented to Council throughout September and October 2022. For this reason, staff asks to waive Council Rule 3.1 (P)(2) to allow the City Council to vote on Ordinance No. 6882 without the final ordinance language going to Study Session.

Reviewed by Council Committees:

Councilmember: Baggett

Staff: Thomas

Meeting Date: November 21, 2022

Item Number: ORD.C

ORDINANCE NO. 6882

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, INCREASING THE RATE OF TAX ON UTILITIES WITHIN THE CITY, AMENDING SECTIONS 3.40.010, 3.41.010, 3.42.020, 3.84.040, AND 3.88.040 OF THE AUBURN CITY CODE.

WHEREAS, Auburn City Code (ACC) sections 3.40.010 and 3.41.010 establish a tax to be collected from the City's water, storm drainage, sewer and garbage/solid waste utilities, and ACC sections 3.42.020, 3.84.040, and 3.88.040 establish taxes on cable television, telephone, and utility services within the City;

WHEREAS, the City would like to increase its revenues as part of its long-term financial plan, and the City intends to provide sustainable funding for the roadway preservation programs from utility tax revenues; and

WHEREAS, the City has reviewed its budget and its various utility tax funds and finds it appropriate to increase City utility tax rates by amending the ACC sections identified in this Ordinance. Doing so will support the City's financial needs and will ensure that the City's revenue growth meets or exceeds its expenditures to preserve its general fund sustainability;

WHEREAS, throughout 2022 the City Council has received and reviewed information regarding these potential ACC section changes through staff presentations regarding the City's financial plan and the City's biannual budget, and the Council formed an ad hoc committee to consider these ACC revisions and studied them in a series of meetings leading up to the Council's consideration of this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. Section 3.40.010 of the Auburn City

Code is amended to read as follows:

ACC 3.40.010 Water, Storm and Sewer Utility Tax Created.

A. There is created an 11.5% ~~10-percent~~ tax to be levied on and after January 1, 2023~~1~~, against and upon the total annual revenues derived from:

1. The city's water, storm drainage and sewer utility funds; and
2. All water, storm drainage and sewer utilities, business enterprises or other entities engaged in providing such utility services within the city.

B. The finance director is directed to collect this imposed tax and to pay the collected revenue into the city's current general fund, subject to subsection C of this section.

C. On and after January 1, 2023~~1~~, the finance director shall allocate 2.5% ~~one-percent~~ of the tax revenue received under this section for the purpose of acquiring, investing in, constructing, improving, providing, operating, preserving, maintaining and/or funding transportation improvements in the City. to the , city's arterial street, collector, and local preservation fund.

D. The tax rate in subsection A of this section shall automatically revert to 9% ~~nine-percent~~ if the state of Washington provides the city's arterial street preservation fund with a long-term sustainable funding source that is sufficient to maintain the city's arterial street system's pavement condition index (PCI) at an average of 70 PCI out of a score of 100 PCI for the foreseeable future.

Section 2. Amendment to City Code. Section 3.41.010 of the Auburn City

Code is amended to read as follows:

ACC 3.41.010 Garbage and solid waste utility Ttax created.

A. There is created an 11.5% ~~10-percent~~ tax to be levied on and after January 1, 2023~~1~~, against and upon the gross receipts and total annual revenues of:

1. The city's garbage fund; and

2. All solid waste utilities and every business enterprise or other entity engaged in handling solid waste.

B. For the purposes of this section “solid waste” means garbage, recyclables and yard debris.

C. The finance director is directed to collect this tax and to pay the collected funds into the city’s general expense fund, subject to subsection D of this section.

D. On and after January 1, 2023~~1~~, the finance director shall allocate 2.5% ~~one percent~~ of the tax revenue received under this section for the purpose of acquiring, investing in, constructing, improving providing, operating, preserving, maintaining and/or funding transportation improvements in the City.to the city’s arterial street, collector, and local preservation fund.

E. The tax rate in subsection A of this section shall automatically revert to 9% ~~nine percent~~ if the state of Washington provides the city’s arterial street preservation fund with a long-term sustainable funding source that is sufficient to maintain the city’s arterial street system’s pavement condition index (PCI) at an average of 70 PCI out of a score of 100 PCI for the foreseeable future.

F. Pursuant to RCW 35.58.560, nothing in this section shall be intended or construed to impose a tax on any county owned or operated solid waste facility.

Section 3. Amendment to City Code. Section 3.42.020 of the Auburn City

Code is amended to read as follows:

ACC 3.42.020 Cable Television Utility Tax

There is levied a tax of six percent on the gross revenues of, and upon the total annual revenues of, cable television businesses operating within the city, which tax shall be collected from and levied upon the total receipts of such cable television business(es). For the purposes hereof, the following terms and definitions shall apply:

A. “Gross revenues” means the value proceeding or accruing from the sale of any tangible personal property and/or for services rendered, without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses. Gross revenues for the purposes of calculating franchise fees shall be as set forth in any franchise agreement.

B. "Cable television business" means a system providing cable service pursuant to a franchise issued by the city under the Cable Communications Policy Act of 1984 Public Law No. 98-549, 47 U.S.C. Section 521, as it may be amended or superseded.

C. On and after January 1, 2023, the finance director shall allocate one percent (1%) of the tax revenue received under this section ~~The tax revenue generated by one percent levied pursuant to Ordinance No. 6170 shall be relegated for the purpose of acquiring, investing in, constructing, improving providing, operating, preserving, maintaining and/or funding transportation improvements in the City. for use by the city in support of its arterial street system, other than as follows: The one percent tax levied January 1, 2020, through December 31, 2020, will be transferred to the general fund to support general fund services for the city's fiscal year 2020.~~ The remaining ~~tax revenue generated by the remaining~~ five percent (5%) levied pursuant to Ordinance No. 6620 to this section shall be relegated for use by the city's General Fund. ~~in support of its police, public safety and criminal justice system.~~

Section 4. Amendment to City Code. Section 3.84.040 of the Auburn City

Code is amended to read as follows:

ACC 3.84.040 Telephone Business Tax

On and after July 1, 2008, there is levied upon every person, firm or corporation engaged in carrying on telephone utility business, within or partly within the city limits ~~and there shall be collected from every person, firm or corporation engaged in carrying on the following business for hire or for sale of a commodity or a service within or partly within the corporate limits of the city, a tax for the privilege of so doing business as defined in ACC 3.84.010. Upon any telephone business there shall be levied~~ a tax equal to six percent (6%) of gross revenues, including revenues from intrastate tolls derived from the operation of such business within the city. Gross revenues for the purposes of calculating franchise fees shall be as set forth in any franchise agreement. ~~The increase in tax revenue generated by the additional one percent tax levied pursuant to Ordinance No. 6170 shall be relegated for .~~ On and after January 1, 2023, the finance director shall allocate one percent (1%) of the tax revenue received under this section for the purpose of acquiring, investing in, constructing, improving, providing, operating, preserving, maintaining and/or funding transportation improvements in the City. The remaining five percent (5%) levied shall be relegated for use by the City's General Fund. ~~use by the city in support of its arterial street system, other than as follows: The one percent tax levied January 1, 2020, through December 31, 2020, will be transferred to the general fund to support general fund services for the city's fiscal year 2020. It is provided, however, that if the state of Washington provides a long term sustainable funding source to the city of Auburn arterial street fund in an amount~~

