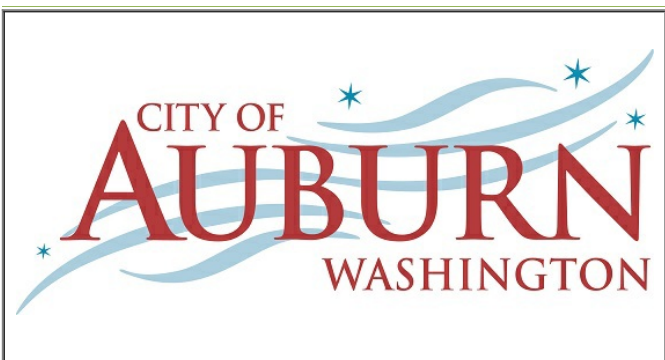


	City Council Meeting September 19, 2022 - 5:00 PM City Hall Council Chambers AGENDA Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. **CALL TO ORDER**

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, September 19, 2022 at 5:00 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/88215290553>

A. **Pledge of Allegiance**

IV. **Roll Call**

V. **ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS**

A. **Childhood Cancer Awareness Month**

Mayor Backus to proclaim the month of September 2022 as Childhood Cancer Awareness Month in the City of Auburn

B. Hispanic Heritage Month

Mayor Backus to proclaim September 15 through October 15, 2022 as "Hispanic Heritage Month" in the City of Auburn

C. Constitution Week

Mayor Backus to proclaim September 17-23, 2022 as "Constitution Week" in the City of Auburn

D. 2023-2024 Budget Review (Thomas)

VI. AGENDA MODIFICATIONS

VII. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. 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

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

VIII. 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)

IX. 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 August 15, 2022 Regular City Council Meeting
- B. Minutes of the September 6, 2022 Special City Council Meeting
- C. Minutes of the August 29, 2022 and September 12, 2022 Study Session Meeting
- D. Claims Vouchers (Thomas)
Claims voucher list dated September 6, 2022 which includes voucher numbers 469224 through 469415, in the amount of \$1,699,424.27 and four wire transfers in the amount of \$715,230.53

Claims voucher list dated September 19, 2022 which includes voucher numbers 469416 through 469582, in the amount of \$3,729,247.65 and three wire transfers in the amount of \$633,880.51
- E. Payroll Voucher (Thomas)
Payroll check numbers 539403 through 539406 in the amount of \$547,293.90, electronic deposit transmissions in the amount of \$2,279,741.55 for a grand total of \$2,827,035.45 for the period covering August 11, 2022 to August 31, 2022

Payroll check numbers 539407 through 539414 in the amount of \$73,991.94, electronic deposit transmissions in the amount of \$2,441,866.66 for a grand total of \$2,515,858.60 for the period covering September 1, 2022 to September 14, 2022

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

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

XII. ORDINANCES

- A. Ordinance No. 6884 (Tate)
An Ordinance relating to the regulation of fences and retaining walls, and amending Sections 18.04.370, 18.04.372, 18.04.374, 18.31.020, and creating Sections 18.04.371, 18.04.373, 18.04.376, 18.31.025 of the Auburn City Code

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6884.)

B. Ordinance No. 6885 (Tate)

An Ordinance relating to the elimination of the Environmental Park Zone and Business Park District by amending Chapter 18.36, and Sections 18.02.070, 18.23.020, 18.23.030, 18.23.040, 18.23.060, 18.31.100, 18.47.020, 18.50.040, 18.54.080, 18.55.030, 18.57.020, 18.57.030, 18.57.035, 18.64.020 and 3.60.036 of the Auburn City Code

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6885.)

XIII. RESOLUTIONS

A. Resolution No. 5676 (Comeau)

A Resolution amending the City Council Rules of Procedure

(RECOMMENDED ACTION: Move to adopt Resolution No. 5676.)

B. Resolution No. 5679 (Council)

A Resolution of the City Council of the City of Auburn affirming its support of comprehensive reproductive healthcare, including abortion, and marriage equality; and its support of protections through Washington State and Federal Legislative action

(RECOMMENDED ACTION: Move to adopt Resolution No. 5679.)

C. Resolution No. 5682 (Backus/Comeau/Tate)

A Resolution authorizing the Mayor to sign a Memorandum of Understanding (MOU) and related documents to enable the City to receive an allocated share of funds from the Washington Distributor Settlement

(RECOMMENDED ACTION: Move to adopt Resolution No. 5682.)

XIV. MAYOR AND COUNCILMEMBER REPORTS

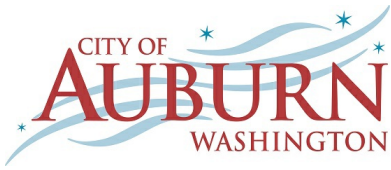
At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. **From the Council**

B. **From the Mayor**

XV. 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:

Minutes of the August 15, 2022 Regular City Council Meeting

Date:

August 23, 2022

Department:

City Council

Attachments:

[Minutes of the August 15, 2022 Regular Council Meeting](#)

Budget Impact:

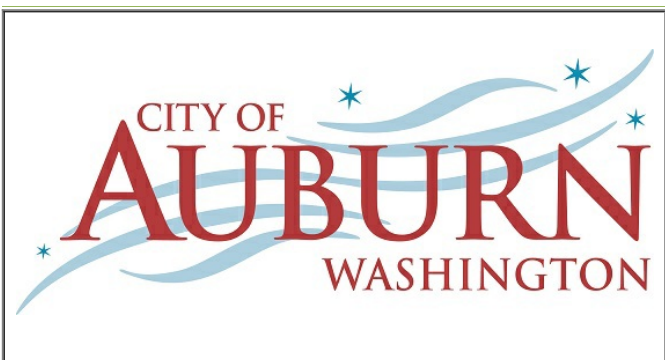
Current Budget: \$0
Proposed Revision: \$0
Revised Budget: \$0

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

Meeting Date: September 19, 2022

Staff:

Item Number: CA.A

	City Council Meeting August 15, 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.
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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 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, Bob Baggett, Kate Baldwin, Robyn Mulenga and Chris Stearns. Councilmembers Larry Brown and Yolanda Trout-Manuel were excused.

Department directors and staff members present included: City Attorney Kendra Comeau, Assistant Chief of Police Sam Betz, Director of Parks, Arts and Recreation Daryl Faber, Director of Public Works Ingrid Gaub, Director of Finance Jamie Thomas, Director of Innovation and Technology David Travis, Director of Community Development Jeff Tate, Real Estate Manager Josh Arndt, Business Systems Analyst Chrissy Malave, and Deputy City Clerk Hannah Scholl.

V. ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS

A. International Overdose Awareness Day

Mayor Backus to proclaim August 31, 2022 as "International Overdose Awareness Day" in the City of Auburn

Mayor Backus proclaimed August 31, 2022 as "International Overdose Awareness Day" in the City of Auburn.

VI. APPOINTMENTS

A. Salary Commission

City Council to approve the appointment of George Frazier to the Salary Commission for a four year term to expire December 31, 2025

Councilmember Baldwin moved and Councilmember Baggett seconded to appoint George Frazier to the Salary Commission for a four year term to expire December 31, 2025.

MOTION CARRIED UNANIMOUSLY. 5-0

B. Transportation Advisory Board

City Council to approve the appointment of Ena Robinson to the Transportation Advisory Board, serving as the Chamber of Commerce member, for a three year term to expire December 31, 2024

Councilmember Baldwin moved and Deputy Mayor Jeyaraj seconded to appoint Ena Robinson to the Transportation Advisory Board, serving as the Chamber of Commerce member, for a three year term to expire December 31, 2024.

MOTION CARRIED UNANIMOUSLY. 5-0

C. Lodging Tax Advisory Committee

City Council to approve the reappointments of Andy Cho and Susan Roberts to the Lodging and Tax Advisory Committee for three year terms to expire on December 31, 2024

Deputy Mayor Jeyaraj moved and Councilmember Stearns seconded to reappoint Andy Cho and Susan Roberts to the Lodging and Tax Advisory Committee for three year terms to expire on December 31, 2024.

MOTION CARRIED UNANIMOUSLY. 5-0

VII. AGENDA MODIFICATIONS

There were no modifications to the agenda.

VIII. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. 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.

Virginia Haugen 2503 R ST SE Auburn
Ms. Haugen expressed her gratitude for the Auburn Police Department.

B. 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.

2. Council Rules of Procedure Ad Hoc Committee (Chair Jeyaraj)

Councilmember Jeyaraj, Chair of the Council Rules of Procedure ad hoc committee, reported he and Councilmember Baldwin and Brown met July 29, 2022, will meet again August 19, 2022 and will bring a final draft to the August 29, 2022 Study Session.

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 July 11, 2022 and August 8, 2022 Study Session Meeting

- B. Minutes of the July 18, 2022 Regular City Council Meeting

- C. Claims Vouchers (Thomas)

Claims voucher list dated August 1, 2022 which includes voucher numbers 468831 through 469023, in the amount of \$3,204,684.79 and five wire transfers in the amount of \$1,113,114.22

Claims voucher list dated August 15, 2022 which includes voucher numbers 469024 through 469223, in the amount of \$5,323,571.55 and four wire transfers in the amount of \$637,830.46

D. Payroll Voucher (Thomas)

Payroll check numbers 539393 through 539396 in the amount of \$525,304.93, electronic deposit transmissions in the amount of \$2,379,448.27 for a grand total of \$2,904,753.20 for the period covering July 14, 2022 to July 27, 2022

Payroll check numbers 539397 through 539402 in the amount of \$72,801.02, electronic deposit transmissions in the amount of \$2,455,958.65 for a grand total of \$2,528,759.67 for the period covering July 28, 2022 to August 10, 2022

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

MOTION CARRIED UNANIMOUSLY. 5-0

XI. UNFINISHED BUSINESS

There was no unfinished business.

XII. NEW BUSINESS

Deputy Mayor Jeyaraj moved and Councilmember Stearns seconded to add a Resolution on behalf of the City Council for the September 12th Study Session that states the Auburn City Council supports an individual's right to comprehensive reproductive healthcare, including access to abortion, the Council supports marriage equality, and we seek to support these protections and rights through Washington State and Federal Legislative action.

MOTION CARRIED UNANIMOUSLY. 5-0

XIII. ORDINANCES

A. Ordinance No. 6868 (Gaub/Comeau)

An Ordinance amending the Auburn City Code (ACC) Chapter 10.42 related to the use of automated traffic safety cameras to detect traffic violations

Councilmember Stearns moved and Councilmember Baggett seconded to adopt Ordinance No. 6868.