~~sufficient to offset the amount of the increases in utility tax rates of this chapter and the long-term funding source is sufficient to maintain the city of Auburn's arterial street system's pavement condition index (PCI) at an average of 70 PCI out of a score of 100 PCI for the foreseeable future, the telephone utility tax rate shall automatically revert to five percent of the gross revenues on telephone businesses, including revenues from intrastate tolls derived from the operation of such business within the city.~~

Section 5. Amendment to City Code. Section 3.88.040 of the Auburn City

Code is amended to read as follows:

ACC 3.88.040 Utility Service Tax - Levy

On and after July 1, 2008, there is levied upon and there shall be collected from every person, firm or corporation engaged in carrying on an electric power business, natural gas business and/or artificial gas business for hire within or partly within the city limits an annual tax for the privilege of so doing, such tax to be equal to six percent of the total gross revenues received from the operation of such businesses within the city limits. ~~The increase in tax revenue generated by the additional one percent tax levied pursuant to Ordinance No. 6170 shall be relegated for~~ On and after January 1, 2023, the finance director shall allocate one percent (1%) of the tax revenue received under this section for the purpose of acquiring, investing in, constructing, improving, providing, operating, preserving, maintaining and/or funding transportation improvements in the City. The remaining 5% levied shall be relegated for use by the City's General Fund. ~~use by the city in support of its arterial street system, other than as follows: The one percent tax levied January 1, 2020, through December 31, 2020, will be transferred to the general fund to support general fund services for the city's fiscal year 2020. It is provided, however, that if the state of Washington provides a long-term sustainable funding source to the city of Auburn arterial street fund in an amount sufficient to offset the amount of the increases in utility tax rates of this chapter and the long-term funding source is sufficient to maintain the city of Auburn's arterial street system's pavement condition index (PCI) at an average of 70 PCI out of a score of 100 PCI for the foreseeable future, the electric power, natural gas business and artificial gas business utility tax rate shall automatically revert to five percent of the total gross revenues received from the operation of such businesses within the city limits.~~

Section 6. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 7. **Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 8. **Effective date.** This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6883 (Thomas)

Date:

November 4, 2022

Department:

Finance

Attachments:

[Ordinance No. 6883](#)

[6883 Exhibit A Table for 13-06-360](#)

[6883 Exhibit B Table for 13-20-440](#)

[6883 Exhibit C Table for 13-48-100](#)

Budget Impact:**Administrative Recommendation:**

City Council to adopt Ordinance No. 6883.

Background for Motion:

Ordinance No. 6883 adjusts the City of Auburn's water, sewer, and storm utility rates for the years 2023-2025, in order to ensure sustainability in the City's utility operations and infrastructure.

Background Summary:

The City of Auburn provides water, sewer, and stormwater services to its utility customers. In 2022, the City contracted with FCS Group to perform a Water, Sewer, and Stormwater Rate Study to review the adequacy of existing rates and to propose new rates as appropriate. The findings of this study were presented to Council in three sessions from October through November 2022.

Ordinance No. 6883 amends sections 13.06.360, 13.20.440 and 13.48.100 of the Auburn City Code (ACC), which proposes updates to the existing residential and commercial rates, and adds a separate customer class for customers served in the City's Braunwood neighborhood.

Staff recommends approval of Ordinance No. 6883.

Reviewed by Council Committees:

Councilmember: Baggett

Staff:

Thomas

Meeting Date: November 21, 2022

Item Number:

ORD.D

ORDINANCE NO. 6883

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 13.06.360, 13.20.440, AND 13.48.100 OF THE AUBURN CITY CODE (ACC), RELATING TO CITY UTILITY RATES, AND ESTABLISHING A SEPARATE CUSTOMER CLASS FOR CUSTOMERS SERVED BY THE CITY'S BRAUNWOOD WATER UTILITY

WHEREAS, pursuant to its powers in RCW 35.92, the City has established water, sewer, and storm drainage utilities to serve its residents;

WHEREAS, consistent with its responsibilities to operate these utilities in a cost-effective manner and in a manner that reflects the City's actual operating costs, the City periodically reviews its utility rate structure to ensure that its rates are set appropriately;

WHEREAS, in 2022, the City consulted with FCS Group to study the City's current utility rates against the City's cost of utility service delivery and revenue requirements;

WHEREAS, the structure and operation of the City's water utility was among the items studied by FCS. The City's water utility is divided into 2 separate water systems serving City customers: (1) an isolated water system that serves the residential area legally described in a Satellite Water System Service Contract for Braunwood Estates approved by Council Resolution 2114 (the Braunwood system) serving 12 active single-family residential customer connections and allowing for up to 13 such connections, and (2) the City's primary water system serving the remainder of the City's water customers (the primary system);

WHEREAS, RCW 35.92.010 and ACC 13.06.040 set forth the City's ability to classify and set service rates for its water service customers. The City's current water customer classifications in ACC 13.06 do not separately classify customers of these 2

separate water systems—all City water customers are currently classified together regardless of which system provides their water;

WHEREAS, due to its separation from the City's primary water system, the City has different operational requirements and furnishes limited quantities of water to the Braunwood system, and experiences water conservation and management difficulties that are unique to the Braunwood system;

WHEREAS, in August 2021, following documented excessive water use patterns in the Braunwood area and after the Department of Ecology issued a drought emergency order that included the Braunwood area, the Mayor declared a Stage I water shortage emergency affecting the 12 residents of the Braunwood area, pursuant to RCW 35.21.210, RCW 38.52 and ACC 13.14;

WHEREAS, In December 2021, following successful conservation efforts by the City and residents of the Braunwood area the Mayor declared an end to the water shortage emergency;

WHEREAS, In January 2022, to assist the residents of the Braunwood area in continuing conservation efforts and to help stay within the City's allotted water right for the Satellite System, the Water Utility established maximum monthly water use quotas as a guide for the 12 residential customers;

WHEREAS, establishing a separate Braunwood system customer classification and corresponding water rates for that system's customers will enable the City to: (1) better address its costs of operating that system; (2) encourage water conservation practices in the Braunwood system; and (3) discourage wasteful water use practices among the Braunwood system's customers;

WHEREAS, in light of the above recitals, and following the FCS Group utility rate review conducted at City staff request, City staff recommends that City utility rates should be adjusted as reflected in this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. Section 13.06.360 of the Auburn City Code is hereby amended to read as set forth in Exhibit A to this Ordinance.

Section 2. Amendment to City Code. Section 13.20.440 of the Auburn City Code is hereby amended to read as set forth in Exhibit B to this Ordinance.

Section 3. Amendment to City Code. Section 13.48.100 of the Auburn City Code is hereby amended to read as set forth in Exhibit C to this Ordinance.

Section 4. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 5. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 6. **Effective date.** This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____

EXHIBIT A—ORD. 6883

ACC 13.06.360 Water service Rates – Generally.

A. Except as provided in subsections B and C of this section, effective January 1, ~~2023~~st of each year, the monthly base rate for all water user classifications except interruptible wholesale ~~except interruptible wholesale~~ shall be as set forth in Table 13.06.360-1 below.

Table 13.06.360-1.