MOTION CARRIED UNANIMOUSLY. 5-0

B. Ordinance No. 6876 (Tate)

An Ordinance relating to fee codes, and amending Chapter 5.10, Sections 5.15.020, 5.15.090, 5.20.010 and 5.30.030 of the Auburn City Code (ACC)

Councilmember Stearns moved and Councilmember Mulenga seconded to adopt Ordinance No. 6876.

MOTION CARRIED UNANIMOUSLY. 5-0

XIV. RESOLUTIONS

A. Resolution No. 5670 (Faber/Comeau)

A Resolution authorizing the Mayor to convey a Utility Easement to PSE on a portion of City-owned property, King County parcel number 2648000010

Deputy Mayor Jeyaraj moved and Councilmember Mulenga seconded to adopt Resolution No. 5670.

MOTION CARRIED UNANIMOUSLY. 5-0

B. Resolution No. 5677 (Tate/Comeau)

A Resolution authorizing the Mayor to execute a restrictive Real Property Covenant on a portion of City-owned property, King County parcel number 1321049005

Councilmember Baggett moved and Deputy Mayor Jeyaraj seconded to adopt Resolution No. 5677.

MOTION CARRIED UNANIMOUSLY. 5-0

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 Guardian Roofing and Legacy Plaza Senior Living Apartment Ribbon Cutting, the SEA Summer Social, and the 2022 Korean Liberation Day Event.

Councilmember Baggett shared Monkey Pox vaccine statistics from Sound Cities Association.

Councilmember Baldwin reported she attended the National Night Out Event.

Councilmember Stearns reported he attended WRIA 9 Meeting and provided an update on the Missing and Murdered Indigenous Women Task Force.

B. From the Mayor

Mayor Backus reported the City hosted the South Korean Students Science, Technology, Engineering, Art and Math (STEAM) Conference, thanked Chris Lovings and Team Auburn for National Night Out, attended the Mayors Innovation Conference, Diversity, Equity and Inclusion (DEI) Management Training, and reminded Council of the upcoming Budget meetings.

XVI. **ADJOURNMENT**

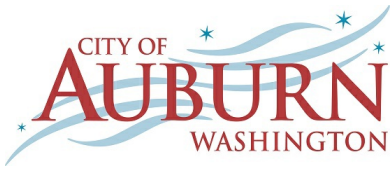
There being no further business to come before the Council, the meeting was adjourned at 7:31 p.m.

APPROVED this 19th day of September, 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 September 6, 2022 Special City Council Meeting

Date:

September 15, 2022

Department:

City Council

Attachments:

[Minutes of the September 6, 2022 Special City Council Meeting](#)

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: September 19, 2022

Staff:

Item Number: CA.B



**CITY COUNCIL
SPECIAL MEETING MINUTES**

September 6, 2022 4:00 PM

I. CALL TO ORDER

A. Call to Order

Mayor Nancy Backus called the meeting to order at 4:00 p.m. via Zoom.

B. Roll Call

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

II. WASHINGTON STATE AUDITOR'S ENTRANCE CONFERENCE

The Washington State Auditor's Office discussed the number of audits conducted this year, organization's responsibilities, the Financial Statement Audit, Annual Comprehensive Report, Federal Grant Compliance, audit major programs, audit levels of reporting, cybersecurity issues, peer reviews, and government support.

Council discussed time frame and cost.

III. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 4:27 p.m.

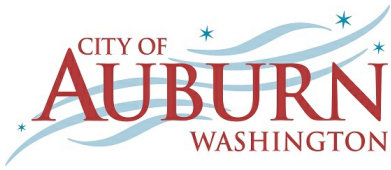
APPROVED THE 19th DAY OF SEPTEMBER, 2022.

NANCY BACKUS, Mayor

HANNAH SCHOLL, Deputy City Clerk

City Council agendas and minutes are available to the public at the City Clerk's Office, on the City website, and via e-mail. Complete agenda packets are available for review at the City Clerk's Office and at the Library.

Internet: <http://www.auburnwa.gov>



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the August 29, 2022 and September 12, 2022 Study Session Meeting

Date:

August 23, 2022

Department:

City Council

Attachments:

[Minutes of the August 29, 2022 City Council](#)

[Study Session Meeting](#)

[Minutes of the September 12, 2022 City Council](#)

[Study Session Meeting](#)

Budget Impact:

Current Budget: \$0

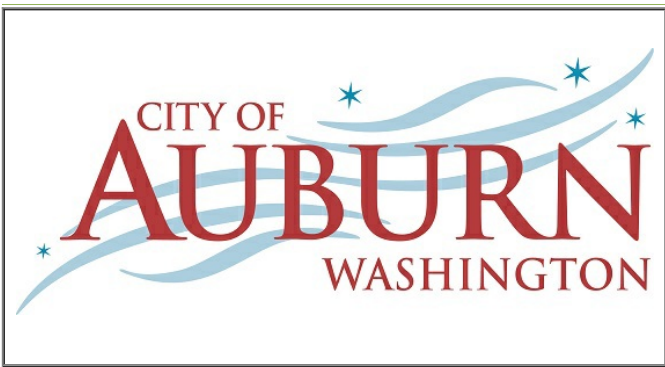
Proposed Revision: \$0

Revised Budget: \$0

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

Meeting Date: September 19, 2022

Item Number: CA.C

	City Council Study Session August 29, 2022 - 5:30 PM City Hall Council Chambers MINUTES Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

Deputy Mayor Jeyaraj called the meeting to order at 5:30 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street in Auburn.

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, Larry Brown, Chris Stearns, and Yolanda Trout-Manuel. Councilmember Robyn Mulenga was excused. Councilmember Baldwin arrived at 5:31 p.m.

Department directors and staff members present include: City Attorney Kendra Comeau, Chief of Police Mark Caillier, Business Systems Analyst Chrissy Malave, and Deputy City Clerk Hannah Scholl.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Promotion Announcement

Mayor Backus announced that Brenda Goodson-Moore was promoted to Chief Equity Officer in the Department of Equity.

B. Review of Council Rules and Procedures (Comeau) (45 Minutes)

City Attorney Comeau provided Council with an overview of Resolution No. 5676 regarding the proposed updates to the Rules of Procedure for the City Council of the City of Auburn.

Council discussed remote participation requirements, special focus area absence notifications, and general business.

IV. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 6:01 p.m.

APPROVED this 19th day of September, 2022.

JAMES JEYARAJ, DEPUTY 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.

	City Council Study Session PWCD SFA September 12, 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.
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I. CALL TO ORDER

Deputy Mayor Jeyaraj called the meeting to order at 5:30 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street in Auburn.

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, Robyn Mulenga, Chris Stearns and Yolanda Trout-Manuel.

Department directors and staff members present include: Senior City Staff Attorney Doug Ruth, Assistant Chief of Police Samuel Betz, Director of Public Works Ingrid Gaub, Director of Finance Jamie Thomas, Assistant Director of Engineering Services Jacob Sweeting, Director of Innovation and Technology David Travis, Director of Community Development Jeff Tate, Senior Planner Alexandria Teague, Project Engineer Aleksey Koshman, Senior Project Engineer Jeffrey Bender, Project Engineer Seth Wickstrom, Business Systems Analyst Chrissy Malave, and Deputy City Clerk Hannah Scholl.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Resolution No. 5679 (Council) (15 Minutes)

A Resolution of the City Council of the City of Auburn affirming its support of comprehensive reproductive healthcare, including abortion, and marriage equality; and its support of protections through Washington State and Federal Legislative action

Deputy Mayor Jeyaraj provided Council with an overview of Resolution No. 5679.

Councilmember Baggett moved to have Resolution No. 5679 added to the September 19, 2022 Agenda. Councilmember Trout-Manuel seconded.

MOTION CARRIED UNANIMOUSLY. 7-0

B. Q2 2022 Financial Update (Thomas) (20 Minutes)

Financial Report through June 2022

Director Thomas provided Council with an overview of the 2022 Second Quarter Financial Update including the General Fund Revenue overview, General Fund expenditures, Retail Sales Tax, Utility Tax, building permits, Intergovernmental Revenues, charges for services, Real Estate Excise Tax, Transportation Impact Fees, and Park Impact Fees.

Council discussed trends in revenue.

C. Resolution No. 5682 (Backus/Comeau/Tate) (15 Minutes)

A Resolution authorizing the Mayor to sign a Memorandum of Understanding (MOU) and related documents to enable the City to receive an allocated share of funds from the Washington Distributor Settlement

Senior City Staff Attorney Ruth and Director Tate provided Council with an overview of Resolution No. 5682 including approving a Memorandum of Understanding (MOU) and related documents to enable the City to receive an allocated share of funds from the Washington Distributor Settlement.

Council discussed the national settlement, settlement amounts, and distribution of funds.

IV. PUBLIC WORKS AND COMMUNITY DEVELOPMENT DISCUSSION ITEMS

A. Capital Projects Status Report and Feature Project (Gaub) (15 Minutes)

This portion of the meeting was Chaired by Councilmember Stearns.

Engineers Bender, Koshman, and Wickstrom provided Council with an update on Capital Projects including project status, featured projects, and project schedules.

Council discussed impacts to businesses, detour routes, bike lanes, budget, project status, and street lighting.

B. Ordinance No. 6884 (Tate) (15 Minutes)

An Ordinance relating to the regulation of fences and retaining walls, and amending sections 18.04.370, 18.04.372, 18.04.374, 18.31.020, and creating sections 18.04.371, 18.04.373, 18.04.376, 18.31.025 of the Auburn City Code

Planner Teague provided Council with an overview of Ordinance No. 6884 relating to the regulation of fences and retaining walls.

Council discussed height of current residential fences.

C. Ordinance No. 6885 (Tate) (15 Minutes)

An Ordinance relating to the Elimination of the Environmental Park Zone and Business Park District by amending Chapter 18.36, and sections 18.02.070, 18.23.020, 18.23.030, 18.23.040, 18.23.060, 18.31.100, 18.47.020, 18.50.040, 18.54.080, 18.55.030, 18.57.020, 18.57.030, 18.57.035, 18.64.020 and 3.60.036 of the Auburn City Code

Planner Teague provided Council with an overview of Ordinance No. 6885 relating to the elimination of the Environmental Park Zone and Business Park District.

Council discussed wetlands, zoning, and Mill Creek protection.

V. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:06 p.m.

APPROVED this 19th day of September, 2022.

JAMES JEYARAJ, DEPUTY 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:

Claims Vouchers (Thomas)

Date:

August 23, 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 September 6, 2022 which includes voucher numbers 469224 through 469415, in the amount of \$1,699,424.27 and four wire transfers in the amount of \$715,230.53.

Claims voucher list dated September 19, 2022 which includes voucher numbers 469416 through 469582, in the amount of \$3,729,247.65 and three wire transfers in the amount of \$633,880.51.