Monthly Charge

Meter Size (inches)	Effective January 1, 20 23 <u>19</u>	Effective January 1, 20 24 <u>20</u>	Effective January 1, 20 25 <u>21</u>	Effective January 1, 2022
5/8, 3/4	\$ 19.61 <u>16.65</u>	\$ 21.08 <u>17.18</u>	\$ 22.66 <u>17.71</u>	—\$ 18.24
1 (Single-Family Residential)	\$ 19.61 <u>16.65</u>	\$ 21.08 <u>17.18</u>	\$ 22.66 <u>17.71</u>	—\$ 18.24
1 (All Other Classes)	\$ 22.01 <u>18.69</u>	\$ 23.66 <u>19.28</u>	\$ 25.43 <u>19.88</u>	—\$ 20.47
1-1/2	\$ 23.96 <u>20.35</u>	\$ 25.76 <u>21.00</u>	\$ 27.69 <u>21.65</u>	—\$ 22.29
2	\$ 27.62 <u>23.46</u>	\$ 29.69 <u>24.21</u>	\$ 31.92 <u>24.95</u>	—\$ 25.69
3	\$ 45 <u>53.13</u>	\$ 57.11 <u>46.57</u>	\$ 61.39 <u>48.00</u>	—\$ 49.42
4	\$ 66.66 <u>56.62</u>	\$ 71.66 <u>58.53</u>	\$ 77.03 <u>60.22</u>	—\$ 62.01
6	\$ 85.18 <u>72.36</u>	\$ 91.57 <u>74.66</u>	\$ 98.44 <u>76.96</u>	—\$ 79.24
8	\$ 110.05 <u>93.47</u>	\$ 118.30 <u>96.45</u>	\$ 127.17 <u>99.42</u>	—\$ 102.37
10	\$ 156.25 <u>132.72</u>	\$ 167.97 <u>136.95</u>	\$ 180.57 <u>141.17</u>	—\$ 145.35

Charge per 100 cubic feet (ccf)

Customer Class	Effective January 1, 2023¹⁹	Effective January 1, 2024⁴⁰	Effective January 1, 2025⁵¹	Effective January 1, 2022
Single-Family Residential:				
0 to 7 ccf	\$ 3. 89 ³⁰	\$ 4.18 ^{3.41}	\$ 4.49 ^{3.51}	—\$ 3.62
7.01 to 15 ccf	\$ 4. 75 ⁰³	\$ 5.11 ^{4.16}	\$ 5.49 ^{4.29}	—\$ 4.42
Over 15 ccf	\$ 5.40 ^{4.58}	\$ 5.81 ^{4.73}	\$ 6.25 ^{4.87}	—\$ 5.02
Multifamily Residential	\$ 4.65 ^{3.94}	\$ 5.00 ^{4.06}	\$ 5.38 ^{4.19}	—\$ 4.33
Commercial	\$ 4. 90 ⁴³	\$ 5.27 ^{4.47}	\$ 5.67 ^{4.52}	—\$ 4.56
Manufacturing/Industrial	\$ 4.79 ^{3.40}	\$ 5.15 ^{3.72}	\$ 5.54 ^{4.08}	—\$ 4.46
Schools	\$ 5.22 ^{3.95}	\$ 5.61 ^{4.23}	\$ 6.03 ^{4.54}	—\$ 4.86
Municipal/City Accounts	\$ 4.83 ^{5.88}	\$ 5.19 ^{5.39}	\$ 5.58 ^{4.93}	—\$ 4.49
Irrigation	\$ 6.46 ⁰¹ 4.74	\$ 6.94 ^{5.13}	\$ 7.46 ^{5.55}	—\$ 6.01
Wholesale (Algona)	\$ 2. 33 ¹⁴	\$ 2. 33 ²⁰	\$ 2. 33 ²⁷	—\$ 2.33

Fifty percent shall be added to all rates for water service for customers outside the city limits. City of Auburn utility taxes are included in the monthly rate for all customers except wholesale accounts. Wholesale rates exclude the 50 percent out-of-city service charge and state excise taxes.

B. Interruptible wholesale water supply customers shall pay monthly the sum of the following ~~monthly~~:

~~1. Standby service charge.~~

~~2. Usage charge.~~

~~3. Purchased water surcharge.~~

1. Standby Service Charge:

~~The standby service charge is~~ the cost to maintain, repair, and replace the infrastructure required to provide water utility service to the interruptible wholesale water customer when the customer requests water supply from the city of Auburn. This is a fixed monthly charge and does not include the delivery of any quantity of water.

2. Usage Charge:

~~The usage charge represents~~ the cost of water supply. The charge is based on actual water deliveries, if any, during the month times the usage rate.

3. Purchased Water Surcharge:

In any month in which water is purchased from Tacoma Public Utilities or other external agency, the interruptible wholesale customer shall pay an additional charge of \$3.31 per ccf, applied to the quantity of water purchased by the city of Auburn during the month to supply the interruptible wholesale customer.

Interruptible Wholesale Rates

Charge	Effective January 1, 2019 <u>2023</u>	Effective January 1, 2020 <u>2024</u>	Effective January 1, 2021 <u>2025</u>	<u>Effective January 1, 2022</u>
Standby Service Charge (per month)	\$ 1,1 47.92 <u>39.02</u>	\$ <u>1,147.92</u> 1,142.00	\$ <u>1,147.92</u> 1,144.97	\$ <u>1,147.92</u>
Usage Charge (per ccf)	\$ <u>2.07</u> 1.89	\$ <u>1.95</u> <u>2.07</u>	\$ <u>2.0</u> <u>2.07</u>	\$ <u>2.07</u>
Purchased Water Surcharge (per ccf of water purchased)*	\$ 3.31	\$ 3.31	\$ 3.31	—\$ 3.31

* Subject to change if Tacoma Public Utilities updates its wholesale summer season peaking rate.

C. Water customers served by the City's Braunwood water system. City water customers served by the City's Satellite Water System for Braunwood Estates (approved by City Resolution 2114) shall be subject to the following monthly water service rates, effective January 1, 2023:

Monthly Charge

<u>Meter Size (inches)</u>	<u>Effective January 1, 2023</u>	<u>Effective January 1, 2024</u>	<u>Effective January 1, 2025</u>
<u>3/4"</u>	<u>\$ 19.61</u>	<u>\$ 21.08</u>	<u>\$ 22.66</u>
<u>1"</u>	<u>\$ 19.61</u>	<u>\$ 21.08</u>	<u>\$ 22.66</u>
<u>1-1/2"</u>	<u>\$ 23.96</u>	<u>\$ 25.76</u>	<u>\$ 27.69</u>
<u>2"</u>	<u>\$ 27.62</u>	<u>\$ 29.69</u>	<u>\$ 31.92</u>
<u>3"</u>	<u>\$ 53.13</u>	<u>\$ 57.11</u>	<u>\$ 61.39</u>
<u>4"</u>	<u>\$ 66.66</u>	<u>\$ 71.66</u>	<u>\$ 77.03</u>
<u>6"</u>	<u>\$ 85.18</u>	<u>\$ 91.57</u>	<u>\$ 98.44</u>
<u>8"</u>	<u>\$ 110.05</u>	<u>\$ 118.30</u>	<u>\$ 127.17</u>
<u>10"</u>	<u>\$ 156.25</u>	<u>\$ 167.97</u>	<u>\$ 180.57</u>

Variable Charges based on ccf (100 cubic feet of water used)

<u>Description</u>	<u>Effective January 1, 2023</u>	<u>Effective January 1, 2024</u>	<u>Effective January 1, 2025</u>
<u>B1 (0-7 ccf)</u>	<u>\$3.89</u>	<u>\$4.18</u>	<u>\$4.49</u>
<u>B2 (7.01-15 ccf)</u>	<u>\$4.75</u>	<u>\$5.11</u>	<u>\$5.49</u>
<u>B3 (15.01 – 25 ccf)</u>	<u>\$5.40</u>	<u>\$5.81</u>	<u>\$6.25</u>
<u>B4 (25.01-38 ccf)</u>	<u>\$6.00</u>	<u>\$6.45</u>	<u>\$6.93</u>
<u>B5 (38+ ccf)</u>	<u>\$12.00</u>	<u>\$12.90</u>	<u>\$13.87</u>

EXHIBIT B—ORD. 6883

ACC 13.20.440 Sewer Rates and charges.