Reviewed by Council Committees:**Councilmember:****Staff:**

Meeting Date: September 19, 2022

Item Number: CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Voucher (Thomas)

Date:

August 23, 2022

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Payroll Vouchers.

Background for Motion:**Background Summary:**

Payroll check numbers 539403 through 539406 in the amount of \$547,293.90, electronic deposit transmissions in the amount of \$2,279,741.55 for a grand total of \$2,827,035.45 for the period covering August 11, 2022 to August 31, 2022.

Payroll check numbers 539407 through 539414 in the amount of \$73,991.94, electronic deposit transmissions in the amount of \$2,441,866.66 for a grand total of \$2,515,858.60 for the period covering September 1, 2022 to September 14, 2022.

Reviewed by Council Committees:**Councilmember:****Staff:**

Meeting Date: September 19, 2022

Item Number: CA.E



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6884 (Tate)

Date:

September 13, 2022

Department:

Community Development

Attachments:

[Ordinance No. 6884](#)

[Exhibit 1 – Fence and Retaining Wall Text](#)

[Amendment \(with strike through & underline\)](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to approve Ordinance No. 6884.

Background for Motion:

Ordinance No. 6884 amends Chapter 18.04 and Chapter 18.31, of Title 18, the City's Zoning Code, updating the fence standards and creating new retaining wall standards.

Background Summary:

Fence standards have existed in the Zoning Code since the earliest Zoning Code was adopted in 1987 (under Ordinance (Ord.) Number (No.) 4229). The fence standards have not been revised for several years so it was appropriate to review these provisions for possible revision. The last update to the fence standards occurred in 2012 (under Ord. No. 6419) and 2013 (under Ord. No. 6461). The proposed code changes included in this ordinance clarify the fence standards, respond to issues of implementation, and harmonize the standards with other code text, and are based on staffs' continuing implementation of the fence standards.

No specific retaining wall standards exist in the Zoning Code. Standards related to retaining walls exist in the International Building Code (the IBC) and International Residential Code (IRC). The IBC and IRC provide standards related to the construction, design, and placement of a retaining wall and permitting requirements. For the purposes of consistency and clarity, staff has proposed retaining wall standards for the Zoning Code that are consistent with the IBC.

The fence and retaining wall related text amendment was discussed with the City Council at the September 12, 2022 Study Session.

Reviewed by Council Committees:

Councilmember: Stearns

Staff:

Tate

Meeting Date: September 19, 2022

Item Number:

ORD.A

ORDINANCE NO. 6884

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO THE REGULATION OF FENCES AND RETAINING WALLS, AND AMENDING SECTIONS 18.04.370, 18.04.372, 18.04.374, 18.31.020, AND CREATING SECTIONS 18.04.371, 18.04.373, 18.04.376, 18.31.025 OF THE AUBURN CITY CODE

WHEREAS, the current Auburn code regulating fences within the city is ACC 18.31.020; and

WHEREAS, the fence standards contained in ACC 18.31.020 have not been revised for several years so it was appropriate to review these provisions for possible revision; and

WHEREAS, the proposed code changes included in this ordinance clarify the fence standards, respond to issues raised upon implementation of the standards, and harmonize the standards with other code text; and

WHEREAS, no specific retaining wall standards currently exist in the Zoning Code but the city has identified a need to adopt ones to regulate the construction, design and placement of retaining walls; and

WHEREAS, the International Building Code (the IBC) and the International Residential Code (IRC) contain requirements related to the construction, design, placement and permitting of retaining walls; and

WHEREAS, for the purposes of consistency and clarity, the retaining wall standards contained in this ordinance are consistent with the IBC and IRC requirements; and

WHEREAS, pursuant to RCW 36.70A the proposed code language contained herein was transmitted to the Washington State Department of Commerce, which performed a 60-day agency

review. The state agency comment period expired on August 12, 2022 and the City did not receive any agency comments; and

WHEREAS, the proposed code language was reviewed according to the process established by the Washington State Environmental Policy Act (SEPA), a Determination of Non-Significance (DNS) was issued on July 5, 2022, and the City observed a fourteen-day public comment period; and

WHEREAS, the Planning Commission reviewed the proposed code language and considered the effect of the changes on public and private property owners at its June 7, 2022 meeting, held a public meeting on July 19, 2022, and afterwards adopted a recommendation of approval to the City Council.

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

Section 1. **Amendment to City Code.** Sections 18.04.370, 18.04.371, 18.04.372, 18.04.373, 18.04.374, 18.04.376, 18.31.020, and 18.31.025 of the Auburn City Code are amended to read as shown in Exhibit 1.

Section 2. **Implementation.** The Mayor is authorized to implement those administrative procedures 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 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: _____

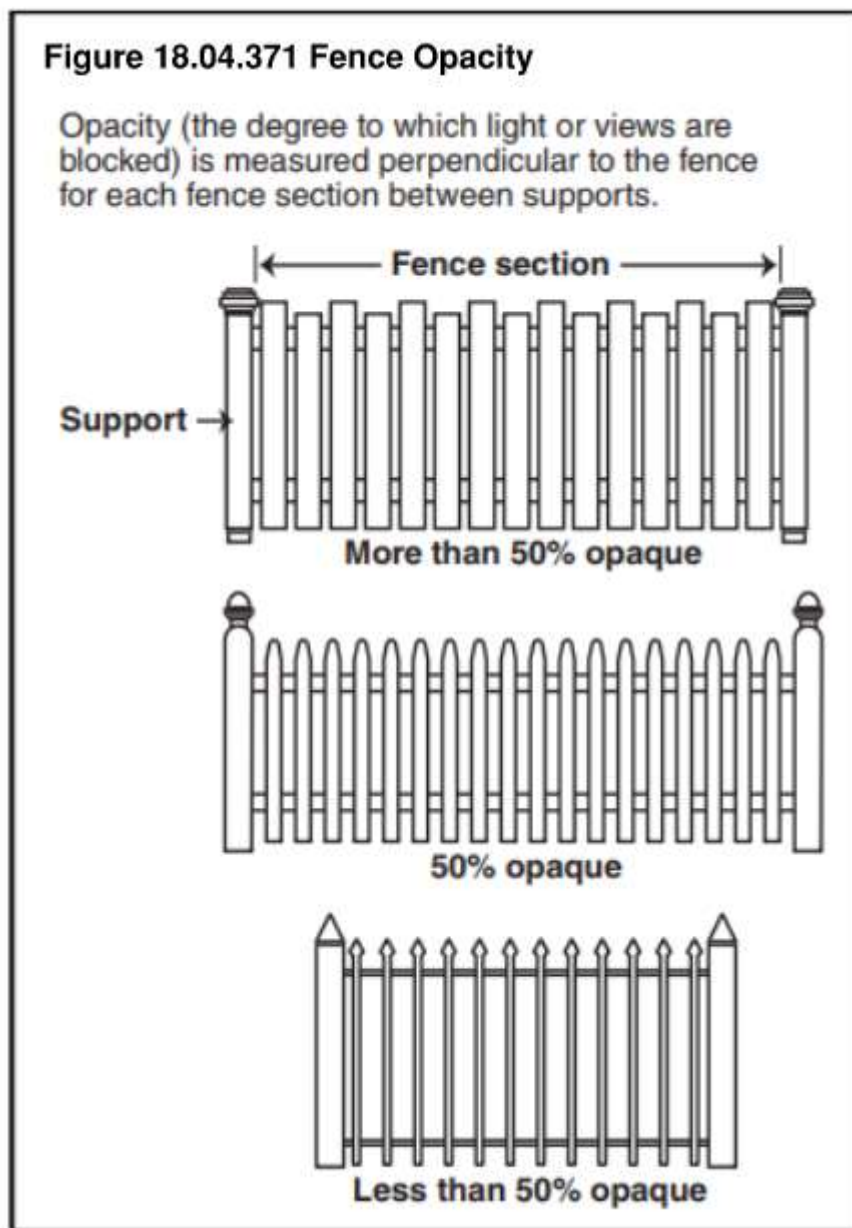
Chapter 18.04 DEFINITIONS

18.04.370 Fence.

“Fence” means a masonry wall or a barrier generally composed of posts connected by boards, rails, panels, or wire for the purpose of enclosing space, functional areas, or separating parcels of land. The term “fence” does not include retaining walls or rockeries when a separate structure. The term also does not include hedges, trees, or other natural growth. (Ord. 6245 § 3, 2009; Ord. 4229 § 2, 1987.)

18.04.371 Fence, opacity.

Fence opacity is the degree to which light or views are blocked. Opacity measured perpendicular to the fence for each fence section between supports.



18.04.372 Fence, screened.

"Screened fence" means a fence that is between 70 to 100 percent opaque, and provides providing a high degree of visual buffering between two areas that meets the requirements of Chapters ACC-. A screened fence may consist of wood, vinyl, or metal. A chain link fence interwoven with slats in every row or available space is considered a screened fence. (Ord. 6245 § 3, 2009.)

18.04.373 Fence, visibility.

A fence that is 50% or less opaque is generally considered to provide visibility.

18.04.374 Fence, 100 percent sight-obscuring.

“One hundred percent sight-obscuring fence” means a fence that is 100% opaque, completely obstructs view between two areas and/or completely obstructs view between two adjoining uses, and meets the requirements of Chapters . A sight-obscuring fence shall be constructed of solid wood, metal, ~~concrete~~concrete, or other appropriate material which totally conceals the subject use from adjoining uses. (Ord. 6245 § 3, 2009.)

18.04.376 Retaining Wall.

“Retaining Wall” means a structure designed and constructed to hold soil, earth, or like material in place, or to resist lateral pressure of materials to create or maintain a change in ground elevation. Such walls can be of various types including gravity, cantilevered, anchored, or piling walls and can be comprised of various materials including concrete, stone, or masonry units. The term retaining wall does not include fences.

Chapter 18.31 SUPPLEMENTAL DEVELOPMENT STANDARDS**18.31.020 Fences.**

A. Purpose. The fencing requirements in this section are intended to advance public safety, maintain and protect property values, to enhance the city’s appearance, and to visually unify the city and its neighborhoods. This section contains general standards applicable to all fences (regardless of zoning district), and specific standards for fences within the residential, commercial, and institutional use zoning districts.

BA. Fence Height Regulations. The minimum or maximum height requirements as stipulated throughout this chapter shall be considered to be met if the height of the fence is within six percent of the height required. The height of the fence shall be determined from the existing, established grade on the property to the highest point of the fence.

1. Notwithstanding any other provisions regarding fence height, the height of any portion of a fence may not reduce the sight distances established by the Engineering Design Standards for vehicular and non-motorized transportation facilities.

2. Fences and walls built interior of the required setback areas within the building area of a lot may be as high as the maximum building height allowed within the applicable zone. Building permits are required for fences exceeding six feet in height.

3. Building permits are required for fences exceeding 84 inches in height.

4. The addition of lattice, trellis, and other similar features of a fence shall count towards the overall height and opaqueness of a fence.

5. If a fence sits upon or is elevated by a retaining wall, the height of the fence is measured from the base of the retaining wall. Building permits may be required for fences erected on retaining walls.

C. 1.—Fence Height Regulations by Zoning District. The following regulations shall apply in the R-1, R-5, R-7, R-10, R-16, R-20, R-MHC, RO, RO-H, I, C-N, C-1, C-2, C-4, and DUC zones:

aa. Fence heights shall may be constructed to a height not to exceed the following in each of the required setback areas, as regulated per each zone, or as modified by subsection of this section:

- i. Front setback¹: 42 inches; provided, that fences constructed of chain link, wrought iron or similar materials that provides visibility, as defined herein, may be 72 inches in height;
- ii. Side setback: 72 inches;
- iii. Rear setback: 72 inches;
- iv. Street side setback: 72 inches.

~~2. Fences and walls built within the building area of a lot may be as high as the maximum building height allowed within the applicable zone. Building permits are required for fences exceeding six feet in height.~~

~~3. If the fence includes a gate or similar feature, a vehicle refuge area shall be provided within the driveway to avoid blocking the street. The vehicle refuge area shall have a length that is sufficient for a waiting vehicle and not block the street.~~

~~B. Special Height Restrictions.~~

~~1. There shall not be anything constructed or reconstructed, and no obstruction permitted, within the sight distance triangle area as required by city of Auburn engineering design standards.~~

~~2. In general, no fence, hedge, structure or other obstruction shall act as a sight hazard to traffic, and the city engineer may order the removal of such hazard whether or not such object otherwise complies with the provisions of this title.~~

~~1 The front setback for residential zones pertains to the front setback for a single family residence per 18.07.030(E)(1).~~

~~D.C. Screened Fences and Sight-Obscuring Fences.~~

~~1. Fence visibility is defined per ACC 18.04.373. In certain circumstances, the City Engineer may determine that a fence that is 50% or less opaque does not provide visibility if the angle through which the fence is being viewed for sight distance analysis increases the perceived opacity of the fence to 50% or higher.~~

~~2. Screened fences are defined per ACC 18.04.372. A screened fence shall consist, at a minimum, of a chain link fence interwoven with slats placed in every row or available space in the fence~~

~~3. 2.—Sight-obscuring fences are defined per ACC 18.04.374. A 100 percent sight-obscuring fence shall be constructed of solid wood, metal, concrete or other appropriate material which totally conceals the subject use from adjoining uses.~~

~~ED. Fences and Associated Landscaping.~~

~~1. When landscaping is required along the property line and the property line abuts the right-of-way, the fence shall be placed interior to the required landscaping. The fence may not shall be set back a minimum of five feet if the fence abuts a street right-of-way, so as to~~

~~not~~ obscure such landscaping unless authorized through the land use or architectural and site design review process.

2. At other property lines, the landscaping shall be located to serve the greatest public benefit.

3. Fencing shall be placed such that it does not damage existing landscaping.

FE. Access and Obstructions. ~~—Generally Prohibited.~~

1. If a fence includes a gate or similar feature to allow vehicle passage, the gate shall be placed within the interior of the lot a sufficient distance to provide a vehicle refuge area within the driveway exterior of the fence to avoid blocking the street. The vehicle refuge area shall have a length that is sufficient for a waiting vehicle and not block the street, sidewalk, or right-of-way, in accordance with the Engineering Design Standards.

2. Any fence located within a front yard setback that features a locking gate or similar security device, that cannot be opened from the exterior, shall provide emergency access in a manner acceptable to the fire marshal.

3. ~~1.~~ In no case shall any fence, and/or hedge, or other obstruction be constructed, or grown, located, such that it deters or hinders the fire authority from gaining access to any fire authority connection, fire protection control valve, fire hydrant, or fire authority appliance or device. Minimum clearance requirements for fire hydrants shall be in accordance with the city Engineering Design Standards. ~~design and construction standards.~~

4. In no case shall any fence, and/or hedge, or other obstruction be constructed, grown, or located, such that it obstructs the visibility of any fire hydrant from a distance of 150 feet, in any direction, of vehicular approach to the hydrant.

5. ~~3.~~ In no case shall any fence, and/or hedge, or other obstruction be constructed, grown, or located, be constructed or grown in a manner which interferes with access to water, storm, or sanitary sewer manholes, and utility meters, and other City appurtenances which require access for maintenance purposes.

6. Unless explicitly permitted by easement language, fences are prohibited within City utility easements except as may be authorized by the City Engineer.

~~G.F.~~ Other than in the P-1, M-1, or M-2 zones, no fence may include the use of barbed wire, including concertina, razor, or similar wire; provided, that pasture areas a minimum of one acre in area may be fenced with barbed wire in any zone. Barbed wire may be attached to the top of, and in addition to, the height of a ~~8472~~-inch fence in the above zones, provided it does not extend more than 12 inches ~~one additional foot~~ in height.

~~H.G.~~ Other than in the RC, R-1, C-3, M-1, M-2, BP, LF, or I zones, ~~electrically charged fences are not permitted.~~ Electrically charged fences shall only be allowed within the RC, R-1, C-3, M-1, M-2, BPLF, or I zones and shall adhere to the following standards. These standards shall not apply to underground or invisible pet fences, ~~invisible fences and wireless pet collar fences~~ that are used to contain ~~household pets~~ small domestic animals.

1. Within the RC and R-1 zones the electrical charge of an electric fence must be noncontinuous and the electric fence controller shall be approved by the Underwriter Laboratories (U.L.) or meet the testing standards of the Underwriter Laboratories. It is further provided that electric fences in the RC and R-1 zones that abut any public street or right-of-way shall include warning signs consistent with ACC 18.31.020(H)(2)(e), ~~of not less than 30 square inches in size posted at least every 50 feet on the fence, stating that the fence is charged with electricity.~~

2. Within the C-3, M-1, M-2, BP, LF, or I zones, the construction and use of electric fences shall be allowed in the city only as provided in this section and subject to the following:

a. *Electrification.*

i. The energy source (energizer) for electric fences must be provided by a storage battery not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However, the solar panel may be augmented by a trickle charger.

ii. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in the in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission (IEC) Standards No. 60335-2-76.

b. *Perimeter Non-Electric Permit Fence or Wall.* No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet.72 inches.

c. *Location.* Electric fences shall only be permitted on around any nonresidential outdoor storage areas. Electric fences and the perimeter fenceing isare allowed in the setback areas provided the applicable requirements of this section are met.

d. *Height.* Electric fences shall not exceed 10 feet in height.

e. *Warning Signs.* Electric fences shall be clearly identified with warning signs that read "Warning – Electric Fence" at intervals of 50 feet or less than 60 feet. Signs shall also contain imagery or symbols of or similar to the International Organization for Standardization (ISO) warning symbol for electric hazard .to alert individuals that that- allows non-English speaking individuals to understand that the fence is electrically charged, (e.g. lightning bolts).

f. ~~The permitting process for e~~Electric fences shall be governed and regulated in accordance with the regulations for burglar alarm permits contained in Chapter 9.30 ACCunder city code.

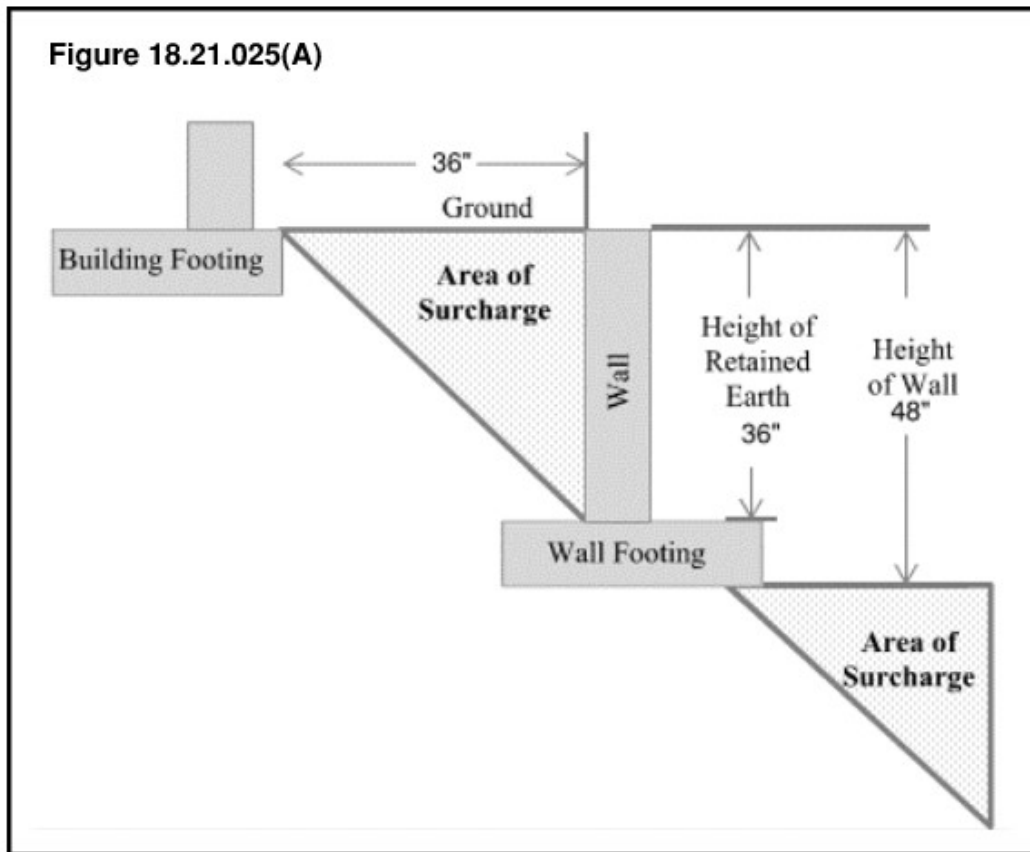
g. Electric fences and gates must also meet all applicable International Fire Code standards.