A. *Sewer Rates.* The monthly sewer charge to city of Auburn sanitary sewer customers consists of two separate fees. Auburn sanitary sewer utility imposes a charge to maintain, expand and operate the utility's sewer conveyance facilities, and King County imposes a separate fee for the service King County provides. No charge shall be imposed by the city on the amount charged by King County, which amount the city shall pass directly onto the customer as the cost of the service that King County is providing. The Auburn monthly charge shall be as set forth in Table 13.20.440-1 below.

Table 13.20.440-1.

City of Auburn Monthly Charge

Customer Class	Effective January 1, 20<u>23</u>19	Effective January 1, 20<u>24</u>0	Effective January 1, 20<u>25</u>1	Effective January 1, 20<u>22</u>2
Single-Family Residential Rate -- Inside City Limits	\$ 27.94 <u>5.17</u>	\$ 30.04 <u>25.45</u>	\$ 32.29 <u>25.72</u>	\$ 25.99
Single-Family Residential Rate -- Outside City Limits	\$ 41.91 <u>37.76</u>	\$ 45.06 <u>38.18</u>	\$ 48.44 <u>38.58</u>	\$ 38.99
Non-Single-Family Residential Rate -- Inside City Limits for the first 750 cubic feet of water used each month	\$ 30.65 <u>25.75</u>	\$ 32.95 <u>26.64</u>	\$ 35.42 <u>27.58</u>	\$ 28.51
Plus for each additional 100 cubic feet thereafter	\$ 3.11 <u>2.61</u>	\$ 3.34 <u>2.70</u>	\$ 3.59 <u>2.79</u>	\$ 2.89
Non-Single-Family Residential Rate -- Outside City Limits for the first 750 cubic feet of water used each month	\$ 45.98 <u>38.63</u>	\$ 49.43 <u>39.96</u>	\$ 53.13 <u>41.37</u>	\$ 42.77
Plus for each additional 100 cubic feet thereafter	\$ 4.67 <u>3.92</u>	\$ 5.01 <u>4.05</u>	\$ 5.39 <u>4.19</u>	\$ 4.34

Commercial accounts will be allowed to average winter water consumption for the billing dates falling between December through May to determine the summer sewer rates for the billing dates falling between July and October. Said allowance shall be upon application and with appropriate justification that additional summer usage does not enter the sewer system. The months of November through June shall be billed per water used, at the rates noted above.

Commercial accounts without city water service shall be charged at the published rate based on a city-approved water meter or other acceptable means of recording water use. The meter shall be read by the city to determine sewage charges on commercial private water systems.

Commercial accounts that have industrial use of domestic water that is not discharged into the sanitary sewer system may request a deduct meter to measure the water that is actually discharged to the sewer system. The customer will be allowed to deduct the amount of water usage that is not discharged to the sanitary sewer system.

Irrigation meters shall not be billed for sanitary sewer service.

B. *Permit Fees.* Permit fees for side sewer repair, replacement, inspection, or installation of side sewers shall be as shown in the city of Auburn fee schedule.

EXHIBIT C—ORD. 6883

ACC 13.48.100 Storm Water Rates.

A. The customer classes and rates below are based upon the cost of services provided by the storm utility. The storm water rates shall be as set forth in Table 13.48.100-1 below.

Table 13.48.100-1.

ESU¹ Rate per Month

Customer Class	Effective January 1, 2023<u>19</u>	Effective January 1, 2024<u>20</u>	Effective January 1, 2025<u>21</u>	<u>Effective</u> January 1, 2022<u>22</u>
Single-Family Residential Parcels and Two-Family Residential Parcels	\$ 16.959.51	\$ 18. 09 <u>58</u>	\$ 19.317.38	\$ 15.88
Non-Single-Family	\$ 16. 95 <u>72</u>	\$ 18.09 <u>6.44</u>	\$ 19.31 <u>6.16</u>	\$ 15.88
Non-Single-Family with Detention	\$ 14.593.57	\$ 15.573.60	\$ 16.623.63	\$ 13.67
Non-Single-Family with Retention	\$ 12.229.20	\$ 13.049.90	\$ 13.920.65	\$ 11.45
Non-Single-Family with Water Quality Treatment	\$ 15.590.89	\$ 16.642.00	\$ 17.763.24	\$ 14.60
Non-Single-Family with Detention and Water Quality Treatment	\$ 13.238.59	\$ 14.129.70	\$ 15.070.96	\$ 12.39
Non-Single-Family with Retention and Water Quality Treatment	\$ 10.865.80	\$ 11.596.99	\$ 12.378.43	\$ 10.17

1 An “equivalent service unit (ESU)” is defined in ACC 13.48.010 as 2,600 square feet of impervious surface.

The customer classes set forth in this subsection shall be applicable only if the qualifying on-site facilities have met applicable city standards upon installation, have received city approval of construction, and are in conformity with the applicable operations and maintenance standards. If the city determines that the operation and maintenance standards are not being complied with, the customer class shall be determined to be that of non-single-family only, until operation and maintenance of the facilities meet city standards. The customer being billed may apply in writing for a

system inspection. If the inspection shows that the facilities meet city standards, the customer will be reclassified to the previous class.

B. *Developed Parcels*. Only developed parcels containing impervious surfaces as defined in ACC 13.48.010 shall be charged.

C. *Multiple Class Accounts*. When a developed non-single-family parcel contains more than one customer class, the appropriate rate for each customer class will be calculated, and the aggregate total summed for billing.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6888 (Thomas)

Date:

October 24, 2022

Department:

Finance

Attachments:

[Ordinance No. 6888](#)

Budget Impact:

2023 \$101,762,785

2024 \$81,734,972

Administrative Recommendation:

City Council to adopt Ordinance No. 6888.

Background for Motion:

Ordinance No. 6888 establishes the City of Auburn's capital budget at \$101,762,785 in 2023 and at \$81,734,972 in 2024.

Background Summary:

Budget Process: In April, the City began the process of developing the budget for the 2023-2024 biennium. This included a series of budget workshops with the Council during September 2022. During these presentations and workshops, Council provided input and staff moved forward with compiling the Preliminary 2023-2024 Biennial Budget. A copy of the 2023-2024 Preliminary Budget was filed with the City Clerk, distributed to Council, and made available to the public on October 17, 2022.

Ordinance No. 6888 - Capital Facilities Plan: The Capital Facilities Plan (CFP) is the 2023-2028 capital budget for the City. These needs and associated funding plans were an integral part of the presentations and discussion with Council during the budget workshop process. Council will adopt the City's 2023-2028 Capital Facilities Plan separately, with the approval of Ordinance No. 6888.

Ordinance No. 6879 - 2023/2024 Biennial Budget: Council's approval of Ordinance No. 6879 will establish the City's 2023-2024 biennial budget. The 2023-2024 portion of the Capital Facilities Plan is incorporated into the 2023-2024 Biennial Budget, as presented to Council.

Staff recommends Council approval of Ordinance No. 6888.

Reviewed by Council Committees:

Councilmember: Baggett

Staff:

Thomas

Meeting Date: November 21, 2022

Item Number:

ORD.E

ORDINANCE NO. 6888

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, ADOPTING THE 2023-2024
BIENNIAL CAPITAL BUDGET FOR THE CITY OF AUBURN,
WASHINGTON

WHEREAS, in Ordinance No. 6682, the City Council created Chapter 3.06 of the Auburn City Code to repurpose special capital funds and establish a multi-year capital budgeting process.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. As required by Chapter 35A.34 RCW, the Mayor of the City of Auburn has completed and placed on file with the City Clerk of the City of Auburn a preliminary biennial capital budget for 2023-2024. Notice was published, as required by law, stating that: a) the Mayor had completed and placed the preliminary budget on file; b) a copy would be provided at the office of the City Clerk to any taxpayer who requested a copy; c) the City Council of the City of Auburn would meet on November 21, 2022 at 7:00 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street, Auburn, Washington for the purpose of fixing the budget and any taxpayer might appear at such time and be heard for or against any part of the budget; d) the Mayor provided a suitable number of copies of the detailed preliminary capital budget to meet the reasonable demands of taxpayers; e) The Mayor and the City Council met at the time and place designated in the notice and all taxpayers of the City were given full opportunity to be heard for or against the budget; f) the City Council has conducted public hearings on November 7, 2022, and November 21, 2022 to consider this preliminary capital budget; g) at the meeting held by the City

Council on the November 21, 2022 the City Council considered modifications of the proposed operating budget and approved the 2023-2024 biennial budget for the City of Auburn as adopted by this Ordinance as shown on Schedule A.

Section 2. Implementation. The Mayor is authorized to implement those administrative procedures as may be necessary to carry out the directives of this legislation.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. **Effective Date.** This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

PUBLISHED: _____

Schedule A

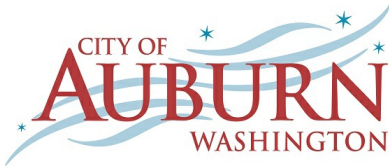
2023 CAPITAL FUNDS BUDGET SUMMARY

Fund		Beginning Fund Balance	2023 Resources	2023 Expenditures	Ending Fund Balance
SPECIAL REVENUE FUNDS	Arterial Street	\$965,783	\$9,085,192	\$9,360,894	\$690,081
	Local Street	1,932,689	2,598,000	2,036,300	2,494,389
	Arterial Street Preservation	2,699,358	4,041,772	4,100,000	2,641,130
	Recreational Trails	95,845	7,100	-	102,945
	Mitigation Fees	10,976,167	1,601,200	7,043,982	5,533,385
CAPITAL PROJECTS	Municipal Park Construction	816,504	1,545,100	1,347,800	1,013,804
	Capital Improvements	13,078,556	6,833,300	6,320,700	13,591,156
	Local Revitalization	245,831	256,200	500,000	2,031
ENTERPRISE FUNDS	Water	3,321,676	10,752,092	13,041,560	1,032,208
	Sewer	8,687,557	377,200	5,992,500	3,072,257
	Storm Drainage	7,744,442	536,200	6,713,394	1,567,248
	Airport	311,215	4,000,755	4,238,390	73,580
	Cemetery	7,184	355,100	355,050	7,234
INTERNAL SERVICE FUNDS	Innovation and Technology	237,354	674,700	585,300	326,754
	Equipment Rental	4,508,173	3,470,540	3,096,120	4,882,593
TOTAL CAPITAL BUDGET		\$55,628,334	\$46,134,451	\$64,731,990	\$37,030,795
TOTAL CAPITAL BUDGET		\$101,762,785		\$101,762,785	

Schedule A

2024 CAPITAL FUNDS BUDGET SUMMARY

	Fund	Beginning Fund Balance	2024 Resources	2024 Expenditures	Ending Fund Balance
SPECIAL REVENUE FUNDS	Arterial Street	\$690,081	\$11,307,150	\$11,968,800	\$28,431
	Local Street	\$2,494,389	\$2,546,100	\$1,951,300	\$3,089,189
	Arterial Street Preservation	\$2,641,130	\$4,203,100	\$5,250,000	\$1,594,230
	Recreational Trails	\$102,945	\$7,100	\$0	\$110,045
	Mitigation Fees	\$5,533,385	\$1,600,100	\$7,003,800	\$129,685
CAPITAL PROJECTS	Municipal Park Construction	1,013,804	\$568,800	\$768,500	\$814,104
	Capital Improvements	13,591,156	\$4,099,300	\$7,249,500	\$10,440,956
	Local Revitalization	2,031	\$2,082,866	\$2,081,866	\$3,031
ENTERPRISE FUNDS	Water	1,032,208	\$5,603,310	\$6,176,810	\$458,708
	Sewer	3,072,257	\$377,200	\$1,344,000	\$2,105,457
	Storm Drainage	1,567,248	\$7,536,200	\$8,065,000	\$1,038,448
	Airport	73,580	\$1,145,755	\$1,101,210	\$118,125
	Cemetery	7,234	\$100	\$50	\$7,284
INTERNAL SERVICE FUNDS	Innovation and Technology	326,754	\$603,944	\$514,544	\$416,154
	Equipment Rental	4,882,593	\$3,023,152	\$2,648,380	\$5,257,365
TOTAL CAPITAL BUDGET		\$37,030,795	\$44,704,177	\$56,123,760	\$25,611,212
TOTAL CAPITAL BUDGET		\$81,734,972		\$81,734,972	



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5690 (Tate)

Date:

November 17, 2022

Department:

Community Development

Attachments:

[Resolution No. 5690](#)

[AG-S-128 Renewal](#)

[AG-S-128](#)

[AG-S-128 Amendment](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Staff recommends approval of Resolution 5690.

Background for Motion:

The City of Auburn initially entered into a contract with B-Force Protection Security in late 2021. A contract amendment occurred to extend their services through 2022. This Resolution authorizes the contract to extend through the end of 2023 and to expand the hours of service.

Background Summary:

The City entered into a contract with B-Force Protection Security in 2021 in order to provide increased, proactive security services for a number of city owned properties. Throughout 2021 and 2022 this service has served as a valuable deterrent to vandalism, graffiti, dumping of garbage, trespassing and other criminal activity.

City Council previously approved Ordinance 6850 which authorized \$500,000 of ARPA funding to be directed to Community Development for the purposes of mitigating negative economic impacts. Community Development prepared and deployed a citywide survey of businesses seeking input on how these funds should be invested within the community. The overwhelming response from the business community was to invest in safety and security. Part of the purpose of the amendment to the B-Force security contract is to fund 12 hours of daily security service from the hours of 9 pm to 9 am until the contract expires on December 31, 2023. At a rate of \$52 per hour this equates to approximately \$260,000 of the \$500,000 of ARPA funding that would be used to mitigate economic impacts.

The contract for services is approximately \$360,000. \$260,000 of ARPA funds will be used to fund the contract. An additional \$100,000 will be used to fund the balance of the contract. The \$100,000 balance has already been approved by City Council as an ongoing budget line item identified for security services.

Reviewed by Council Committees:

Councilmember: Mulenga

Staff: Tate

Meeting Date: November 21, 2022

Item Number: RES.A

RESOLUTION NO. 5690

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF AUBURN AND B-FORCE PROTECTION SECURITY, INC. FOR SECURITY SERVICES.