~~H. Any fence located within a front setback that features a locking gate or similar security device shall provide emergency access in a manner acceptable to the fire marshal.~~

18.31.025 Retaining Walls

A. Retaining Wall General Regulations.

1. Retaining walls must be designed and located per the adopted IBC and IRC design standards. See Figure 18.21.025(A).



2. Notwithstanding any other provisions regarding retaining wall height, the height of any portion of a retaining wall may not reduce sight distance established by the Engineering Design Standards for vehicular and non-motorized facilities.
3. Any grading work shall be in compliance with Chapter 15.74 ACC.
4. All portions of retaining walls, including sub-surface elements such as footings, anchors, and cantilevers, shall not encroach or be located within the right-of-way or public utility easements unless explicitly permitted by the City Engineer and/or by the easement language.
5. The requirements of this chapter do not apply to retaining walls in rights-of-way.
6. Additional requirements apply to retaining walls that provide support to rights-of-way as specified in the Engineering Design Standards.
7. Retaining walls designed as part of an approved preliminary plat, and located prior to recordation of the final plat, are not subject to the setback area requirements contained in this section.

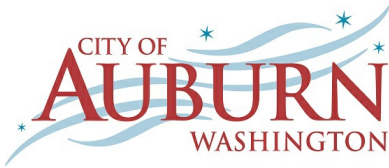
B. Residential Lots.

1. Retaining walls are not permitted in the required setback areas, unless meeting one of the following criteria. The height of a wall shall be measured from the bottom of a footing to the top of the wall.
 - a. Retaining walls that are under 48 inches and constructed in accordance with the IRC, whether supporting a surcharge or not, are allowed in all setback areas, as regulated per each zone.
 - b. Retaining walls over 48 and under 84 inches and constructed in accordance with the IRC, whether supporting a surcharge or not, are allowed in all setback areas except the front and street-side setback, as regulated per each zone.
 - c. Retaining walls over 84 inches, constructed in accordance with the IRC, whether supporting a surcharge or not, are not allowed in the setback areas, as regulated per each zone.
2. Retaining walls visible from the right-of-way or adjacent property must be composed of rock, textured or patterned concrete, masonry, composite, or other products that complements the existing residential or neighborhood character. Products such as "ecology blocks" or plain smooth concrete are not permitted. Materials other than those listed may be used with approval from the Planning Director or designee.

C. Nonresidential Lots/Tracts.

1. Retaining walls visible from the right-of-way or adjacent property shall be composed of rock, textured, or patterned colored concrete, masonry, or composite. Products such as "ecology blocks" are not permitted. Materials other than those listed may be used with approval from the Planning Director or designee.
2. For retaining walls over 48 inches in height or supporting a surcharge, the area between the right-of-way and the retaining wall shall be landscaped and maintained per Chapter 18.50 ACC.
3. Terraces created between retaining walls shall be permanently landscaped and revegetated pursuant to a mitigation or landscape plan developed by a qualified professional.
4. Notwithstanding the requirements contained in this section, retaining walls may still require a building permit if trees or other landscape features will potentially impact (e.g., tree roots) or impose a surcharge on the wall.

5. The width of the retaining wall or walls support shall not be included in any landscaping calculations or measurements.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6885 (Tate)

Date:

September 13, 2022

Department:

Community Development

Attachments:

[Ordinance No. 6885](#)

[Exhibit A – EP and BP Zone Text Amendment](#)

[\(with strike through & underline\)](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6885.

Background for Motion:

Ordinance No. 6885 amends Chapters 18.02, 18.23, 18.31, 18.36, 18.47, 18.50, 18.55, 18.57, 18.54 and 18.64, of Title 18, the Zoning Code, and Chapter 3.60 of Title 3, the Revenue and Finance Code, removing the EP, Environmental Park Zone and BP, Business Park District.

Background Summary:

Staff is recommending removal of the EP, Environmental Park Zone and BP, Business Park District, from Title 18 and Title 3. This will entail removing all references of the two zoning districts from the City's enumerated ordinances (codes).

The BP zone was adopted in 1987 under Ordinance (Ord.) Number (No.) 4229. This ordinance repealed the previous Zoning Ordinance and created a new codified Zoning Ordinance, in which new zoning districts, including the BP zone, were added to the title. Per Auburn City Code (ACC) 18.36.010, the purpose of the BP zone is to:

“...Respond to modern trends in business park development by providing a suitable area for industrial, professional office, service, and commercial uses within a planned, well managed site with high quality development standards.”

Approximately six parcels, collectively known as the “Opus Park 167 Service District”, located at the southwest corner of 15th St. SW and O St. SW, were rezoned to BP zone in 1997 under Ordinance No 4962. In 2001, under Ordinance No. 5607, the uses for the BP zone were amended to allow for more uses and encourage more development. The “Opus Park 167 Service District” was completed in 2002. However, in 2006, under Ordinance No. 6067, the parcels constituting the Opus Park 167 Service District were rezoned to C-3, Heavy Commercial from BP during an annual amendment cycle. This effectively made the BP zone no longer a mapped zoning district.

The Environmental Park Zone, or EP zone, was adopted in 2006 under Ordinance No. 6037. The EP zone was intended to create a zone with appropriate uses near the Auburn

Environmental Park (located between W Main St. to the south, Interurban Trail to the east, 15th St. NW to the north, and W Valley Hwy to the west). Under this ordinance, approximately 75 parcels, in proximity to the Auburn Environmental Park (AEP), were rezoned from M-1, Light Industrial and R2, Single Family Residential District to the EP zone. Per ACC 18.23.020(H) the purpose of the EP zone is to:

“Allow uses in proximity to the Auburn Environmental Park (AEP) that benefit from that location and will complement the park and its environmental focus. Uses allowed in this zone will focus upon medical, biotech and “green” technologies including energy conservation, engineering, water quality and similar uses.”

It is difficult to ascertain which, if any, parcels were developed under the EP zoning designation. Per City permit records, it appears that most of the parcels that were zoned EP were developed prior to being rezoned to EP. In 2017, under Ordinance No. 6660, the 75 parcels were rezoned M-1, Light Industrial due to little private sector investment into the privately owned properties. Under Ordinance No. 6691, the City-owned parcels formerly zoned EP and associated with the AEP were rezoned to Open Space, effectively making the EP zone no longer a mapped zoning district.

The EP, Environmental Park Zone and BP, Business Park District text amendment was discussed with the City Council at the September 12, 2022 Study Session.

Reviewed by Council Committees:

Councilmember: Stearns

Staff:

Tate

Meeting Date: September 19, 2022

Item Number:

ORD.B

ORDINANCE NO. 6885

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO THE ELIMINATION OF THE ENVIRONMENTAL PARK ZONE AND BUSINESS PARK DISTRICT BY AMENDING CHAPTER 18.36, AND SECTIONS 18.02.070, 18.23.020, 18.23.030, 18.23.040, 18.23.060, 18.31.100, 18.47.020, 18.50.040, 18.54.080, 18.55.030, 18.57.020, 18.57.030, 18.57.035, 18.64.020 AND 3.60.036 OF THE AUBURN CITY CODE

WHEREAS, the Business Park (“BP”) zone was adopted in 1987 by Ordinance No. 4229 as a contract zone that could be applied to any site upon approved of the City; and

WHEREAS, in 1997 approximately six parcels collectively known as the “Opus Park 167 Service District”, located at the southwest corner of 15th St. SW and O St. SW, were rezoned by Ordinance No. 4962 to be a Business Park zone; and

WHEREAS, in 2001 Ordinance No. 5607 expanded the uses for the Business Park zone to allow for more uses and to encourage more development; and

WHEREAS, in 2006 Ordinance No. 6067 rezoned the parcels constituting the Opus Park 167 Service District to C-3, Heavy Commercial, effectively making the Business Park zone no longer a mapped zoning district; and

WHEREAS, the Environmental Park Zone (“EP zone”), was adopted in 2006 by Ordinance No. 6037 and approximately 75 parcels in proximity to the Auburn Environmental Park (AEP) were rezoned from M-1, Light Industrial, and R2, Single Family Residential District, to the Environmental Park zone; and

WHEREAS, in 2017 Ordinance No. 6660 rezoned the 75 parcels M-1, Light Industrial due to little private sector investment into the privately owned properties; and

WHEREAS, in 2018 Ordinance No. 6691 rezoned the City-owned parcels associated with the AEP from the Environmental Park to Open Space, effectively making the EP zone no longer a mapped zoning district; and

WHEREAS, the Business Park and Environmental Park zoning districts were removed from the Comprehensive Plan in 2015 as part of the GMA-related update to the Comprehensive Plan and therefore neither zone implements any of the comprehensive plan land use designations; and

WHEREAS, pursuant to RCW 36.70A the proposed code language contained herein was transmitted to the Washington State Department of Commerce, which performed a 60-day agency review. The state agency comment period expired on August 12, 2022 and the City did not receive any agency comments; and

WHEREAS, the text amendment was reviewed according to the process established by the Washington State Environmental Policy Act (SEPA), a Determination of Non-Significance (DNS) was issued on July 5, 2022, and the City observed a fourteen-day public comment period; and

WHEREAS, the Planning Commission reviewed the proposed text amendment and considered the effect of the changes on public and private property owners at its June 7, 2022 meeting; and

WHEREAS, on July 19, 2022 the Planning Commission held a public hearing, after receiving no public comment letters regarding the proposed amendments, and afterwards forwarded a recommendation for approval to the City Council.

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

Section 1. Amendment to City Code. Chapter 18.36, and Sections 18.02.070, 18.23.020, 18.23.030, 18.23.040, 18.23.060, 18.31.100, 18.47.020, 18.50.040, 18.54.080, 18.55.030, 18.57.020, 18.57.030, 18.57.035, 18.64.020 of Title 18 and Section 3.60.036 of Title 3 of the Auburn City Code are amended to read as shown in Exhibit A.