WHEREAS, it is in the interest of the City of Auburn to contract with B-Force Protection Security, Inc. to perform security guard services within the City of Auburn based on a survey of City of Auburn businesses assessing how best to use federal funds to mitigate the negative economic impacts of the Covid-19 pandemic;

WHEREAS, the City has experienced an increase in crime and vandalism in several commercial areas that includes broken windows, graffiti, human defecation, open drug use, dumping of garbage, and trespassing that could be positively impact by the presence of security guard services within the City;

WHEREAS, while City of Auburn Police continue to respond to 911 calls that are made in response to a crime that is in progress or that has already occurred, the City intends to use private security services to proactively patrol areas where data and experience shows that crime and vandalism has increased;

WHEREAS, the City has previously contracted with B-Force Protection Security, Inc., and has benefited from the security presence after-hours when City buildings are closed to the public and regular non-commissioned City staff are less available to address time-sensitive issues that may arise in the community.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RESOLVES as follows:

Section 1. The Mayor is authorized to execute an Agreement between the City and B-Force Protection Security, which agreement will be in substantial conformity with the agreement attached as Exhibit A.

Section 2. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 3. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed this 21st day of November, 2022.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

**THE CITY OF AUBURN AND B-FORCE PROTECTION SECURITY, INC.
AMENDMENT TO AGREEMENT FOR SERVICES AG-S-128
RELATING TO CITY FACILITY SECURITY PATROL**

THIS AMENDMENT TO THE AGREEMENT is made and entered into by and between the CITY OF AUBURN, a municipal corporation of the State of Washington (hereinafter referred to as the "CITY"), and B-FORCE PROTECTION SECURITY, INC. (hereinafter referred to as the "PROVIDER"). The City and Provider agree to amend the Agreement AG-S-128 executed on the 3rd day of November 2021.

The additions and changes to the Agreement are described as follows:

1. **CONTRACT TERM:** The term of the Agreement for Professional Services is extended to December 31, 2023.
2. **SCOPE OF SERVICES:** See Amended Exhibit A, which is attached and by this reference made part of this Amendment. Additionally, while on the property the provider will report any damages or problems to the City related to City facilities, vehicles, equipment, and/or City staff. The Provider shall perform the services as an independent contractor and shall not be deemed, by virtue of this Agreement and the performance thereof, to have entered into any partnership, joint venture, employment or other relationship with the City.
3. **PROVIDER'S REPRESENTATIONS & QUALIFICATIONS.** The Provider agrees to comply with all applicable laws and to ensure all staff employed by Provider are trained to comply with all applicable laws. Provider and all persons who will perform services under this Agreement will at all times be properly licensed, qualified, trained, and certified to perform the services pursuant to RCW 18.170 and/or WAC 308-19, and any other applicable authority.
4. **COMPENSATION:** The total amount of this amendment is \$359,784.00. This amendment adds \$30,000.00 to cover the additional scope in 2022 as set forth in the Amended Exhibit A. As total compensation for the Provider's performance of the services provided based on this Amended Agreement, the City shall pay the Provider fees and costs not-to-exceed \$329,784.00 in 2023.

The City shall fund this contract ,in part, with its American Rescue Plan Act (ARPA) funds that are allocated and administered in accordance with City Ordinances 6832 and 6850. A primary purpose of this Contract is to meet the ongoing public health response to the COVID-19 pandemic and to mitigate the pandemic's negative economic impacts by providing additional public safety support to City businesses experiencing such negative economic impacts as a result of the pandemic.

5. **DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY.** The Provider certifies that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

- b. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in Section 1352, Title 31 of the U.S. Code;
 - d. Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and
 - e. Where the Provider is unable to certify to any of the statements in this certification, it will provide an explanation to the City prior to executing this Amendment.
6. **NONDISCRIMINATION.** The Provider may not discriminate in violation of any State or Federal law (including RCW 49.60, 42 U.S.C. §12111 et. seq., and/or 28 C.F.R. Part 35) regarding any services or activities to which this Agreement may apply directly or through contractual, hiring, or other arrangements.

REMAINING TERMS UNCHANGED: All other provisions of the Agreement between the parties for AG-S-128 executed on the 3rd day of November 2021, shall remain unchanged, and in full force and effect.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

B-FORCE PROTECTION SECURITY, INC.

CITY OF AUBURN

By: _____
Authorized signature

Nancy Backus, Mayor

Date: _____

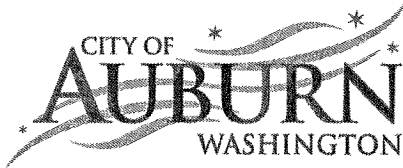
Date: _____

Approved as to form (Optional):

Approved as to form:

Attorney for (Other Party)

Kendra Comeau, City Attorney



Nancy Backus, Mayor

25 West Main Street * Auburn WA 98001-4998 * www.auburnwa.gov * 253-931-3000

November 4, 2021

Eddie Hasanovic
B-Force Protection Security, Inc.
PO Box 88143
Tukwila, WA 88143

RE: Agreement No. AG-S-128
City Facility Security Patrol
Agreement Execution and Notice to Proceed

Dear Mr. Hasanovic:

Enclosed please find an executed copy of the above-referenced Agreement. This letter serves as your Notice to Proceed. The work authorized under this agreement shall not exceed \$30,000.00 and has a completion date of December 31, 2021.

For the City's tracking and record keeping purposes, please reference AG-S-108 on all correspondence and related material.

As the project manager, I am the designated contact for this agreement and all amendments. Questions, assignments and coordination shall be routed through me. You can contact me at 253-288-3158.

Sincerely,

Lisa Moore

Lisa Moore
Facilities Manager
Administration Department

LM/ad/as

Enclosure

cc: Shawn Campbell, City Clerk
Electronic Distribution Only

CITY OF AUBURN AGREEMENT FOR SERVICES AG-S-128

THIS AGREEMENT made and entered into by and between the **City of Auburn**, a municipal corporation of the State of Washington, hereinafter referred to as "City" and **B-Force Protection Security, Inc, PO Box 88143, Tukwila, WA, 98138**, hereinafter referred to as the "Provider."

In consideration of the mutual promises contained in this Agreement, the parties agree as follows:

1. Scope of Services

The Provider agrees to perform the tasks described on Exhibit "A". The Provider will be responsible to provide work products and services of a quality and professional standard acceptable to the City. Any approval by the City of Provider's services will not in any way relieve the Provider of responsibility for the accuracy and adequacy of its services.

2. Additional Services

If additional services with respect to related work are required beyond those specified in the Scope of Work, and not included in the compensation listed in this Agreement, the parties will amend this Agreement prior to the Provider performing the additional services. The amendment will set for the nature, scope, and payment terms of the additional services. However, if the time period for the completion of such services makes execution of an amendment impractical prior to the commencement of the Provider's performance, the Provider agrees that it will perform such additional services on the written request of an authorized representative of the City pending execution of an Amendment subject to the terms and conditions of this Agreement except where the authorization provides to the contrary. The invoice procedure for any such additional services will be as described in Section 4 of this Agreement.

3. Provider's Representations & Qualifications

The Provider represents and warrants that it has all necessary licenses and certifications to perform the services provided for in the Agreement and is qualified to perform those services. Provider represents that the person signing this Agreement on behalf of Provider has all requisite authority to bind Provider to the terms and conditions of this Agreement.

4. Compensation

The total compensation for this Agreement shall not exceed \$30,000.00. Services will be provided at a rate of \$48.00 per hour. These payments will be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, overhead, profit, and incidentals necessary to complete the work. The Provider will not undertake any work or otherwise financially obligate the City in excess of this amount without prior written authorization.

The Provider will monthly submit to the City an invoice or statement of time spent on tasks included in the scope of work, and the City upon acceptance of the invoice or statement will process the invoice or statement in the next billing/claim cycle, and will remit payment to the Provider, subject to any conditions or provisions in this Agreement or Amendment. The

Agreement number must appear on all invoices submitted. Copies of original supporting documents will be supplied to the City upon request.

5. Time for Performance and Term of Agreement

The Provider will not begin any work under this Agreement until authorized in writing by the City. The term of this Agreement commences on the later date of the Parties execution of this Agreement, as reflected on the signature page. The Provider will perform the services in accordance with the direction and scheduling provided on Exhibit "A", unless otherwise agreed to in writing by the parties. All work performed under this Agreement will be completed by December 31, 2021.

Termination for cause. Either party may terminate this Agreement upon written notice to the other party if the other party fails substantially to perform in accordance with the terms of this Agreement through no fault of the party terminating the Agreement. The notice will identify the reason(s) for termination and specify the effective date of termination. In the event of a default by Provider, City may suspend all payments otherwise due to Provider and the City will have no further obligations to Provider.

Termination for Convenience. The City may terminate this Agreement upon not less than seven (7) days written notice, which shall contain the effective date of termination, to the Provider. If this Agreement is terminated through no fault of the Provider, the Provider will be compensated for services performed prior to termination. This payment shall fully satisfy and discharge the City of all obligations and liabilities owed the Provider, who shall not be liable for any anticipated profits or other consequential damages resulting from the termination.

Upon receipt of a termination notice, the Provider will promptly discontinue all services affected and deliver to the City all data, drawings, specifications, reports, summaries, and such other information and materials as the provider may have accumulated, prepared, or obtained in performing this Agreement, whether fully or partially completed.

All rights and remedies provided in this Section are not exclusive of any other rights or remedies that may be available to the City, whether provided by Law, equity, in any other agreement between the parties or otherwise.

6. Ownership and Use of Documents

All documents, reports, memoranda, diagrams, sketches, plans, surveys, design calculations, working drawings and any other materials created or otherwise prepared by the Provider as part of his performance of this Agreement (the "Work Products") will be owned by and become the property of the City, may be used by the City for any purpose beneficial to the City, and are subject to the requirement of the Public Records Act, 42.56 RCW. The Provider acknowledges that the Agreement, and documents provided in connection with this Agreement, become a public record and may be subject to inspection and copying, unless the information is declared by law to be confidential or is otherwise exempted from public records disclosure requirements. The Provider agrees to give its fullest assistance to the City in identifying, locating, and copying any records in the Provider's possession that are responsive, as determined by the City in its sole discretion, to a Public Records Act request received by the City.

7. Records Inspection and Audit

All compensation payments will be subject to the adjustments for any amounts found upon audit or otherwise to have been improperly invoiced, and all records and books of accounts

pertaining to any work performed under this Agreement will be subject to inspection and audit by the City for a period of up to three (3) years from the final payment for work performed under this Agreement. If any litigation, claim, dispute, or audit is initiated before the expiration of the three (3) year period, all records and books of account pertaining to any work performed under this Agreement will be retained until all litigation, claims, disputes, or audit are finally resolved.

8. Continuation of Performance

In the event that any dispute or conflict arises between the parties while this Contract is in effect, the Provider agrees that, notwithstanding such dispute or conflict, the Provider shall continue to make a good faith effort to cooperate and continue work toward successful completion of delivery of services and responsibilities.

9. Independent Contractor

The Provider will perform the services as an independent contractor and will not be deemed, by virtue of this Agreement and performance of its provisions, to have entered into any partnership, joint venture, employment or other relationship with the City. Nothing in this Agreement creates any contractual relationship between the Provider's employee, agent, or subcontractor and the City.

10. Administration of Agreement

This Agreement shall be administered by Eddie Hasanovic, on behalf of the Provider, and by the Mayor of the City, or designee, on behalf of the City. Any written notices required by the terms of this Agreement shall be served on or mailed to the following addresses:

City of Auburn

Lisa Moore
Facilities Manager
25 West Main Street
Auburn, WA 98001-4998
Phone: 253-288-3158
E-mail: lmoore@auburnwa.gov

B-Force Protection Security, Inc

Eddie Hasanovic
Owner
PO Box 88143
Tukwila, WA 98138
Phone: 206-334-3459
E-mail: eddie@b-forceprotection.com

11. Notices

All notices or communications permitted or required to be given under this Agreement will be in writing and will be deemed to have been duly given if delivered in person or sent by regular mail, postage prepaid, [by certified mail, return receipt requested,] and addressed, if to a party of this Agreement, to the address for the party set forth above. If addressed to a non-party, the notice will be sent, in the foregoing manner, to the address designated by a party to this Agreement.

Either party may change its address by giving notice in writing to the other party.

12. Insurance

The Provider shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Provider, or the Provider's agents, representatives, employees, or subcontractors.

Provider's maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the Provider to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

The Service Provider shall obtain insurance of the types described below:

- a. Automobile Liability insurance, covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. Provider shall maintain automobile insurance with minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
- b. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, products-completed operations, stop gap liability, personal injury and advertising injury, and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide a per project aggregate limit using ISO form CG 25 03 05 09 or equivalent endorsement. There shall be no exclusion for liability arising from explosion, collapse or underground property damage. The City shall be named as an insured under the Provider's Commercial General Liability insurance policy with respect to the work performed for the City using ISO Additional Insured endorsement CG 20 10 10 01 and Additional Insured-Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing equivalent coverage. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate, and a \$2,000,000 products-completed operations aggregate limit.
- c. Worker's Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability and Commercial General Liability insurance:

- a. The Provider's insurance coverage shall be primary insurance as respects the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Provider's insurance and shall not contribute with it.
- b. The Provider shall provide the Public Entity and all Additional Insureds for this work with written notice of any policy cancellation within two business days of their receipt of such notice.

Insurance is to be placed with an authorized insurer in Washington State. The insurer must have a current A.M. Best rating of not less than A:VII.

Provider shall furnish the City with certificates of insurance and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Provider before commencement of the work. The City reserves the right to require that complete, certified copies of all required insurance policies be submitted to the City at any time. The City will pay no progress payments under Section 7 until the Provider has fully complied with this section. If the Contractor maintains higher insurance limits than the minimums shown above, the Public Entity shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Contractor, irrespective of whether such limits maintained by the Contractor are greater than those required by this contract or

whether any certificate of insurance furnished to the Public Entity evidences limits of liability lower than those maintained by the Contractor.

Failure on the part of the Contractor to maintain the insurance as required shall constitute a material breach of contract, upon which the Public Entity may, after giving five business days' notice to the Contractor to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the Public Entity on demand, or at the sole discretion of the Public Entity, offset against funds due the Contractor from the Public Entity.

13. Indemnification/Hold Harmless

The Provider shall defend, indemnify and hold the City and its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits including attorney fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Provider and the City, its officers, officials, employees, and volunteers, the Provider's liability hereunder shall be only to the extent of the Provider's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Provider's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

14. Assignment

Neither party to this Agreement shall assign any right or obligation hereunder in whole or in part, without the prior written consent of the other party hereto. No assignment or transfer of any interest under this Agreement shall be deemed to release the assignor from any liability or obligation under this Agreement, or to cause any such liability or obligation to be reduced to a secondary liability or obligation.

15. Nondiscrimination

The Provider may not discriminate regarding any services or activities to which this Agreement may apply directly or through contractual, hiring, or other arrangements on the grounds of race, color, creed, religion, national origin, sex, age, or where there is the presence of any sensory, mental or physical handicap.

16. Amendment, Modification or Waiver

No amendment, modification, or waiver of any condition, provision, or term of this Agreement will be valid or of any effect unless made in writing, signed by the party or parties to be bound, or the party's or parties' duly authorized representative(s) and specifying with particularity the nature and extent of such amendment, modification or waiver. Any waiver, approval or acceptance, or payment by any party will not affect or impair that party's rights arising from any default by the other party.