Section 2. Implementation. The Mayor is authorized to implement those administrative procedures 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 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 3. 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: _____

Title 18 ZONING

Chapters:

18.01	User Guide
18.02	General Provisions
18.04	Definitions
18.07	Residential Zones
18.08	Northeast Auburn Special Area Plan and Auburn Gateway Planned Action
18.09	R-MHC Manufactured/Mobile Home Community Zone
18.21	Overlays
18.23	Commercial and Industrial Zones
18.25	Infill Residential Development Standards
18.29	DUC Downtown Urban Center District
18.31	Supplemental Development Standards
18.35	Special Purpose Zones
~~18.36~~	~~BP Business Park District~~
18.38	LF Airport Landing Field District, Overlay, and FAR Part 77 Surfaces
18.42	UNC Unclassified Use District
18.46A	Temporary Uses
18.47	Electric Vehicle Infrastructure
18.49	Flexible Development Alternatives
18.50	Landscaping and Screening
18.52	Off-Street Parking and Loading
18.53	Master Plans
18.54	Nonconforming Structures, Land and Uses
18.55	Outdoor Lighting
18.56	Signs
18.57	Standards for Specific Land Uses
18.59	Development Standards for Marijuana Related Businesses
18.60	Home Occupations
18.62	Surface Mining
18.64	Administrative and Conditional Use Permits
18.66	<i>Recodified</i>
18.68	Zoning Map and Text Amendments
18.70	Variances, Special Exceptions, and Administrative Appeals
18.72	Administration and Enforcement
18.74	Location of Sexually Oriented Businesses
18.76	Planned Unit Development District (PUD) – Lakeland Hills South
18.78	Terrace View (TV) District

Chapter 18.02

GENERAL PROVISIONS

18.02.070 Establishment of zones.

A. The city is divided into the following classes of zones:

1. RC, residential conservancy zone (one dwelling unit per four acres);
2. R-1, residential zone (one dwelling unit per acre);
3. R-5, residential zone (five dwelling units per acre);
4. R-7, residential zone (seven dwelling units per acre);
5. R-10, residential zone (10 dwelling units per acre);
6. R-16, residential zone (16 dwelling units per acre);
7. R-20, residential zone (20 dwelling units per acre);
8. RMHC, manufactured/mobile home community zone;
9. RO, residential office zone, and RO-H, residential office-hospital zone;
10. C-N, neighborhood shopping zone;
11. C-1, light commercial zone;
12. C-2, central business zone;
13. C-3, heavy commercial zone;
14. C-4, mixed-use commercial zone;
- ~~15.~~ 14. M-1, light industrial zone;
- ~~16.~~ 15. M-2, heavy industrial zone;
- ~~16. BP, business park zone;~~
17. LF, airport landing field zone;
18. P-1, public use zone;
19. UNC, unclassified use zone;

20. I, institutional use zone;

~~21. EP, environmental park zone;~~

~~22~~21. DUC, downtown urban center zone;

~~23~~22. OS, open space zone.

B. The zones set out in subsection [A](#) of this section are established as the designations, locations, and boundaries thereof as set forth and indicated on the zoning map.

C. The intent statement for each zone set forth in this title shall be used to guide the application of the zones to all lands in the city of Auburn. The intent statements shall guide interpretation and application of land use regulations within the zones, and any change to the range of allowed uses within each zone through amendment to this title. (Ord. 6677 § 1, 2018; Ord. 6245 § 2, 2009.)

Chapter 18.23

COMMERCIAL AND INDUSTRIAL ZONES

Sections:

- 18.23.010 Purpose.
- 18.23.020 Intent of commercial and industrial zones.
- 18.23.030 Uses.
- 18.23.040 Development standards.
- 18.23.050 Additional development standards for C-2, central business zone.
- 18.23.060 Additional development standards for the ~~EP, environmental park zone.~~ C-N, C-1, C-2, C-3, C-4, and M-1 zone.

18.23.010 Purpose.

This chapter lists the land uses that may be allowed within the commercial and industrial zones established by ACC [18.02.070](#) (Establishment of zones), determines the type of land use approval required for each use, and provides basic and additional development standards for sites, buildings, and associated improvements. (Ord. 6728 § 3 (Exh. C), 2019; Ord. 6433 § 26, 2012.)

18.23.020 Intent of commercial and industrial zones.

A. *General.* This section describes the intent for each of the city's commercial and industrial zones. These intent statements are to be used to guide the interpretation of the regulations associated with each zone. The planning director is authorized to make interpretations of these regulations based on their analysis of them together with clear and objective reasons for such interpretation.

B. *C-N, Neighborhood Shopping Center Zone.* The C-N zone is intended to provide areas appropriate for neighborhood shopping establishments which provide limited retail business, service and office facilities for the convenience of residents of the neighborhood. A neighborhood shopping center is designed and located so as to minimize traffic congestion on public highways and streets in its vicinity and to best fit the general land use pattern of the area to be served by the center. The protective standards contained in this chapter are intended to minimize any adverse effect of the neighborhood shopping center on nearby property values and to provide for safe and efficient use of the neighborhood shopping center itself.

C. *C-1, Light Commercial Zone.* The C-1 zone is intended for lower intensity commercial adjacent to residential neighborhoods. This zone generally serves as a transition zone between higher and lower intensity land uses, providing retail and professional services. This zone represents the primary commercial designation

for small- to moderate-scale commercial activities compatible by having similar performance standards and should be developed in a manner which is consistent with and attracts pedestrian-oriented activities. This zone encourages leisure shopping and provides amenities conducive to attracting shoppers and pedestrians.

D. *C-2 Central Business District Zone*. The intent of the C-2 zone is to set apart the portion of the city proximate to the center for financial, commercial, governmental, professional, and cultural activities. Uses in the C-2 zone have common or similar performance standards in that they represent types of enterprises involving the rendering of services, both professional or to the person, or on-premises retail activities. This zone encourages and provides amenities conducive to attracting pedestrians.

E. *C-3, Heavy Commercial Zone*. The intent of the C-3 zone is to allow for medium to high intensity uses consisting of a wide range of retail, commercial, entertainment, office, services, and professional uses. This zone is intended to accommodate uses which are oriented to automobiles either as a mode or target of the commercial service while fostering a pedestrian orientation. The uses allowed can include outside activities, display, fabrication or service features when not the predominant portion of the use. The uses enumerated in this classification have more potential for impacts to surrounding properties and street systems than those uses permitted in the more restrictive commercial classifications.

F. *C-4, Mixed-Use Commercial Zone*. The intent of the C-4 zone is to provide for a pedestrian-oriented mix of retail, office, and limited multiple-family residential uses. This classification is also intended to allow flexibility in design and the combination of uses that is responsive to market demands. The uses enumerated in this classification anticipate a mix of multiple-family residential, retail, and office uses that are coordinated through a site-specific planning process. The multiple-family residential must be located in a multi-story building. Certain heavy commercial uses permitted in other commercial classifications are not permitted in this zone because of the potential for conflicts with multifamily residential uses, in order to achieve a quality of environment that is conducive to this mix of uses.

G. *M-1, Light Industrial Zone*. The intent of the M-1 zone is to accommodate a variety of industrial, commercial, and limited residential uses in an industrial park environment, to preserve land primarily for light industrial and commercial uses, to implement the economic goals of the comprehensive plan and to provide a greater flexibility within the zoning regulations for those uses which are non-nuisance in terms of air and water pollution, noise, vibration, glare or odor. The light industrial/commercial character of this zone is intended to address the way in which industrial and commercial uses are carried out rather than the actual types of products made.

The character of this zone will limit the type of primary activities which may be conducted outside of enclosed buildings to outdoor displays and sales. Uses which are not customarily conducted indoors or involve hazardous materials are considered heavy industrial uses under this title and are not appropriate for the M-1 zone. An essential aspect of this zone is the need to maintain a quality of development that attracts rather than discourages further investment in light industrial and commercial development. Consequently, site activities which could distract from the visual quality of development of those areas, such as outdoor storage, should be strictly regulated within this zone.

~~H. *EP, Environmental Park Zone.* The environmental park district is intended to allow uses in proximity to the Auburn Environmental Park that benefit from that location and will complement the park and its environmental focus. Uses allowed in this zone will focus upon medical, biotech and “green” technologies including energy conservation, engineering, water quality and similar uses. Other uses complementary to and supporting these uses are also allowed. Incorporation of sustainable design and green building practices will be a primary aspect of this zone. The construction of leadership in energy and environmental design (LEED) and built green certified buildings is encouraged and built green will be required for multiple family dwellings. The city recognizes that much of the property in this zone was developed under earlier standards, so the goals of the district will be realized over a period of time as properties are redeveloped.~~

HH. *M-2, Heavy Industrial Zone.* The M-2 zone is intended to accommodate a broad range of manufacturing and industrial uses. Permitted activity may vary from medium to higher intensity uses that involve the manufacture, fabrication, assembly, or processing of raw and/or finished materials. Heavy industrial uses should not be located near residential development.

While other uses may be sited within this zone, permits for such uses should not be issued if such uses will discourage use of adjacent sites for heavy industry, interrupt the continuity of industrial sites, or produce traffic in conflict with the industrial uses. (Ord. 6728 § 3 (Exh. C), 2019; Ord. 6433 § 26, 2012.)

18.23.030 Uses.

A. *General Permit Requirements.* Table 18.23.030 identifies the uses of land allowed in each commercial and industrial zone and the land use approval process required to establish each use.

B. *Requirements for Certain Specific Land Uses.* Where the last column in Table 18.23.030 (“Standards for Specific Land Uses”) includes a reference to a code section number, the referenced section determines other requirements and standards applicable to the use regardless of whether it is permitted outright or requires an administrative or conditional use permit.

C. *Uses Affected by the Airport Overlay.* Refer to Chapter [18.38](#) ACC to determine whether uses are separately prohibited by that chapter or will be required to comply with additional regulations that are associated with the airport overlay.

Table 18.23.030. Permitted, Administrative, Conditional and Prohibited Uses by Zone, Commercial and Industrial Zones