17. Parties in Interest

This Agreement shall be binding upon, and the benefits and obligations provided for herein shall inure to and bind, the parties hereto and their respective successors and assigns, provided that this section shall not be deemed to permit any transfer or assignment

otherwise prohibited by this Agreement. This Agreement is for the exclusive benefit of the parties hereto and it does not create a contractual relationship with or exist for the benefit of any third party, including contractors, sub-contractors and their sureties.

18. Force Majeure

Any delay in the performance of any obligation under this Agreement shall be excused, if and so long as the performance of the obligation is prevented, delayed or otherwise hindered by any act not within the control of a party such as fire, cyber/ransomware attack, earthquake, flood, explosion, actions of the elements, riots, mob violence, strikes, pandemic, lockouts, and emergency orders of the state or federal government.

19. Applicable Law

This Agreement and the rights of the parties will be governed by with the laws, regulations, and ordinances of the City, of the State of Washington, and King County. Venue for any action involving this agreement will be in the county in which the property or project is located, and if not site specific, then in King County. It is agreed that any applicable statute of limitation will commence no later than the substantial completion by the Provider of the services.

20. Captions, Headings and Titles

All captions, headings or titles in the paragraphs or sections of this Agreement are inserted for convenience of reference only and will not constitute a part of this Agreement or act as a limitation of the scope of the particular paragraph or sections to which they apply. Where appropriate, the singular will include the plural and vice versa and masculine, feminine and neuter expressions will be interchangeable. Interpretation or construction of this Agreement will not be affected by any determination as to who is the drafter of this Agreement, this Agreement having been drafted by mutual agreement of the parties.

21. Severable Provisions

Each provision of this Agreement is intended to be severable. If any provision is illegal or invalid for any reason, such illegality or invalidity will not affect the validity of the remaining provisions.

22. Entire Agreement

This Agreement together with any subsequent amendments or addendums contains the entire understanding of the parties in respect to the transactions contemplated and supersedes all prior representations, agreements and understandings between the parties, either oral or written. No other understandings, oral or otherwise, regarding this Agreement shall bind any party.

23. Non-Availability of Funds

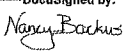
Every obligation of the City under this Agreement is conditioned upon the availability of funds appropriated or allocated for the performance of such obligation; and if funds are not allocated and available for the continuance of this Agreement, then this Agreement may be terminated by the City at the end of the period for which funds are available, without the seven (7) days' notice provided by Section 6. No liability will accrue to the City in the event this provision is exercised, and the City will not be obligated or liable for any future payments or damages as a result of termination under this Section.

24. Counterparts

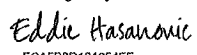
This Agreement may be executed in multiple counterparts, each of which will be one and the same Agreement and will become effective when one or more counterparts have been signed by each of the parties and delivered to the other party.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed effective the day and year first set forth above.

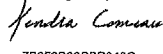
CITY OF AUBURN

DocuSigned by:

Nancy Backus, Mayor
11/3/2021
Date: _____

B-FORCE PROECTION SECURITY, INC

DocuSigned by:

Signature
Eddie Hasanovic
Name: _____
Title: Owner
Federal Tax ID No: 46-575-2104

Approved as to form:

DocuSigned by:

Kendra Comeau, City Attorney

Signature: _____
Name: _____
Title: _____

B-Force Protection Security Inc.



Project Proposal

Prepared for: City of Auburn

Attn: Lisa Moore

Date: 20/22/21

Prepared by: Eddie Hasanovic

EXECUTIVE SUMMARY

Objective

On behalf of B-Force Protection Security, I would like to thank you for the opportunity to present our security services to you. Please review, with your specific requirements in mind, the following information regarding B-Force Protection. We are confident the services listed below are the finest and will meet your security needs and expectations.

Scope of work

B-Force Protection Security will provide Security Officer and vehicle to patrol premises Monday thru Friday from 6:30 AM until 6:30 PM. Estimated cost was based on 12 hours of service per day. Officer on duty will perform duties required by the management. The principle of B-Force Protection, and its officers is to concentrate on the safety of the patrons and property, as well as enforcing rules and regulations set by the management. The officer while on the property will report any damages or problems he/she encounter, and will be recorded in daily log. Security Service will not be provided on following holidays: January 1st, January 18th, February 15th, May 31st, July 5th, September 6th, November 11th, November 26, November 26th, and December 24th.

B-Force Protection Security Inc.

Insurance

Insurance is provided by B-Force Protection Security, and it consists of a \$2,000,000.00 liability policy. Copies of the policies are available upon request.

Costs

Service	Daily Number of Hours	Price Per Hour	Estimated Monthly Cost
Vehicle Patrol	12	\$48.00	\$11520.00

Sincerely

Eddie Hasanovic
206-334-3459

December 15, 2021

Eddie Hasanovic
B-Force Protection Security, Inc.
PO Box 88143
Tukwila, WA 98143

RE: Amendment No. 1 to Agreement for Professional Services, AG-S-128
City Facility Security Patrol

Dear Mr. Hasanovic:

Enclosed please find an executed copy of the above-referenced Amendment No. 1. This amendment extends the term of the agreement to December 31, 2022 and includes additional compensation in the amount of \$154,080.00.

For the City's tracking and record keeping purposes, please reference AG-S-128 on all correspondence and related material. Our records indicate that your insurance certificate(s), as required in Section 12 of the original agreement, expires on January 16, 2022. Please forward the required certificate(s) of insurance when they are available to Amanda DeSilver, Contracts Administration Supervisor.

As the project manager, I am the designated contact for this agreement and all amendments. Questions, assignments and coordination shall be routed through me. You can contact me at 253-288-3158.

Sincerely,

Lisa Moore

Lisa Moore
Facilities Manager
Administration Department

LM/ad/as

Enclosure

cc: Shawn Campbell, City Clerk
Electronic Distribution Only

**THE CITY OF AUBURN AND B-FORCE PROTECTION SECURITY, INC
AMENDMENT TO AGREEMENT FOR SERVICES AG-S-128
RELATING TO CITY FACILITY SECURITY PATROL**

THIS AMENDMENT TO THE AGREEMENT is made and entered into by and between the CITY OF AUBURN, a municipal corporation of the State of Washington (hereinafter referred to as the "CITY"), and B-Force Protection Security, Inc (hereinafter referred to as the "PROVIDER"). The City and Provider agree to amend the Agreement AG-S-128 executed on the 3rd day of November 2021.

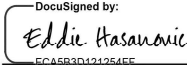
The changes to the Agreement are described as follows:

1. **CONTRACT TERM:** The term of the Agreement for Professional Services is extended to December 31, 2022.
2. **COMPENSATION:** The amount of this amendment is \$154,080.00. As total compensation for the Provider's performance of the services provided based on this Amended Agreement, the City shall pay the Provider fees and costs not-to-exceed \$154,080.00 in 2022.

REMAINING TERMS UNCHANGED: All other provisions of the Agreement between the parties for AG- S-128 executed on the 3rd day of November 2021 shall remain unchanged, and in full force and effect.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

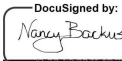
B-FORCE PROTECTION SECURITY, INC

By: 
Authorized signature
Date: 12/8/2021

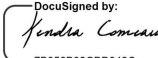
Approved as to form (Optional):

Attorney for (Other Party)

CITY OF AUBURN


Nancy Backus, Mayor
Date: 12/13/2021

Approved as to form:


Kendra Comeau, City Attorney