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING									
Building contractor, light	X	X	X	P	X	P	X	P	
Building contractor, heavy	X	X	X	X	X	A	X	P	
Manufacturing, assembling and packaging – Light intensity	X	X	X	P	X	P	P	P	ACC 18.31.180
Manufacturing, assembling and packaging – Medium intensity	X	X	X	A	X	P	A	P	ACC 18.31.180
Manufacturing, assembling and packaging – Heavy intensity	X	X	X	X	X	X	X	A	ACC 18.31.180
Marijuana processor	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Marijuana producer	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Marijuana researcher	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Marijuana retailer	X	X	X	C	X	C	C	C	Chapter 18.59 ACC
Marijuana transporter business	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Outdoor storage, incidental to principal permitted use on property	X	X	X	P	X	P	P	P	ACC 18.57.020(A)
Storage – Personal household storage facility (mini-storage)	X	P	X	P	X	P	X	P	ACC 18.57.020(B)
Warehousing and distribution	X	X	X	X	X	P	P	C	ACC 18.57.020(C)
Warehousing and distribution, bonded and located within a designated foreign trade zone	X	X	X	P	X	P	P	P	
Wholesaling with on-site retail as an incidental use (e.g., coffee, bakery)	X	X	X	P	X	P	P	P	
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES									
Commercial recreation facility, indoor	X	P	P	P	P	P	P	A	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Commercial recreation facility, outdoor	X	X	X	A	A	P	~~A~~	A	ACC 18.57.025(A)
Conference/convention facility	X	X	A	A	X	A	~~X~~	X	
Library, museum	X	A	A	A	X	A	~~P~~	X	
Meeting facility, public or private	A	P	P	P	X	A	~~P~~	A	
Movie theater, except drive-in	X	P	P	P	P	X	~~X~~	X	
Private school – Specialized education/training (for profit)	A	A	P	P	P	P	~~P~~	P	
Religious institutions, lot size less than one acre	A	P	P	P	A	A	~~A~~	A	
Religious institutions, lot size more than one acre	C	P	P	P	A	A	~~A~~	A	
Sexually oriented businesses	X	X	X	P	X	P	~~X~~	P	Chapter 18.74 ACC
Sports and entertainment assembly facility	X	X	A	A	X	A	~~X~~	A	
Studio – Art, dance, martial arts, music, etc.	P	P	P	P	P	P	~~A~~	A	
RESIDENTIAL									
Caretaker apartment	X	P	P	P	X	P	~~P~~	P	
Live/work unit	X	X	P	P	P	P	~~P~~	X	
Work/live unit	X	P	P	P	P	P	~~P~~	X	
Marijuana cooperative	X	X	X	X	X	X	~~X~~	X	
Multiple-family dwellings as part of a mixed-use development ²	X	X	P	P	P	P	~~P~~	X	ACC 18.57.030
Multiple-family dwellings, stand-alone	X	X	X	X	X	X	~~X~~	X	
Nursing home, assisted living facility	X	P	P	P	C	X	~~X~~	X	
Senior housing ²	X	X	A	A	X	X	~~X~~	X	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
RETAIL									
Building and landscape materials sales	X	X	X	P	X	P	X	P	ACC 18.57.035(A)
Construction and heavy equipment sales and rental	X	X	X	X	X	A	X	P	
Convenience store	A	A	P	P	X	P	P	P	
Drive-through espresso stands	A	A	A	P	A	P	A	A	
Drive-through facility, including banks and restaurants	A	A	A	P	P	P	X	P	ACC 18.52.040
Entertainment, commercial	X	A	P	P	X	A	X	A	
Groceries, specialty food stores	P	P	P	P	P	P	P	X	ACC 18.57.035(B)
Nursery	X	X	X	P	A	P	X	P	ACC 18.57.035(C)
Outdoor displays and sales associated with a permitted use (auto/vehicle sales not included in this category)	P	P	P	P	P	P	P	P	ACC 18.57.035(D)
Restaurant, cafe, coffee shop	P	P	P	P	P	P	P	P	
Retail									
Community retail establishment	A	P	P	P	P	P	X	P	
Neighborhood retail establishment	P	P	P	P	P	P	X	P	
Regional retail establishment	X	X	X	P	P	P	X	A	
Tasting room	P	P	P	P	P	P	P	P	
Tavern	P	P	X	P	P	P	X	A	
Wine production facility, small craft distillery, small craft brewery	A	P	P	P	P	P	P	P	
SERVICES									

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Animal daycare (excluding kennels and animal boarding)	A	A	A	P	A	P	X	P	ACC 18.57.040(A)
Animal sales and services (excluding kennels and veterinary clinics)	P	P	P	P	P	P	X	P	ACC 18.57.040(B)
Banking and related financial institutions, excluding drive-through facilities	P	P	P	P	P	P	P	P	
Catering service	P	P	P	P	A	P	A	P	
Daycare, including mini daycare, daycare center, preschools or nursery schools	A	P	P	P	P	P	P	X	
Dry cleaning and laundry service (personal)	P	P	P	P	P	P	P	P	
Equipment rental and leasing	X	X	X	P	X	P	X	P	
Kennel, animal boarding	X	X	X	A	X	A	X	A	ACC 18.57.040(C)
Government facilities; this excludes offices and related uses that are permitted outright	A	A	A	A	A	A	A	A	
Hospital	X	P	P	P	X	P	X	P	
Lodging – Hotel or motel	X	P	P	P	P	A	P	A	
Medical – Dental clinic	P	P	P	P	P	P	X	X	
Mortuary, funeral home, crematorium	A	P	X	P	X	P	X	X	
Personal service shops	P	P	P	P	P	P	X	X	
Pharmacies	P	P	P	P	P	X	X	X	
Print and copy shop	P	P	P	P	P	P	X	X	
Printing and publishing (of books, newspaper and other printed matter)	X	A	P	P	P	P	P	P	
Professional offices	P	P	P	P	P	P	P	P	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Repair service – Equipment, appliances	X	A	P	P	P	P	X	P	ACC 18.57.040(D)
Veterinary clinic, animal hospital	A	P	P	P	P	P	X	X	
Youth community support facility	X	P	X	X	X	X	X	X	ACC 18.57.040(E)
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE									
Ambulance, taxi, and specialized transportation facility	X	X	X	A	X	P	X	P	
Broadcasting studio	X	P	X	P	X	P	X	P	
Heliport	X	X	X	C	X	C	X	C	
Motor freight terminal ¹	X	X	X	X	X	X	X	X	See Footnote No. 1
Parking facility, public or commercial, surface	X	P	P	P	P	P	P	X	
Parking facility, public or commercial, structured	X	P	P	P	P	P	P	X	
Towing storage yard	X	X	X	X	X	A	X	P	ACC 18.57.045(A)
Utility transmission or distribution line or substation	A	A	A	A	A	A	A	A	
Wireless communications facility (WCF) (See ACC 18.04.912(W))	*	*	*	*	*	*	*	*	*See ACC 18.31.100 for use regulations and zoning development standards.
Eligible facilities request (EFR) (wireless communications facility) (See ACC 18.04.912(H))	P	P	P	P	P	P	P	P	
Small wireless facilities (ACC 18.04.912(Q))	P	P	P	P	P	P	P	P	
VEHICLE SALES AND SERVICES									
Automobile washes (automatic, full or self-service)	X	A	X	P	P	P	X	P	ACC 18.57.050(A)

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Auto parts sales with installation services	X	A	A	P	P	P	X	P	
Auto/vehicle sales and rental	X	A	X	P	X	P	X	P	ACC 18.57.050(B)
Fueling station	X	A	A	P	P	P	X	P	ACC 18.57.050(C)
Mobile home, boat, or RV sales	X	X	X	P	X	P	X	P	
Vehicle services – Repair/body work	X	X	A	P	X	P	X	P	ACC 18.57.050(D)
OTHER									
Any commercial use abutting a residential zone which has hours of operation outside of the following: Sunday: 9:00 a.m. to 10:00 p.m. or Monday – Saturday: 7:00 a.m. to 10:00 p.m.	A	A	A	A	A	A	A	A	
Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted. See ACC 18.02.120(C)(6) , Unclassified Uses.	P	P	P	P	P	P	P	P	

1 Any motor freight terminal, as defined by ACC [18.04.635](#), in existence as of the effective date of the ordinance codified in this section, is an outright permitted use in the M-1 and M-2 zones. Any maintenance, alterations and additions to an existing motor freight terminal which are consistent with ACC [18.23.040](#), Development standards, are allowed.

2 Any mixed-use development or senior housing project vested prior to Resolution No. 5187 (December 7, 2015) is an outright permitted use in the C-1 zone. Subsequently, if a nonresidential use within a vested mixed-use development changes, then the nonresidential use shall maintain a minimum of 10 percent of the cumulative building ground floor square footage consisting of the uses permitted outright, administratively, or conditionally, listed under “Recreation, Education, and Public Assembly,” “Retail,” or “Services” of the C-1 zone.

(Ord. 6838 § 1 (Exh. A), 2021; Ord. 6799 § 6 (Exh. F), 2020; Ord. 6728 § 3 (Exh. C), 2019; Ord. 6688 § 1 (Exh. 1), 2018; Ord. 6644 § 2, 2017; Ord. 6642 § 9, 2017; Ord. 6508 § 1, 2014; Ord. 6433 § 26, 2012.)

18.23.040 Development standards.

A. Hereafter, no use shall be conducted and no building, structure and appurtenance shall be erected, relocated, remodeled, reconstructed, altered or enlarged unless in compliance with the requirements in Tables 18.23.040A (C-N, C-1, C-2, C-3, and C-4 Zone Development Standards) and 18.23.040B (M-1, EP and M-2 Zone Development Standards) and in compliance with the provisions of this title, and then only after securing all permits and approvals required hereby. These standards may be modified through either an administrative variance or variance, subject to the procedures of Chapter [18.70](#) ACC.

Table 18.23.040A. C-N, C-1, C-2, C-3, and C-4 Zone Development Standards

Development Standard	Requirement by Zone				
	C-N Neighborhood Shopping Center	C-1 Light Commercial	C-2 Central Business	C-3 Heavy Commercial	C-4 Mixed-Use Commercial
Minimum lot area	2 acres	None	None	None	None ¹
Minimum lot width, depth	None	None	None	None	None
Maximum lot coverage	55 percent	None	None	None	None
Minimum setbacks	<i>Minimum setbacks required for structures. See also ACC 18.31.070 for specific exceptions to these setback standards.</i>				
Front	50 ft	20 ft	None	20 ft	20 ft
Side – Interior	None ²	None ²	None	None ²	None ²
Side – Street	50 ft	15 ft	None	15 ft	15 ft
Rear	None ²	None ²	None	None ²	None ²
Height limit	<i>Maximum allowable height of structures. See also ACC 18.31.030 (Height limitations – Exceptions) for specific height limit exceptions.</i>				
Maximum height	30 ft	45 ft ³	ACC 18.23.050	75 ft	75 ft
Additional development standards	None	None	ACC 18.23.050	None	None
Fences and hedges	See Chapter 18.31 ACC				
Landscaping	See Chapter 18.50 ACC				
Parking	See Chapter 18.52 ACC				
Signs	See Chapter 18.56 ACC				

Development Standard	Requirement by Zone				
	C-N Neighborhood Shopping Center	C-1 Light Commercial	C-2 Central Business	C-3 Heavy Commercial	C-4 Mixed-Use Commercial
Lighting	See Chapter 18.55 ACC				
Nonconforming structures, land and uses	See Chapter 18.54 ACC				

Notes:

1 Residential uses: no minimum lot size; provided, that residential density does not exceed 20 units per gross acre (this includes privately owned open space tracts but excludes dedicated public roads).

2 A 25-foot setback is required when adjacent to a residential zone.

3 Buildings within the Auburn north business area, as established by Resolution No. 2283, may exceed 45 feet if one additional foot of setback is provided from each property line (or required minimum setback) for each foot the building exceeds 45 feet in height.

Table 18.23.040B. M-1, EP and M-2 Zone Development Standards

Development Standard	Requirement by Zone		
	M-1 Light Industrial	EP Environmental Park	M-2 Heavy Industrial
Minimum lot area	None	None	None
Minimum lot width, depth	None	None	None
Maximum lot coverage	None	35 percent	None
Minimum setbacks	<i>Minimum setbacks required for structures. See also ACC 18.31.070 for specific exceptions to these standards.</i>		
Front	20 ft	~~20 ft~~	30 ft
Side – Interior	None ¹	~~15 ft~~	None ¹
Side – Corner	20 ft	~~20 ft~~	30 ft
Rear	None ¹	~~20 ft~~ ¹	None ¹
Height limit	<i>Maximum allowable height of structures. See also ACC 18.31.030 (Height limitations – Exceptions) for specific height limit exceptions.</i>		
Maximum height	45 ft ²	~~35 ft~~	45 ft ²
Additional development standards	None	~~ACC 18.23.060~~	None

Development Standard	Requirement by Zone		
	M-1 Light Industrial	EP ~~Environmental Park~~	M-2 Heavy Industrial
Fences and hedges	See Chapter 18.31 ACC		
Landscaping	See Chapter 18.50 ACC		
Parking	See Chapter 18.52 ACC		
Signs	See Chapter 18.56 ACC		
Lighting	See Chapter 18.55 ACC		
Nonconforming structures, land and uses	See Chapter 18.54 ACC		

Notes:

1 A 25-foot setback is required when adjacent to a residential zone.

2 Buildings may exceed 45 feet if one foot of setback is provided from each property line (or required minimum setback) for each foot the building exceeds 45 feet.

(Ord. 6728 § 3 (Exh. C), 2019; Ord. 6433 § 26, 2012.)

18.23.050 Additional development standards for C-2, central business zone.

A. *Maximum Building Height.*

1. The maximum height of that portion of a building that abuts a street(s) shall be no higher than the right-of-way width of the abutting street(s). Building height may increase; provided, that the building is stepped back one foot (from the abutting street right(s)-of-way) for each foot of increased building height.
2. If the building abuts more than one street and the abutting streets have different right-of-way widths, then the height of the building allowed at any street frontage shall be the average of the abutting street right-of-way widths.
3. The following rooftop features may extend up to 15 feet above the maximum height limit: stair towers, elevator penthouses, and screened mechanical equipment.

B. Minimum setbacks: none required, see subsection [D](#) of this section for specific building orientation requirements.

C. Fences shall be decorative and relate architecturally to the associated building. Acceptable materials are brick, wood, stone, metal, or textured concrete. Typical galvanized wire mesh (chain link), barbed wire or razor wire are not permitted. For further information see Chapter [18.31](#) ACC.

The provisions of this section shall not apply to temporary fences required during construction projects permitted by the city.

D. *Building Orientation Requirements.* The following requirements apply to the construction of all new buildings or structures:

1. Existing buildings or structures, including facades, that do not have setbacks or otherwise cannot comply are exempt from these requirements regardless of the amount of improvements made to the building, structure or facade as long as any alteration does not make the existing facade more nonconforming.
2. Existing buildings, structures, or facades that are set back and within 20 feet of a street shall comply to the fullest extent possible as determined by the planning director, with the following requirements when any cumulative structural improvements are made that exceed 50 percent of the assessed value of the existing building, structure, or facade.
3. Any addition to an existing building, regardless of value, that will be within 20 feet of a street shall also comply to the fullest extent possible, as determined by the planning director, with the following requirements.
 - a. For each lineal foot of frontage a building has on a street, there shall be provided an area(s) for pedestrian amenities at the rate of one square foot of ground area for each lineal foot of building frontage. Pedestrian amenities shall consist of such features as landscaping, benches, entryways with accents such as brick pavers, artwork, or a combination of these or similar features. The pedestrian amenities shall be located on the property between the street right-of-way and the building. The planning director shall approve the amount and type of the pedestrian amenities.
 - b. For buildings that have a street frontage that exceeds 50 feet, then at least 25 percent of the building's frontage shall be immediately adjacent to the street right-of-way.
 - c. For buildings that have a street frontage that is less than 25 feet, then no pedestrian amenities will be required and the building may be located at the property line. There shall, however, be provided a landing in front of each door that opens to a street that is large enough such that no part of any door will encroach into the street right-of-way when the door is being opened or closed.
 - d. For buildings that provide additional setbacks, except as restricted by subsection [\(D\)\(3\)\(b\)](#) of this section, the area between the street right-of-way and the building shall only contain pedestrian amenities.

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- e. If a building has more than two street frontages, then at least two of the frontages shall comply with subsections [\(D\)\(3\)\(b\)](#) and [\(g\)](#) of this section and contain pedestrian amenities between the building and the street right-of-way. Any remaining frontages shall either have pedestrian amenities, windows, murals, flat surfaced artwork or other similar architectural features that would avoid large blank walls.
- f. For new buildings that will infill between two other existing buildings, the new building shall be set back no further than either of the adjacent buildings unless additional setback is required to comply with subsection [\(D\)\(3\)\(a\)](#) of this section. The proposed setback shall be reviewed by the planning director to ensure the setback will maintain building continuity along the street.
- g. Buildings shall have windows that encompass at least 60 percent of the first floor facade and at least 40 percent of the facade of each additional floor. At least 50 percent of the area of the first floor windows of nonresidential buildings shall provide visibility to the inside of the building. This subsection shall only apply to the facades of new buildings with street frontage and shall not lessen the requirements of the Uniform Building or Fire Codes.
- h. The building's principal pedestrian entrance shall be oriented to the street. If the building is at a corner, either street or alley, then the principal pedestrian entrance shall be at the corner unless a better architectural design is attained at another location and approved by the planning director.
- i. Buildings that are at the intersection of either two streets or a street and an alley shall provide for a sight distance triangular setback as required by Chapter [18.31](#) ACC. These triangular areas may contain pedestrian amenities that satisfy the requirements of subsection [\(D\)\(3\)\(a\)](#) of this section.
- j. A site plan shall be prepared by the proponent which addresses compliance with the requirements as outlined in subsections [\(D\)\(3\)\(a\)](#) through [\(i\)](#) of this section. The site plan shall be approved by the planning director prior to the submittal of any building permit.
- k. For the sole purposes of this subsection D the term "street" shall include the right-of-way of private and public streets. The term shall also include pedestrian walkways, encumbered by an easement or similar means, that are used by the general public to travel from one property to another.
- E. Mechanical equipment on rooftops shall be sited and designed to minimize noise and effectively screen the equipment from view from adjacent properties and rights-of-way. The following methods, or a combination thereof, may be used:
1. Set back from the roof edge to obscure visibility from below;
 2. Integration into the building architecture, using building walls, roof wells or roof parapets to conceal the equipment;
 3. Equipment enclosure or sight-obscuring fencing or landscaping;
-

4. Overhead trellis or roof to obscure visibility from above.

Materials used to screen mechanical equipment shall be the same as or compatible with the design of the principal structure.

F. Stair towers and elevator penthouses shall be designed to be architecturally integrated into the principal structure. This may include using the same building materials, repeating common building forms, colors or elements, or incorporating the roof and wall of the stair tower or elevator penthouse into the upper wall of the structure. (Ord. 6433 § 26, 2012.)

18.23.060 Additional development standards for the C-N, C-1, C-2, C-3, C-4, and M-1 zones.~~EP, environmental park zone.~~

~~A. *Fences and Hedges.* Fences shall be decorative and relate architecturally to the associated building. Acceptable materials are brick, wood, stone, metal, or textured concrete. Colored chain link fences may be allowed subject to the planning director's approval. Barbed wire or razor wire fences are not permitted. For further information on fencing see ACC 18.31.020. The provisions of this section shall not apply to temporary fences during construction projects permitted by the city.~~

~~AB.~~ Loading and unloading docks shall not be visible from the street.

~~BC.~~ Mechanical equipment on rooftops shall be sited and designed to minimize noise and effectively screen the equipment from view from adjacent properties and rights-of-way. The following methods, or a combination thereof, may be used:

1. Set back from the roof edge to obscure visibility from below;
2. Integration into the building architecture, using building walls, roof wells or roof parapets to conceal the equipment;
3. Equipment enclosure or sight-obscuring fencing or landscaping;
4. Overhead trellis or roof to obscure visibility from above.

Materials used to screen mechanical equipment shall be the same as or compatible with the design of the principal structure. (Ord. 6433 § 26, 2012.)

Chapter 18.31

SUPPLEMENTAL DEVELOPMENT STANDARDS

18.31.100 Wireless communications facilities siting standards.

The following siting standards are intended to guide the location and development of wireless communications facilities (WCF as defined by ACC [18.04.912\(W\)](#)) on properties regulated under this title. The siting of small wireless facilities shall also be in accordance with ACC [18.31.110](#):

L. *Zones in Which WCFs Are Permitted.* The following table illustrates which zones the types of facilities as defined by ACC [18.04.912\(K\)](#) and [\(W\)](#) and subsection [A](#) of this section are allowed in and which land use approval process, if any, is required. Microcells, as defined by ACC [18.04.912\(M\)](#) (not located in public ways), are allowed only in residential zones and shall be permitted outright pursuant to the provisions of ACC [18.04.912\(M\)](#).

Zone	Type of Permit Required		
	Permitted Outright	Administrative Use Permit	Conditional Use Permit
All Zones	1-D	1-D ¹	1-D ²
RO, RO-H	1-A	1-B	1-C
C-N	1-A	1-B	1-C
C-1	1-A	1-B	1-C
C-2, DUC	1-A	1-B	1-C
C-3, C-4	1-B, 2-A	1-C, 2-B, 3-A	3-B
M-1, ~~EP~~	1-B, 2-A	1-C, 2-B, 3-A	3-B
M-2	1-B, 2-A	1-C, 2-B, 3-A	3-B
P-1	1-B, 2-A	1-C, 2-B	3-A ³
I	1-A	1-B	1-C
LF	1-A	1-B	1-C

1 Allowance for the WCF to extend to a height of 20 percent of the supporting structure.

2 Allowance for the WCF to extend to a height of 30 percent of the supporting structure.

3 The maximum height allowed, including antennas, is 45 feet.

Chapter 18.36

~~BP BUSINESS PARK DISTRICT~~

Sections:

- ~~18.36.010 Intent.~~
- ~~18.36.020 Process.~~
- ~~18.36.030 Permitted uses.~~
- ~~18.36.040 Application.~~
- ~~18.36.050 Development standards.~~
- ~~18.36.060 Supplemental development standards.~~
- ~~18.36.070 Time limit.~~

~~18.36.010 — Intent.~~

~~The purpose of the BP district is to respond to modern trends in business park development by providing a suitable area for industrial, professional office, service and commercial uses within a planned, well managed site with high quality development standards.~~

~~It is also the intent of this district to allow flexibility with regard to development standards and uses if the flexibility results in an atmosphere of superior architectural, site and landscape design.~~

~~This district may be applied to any site within the city designated as “region serving” in the comprehensive plan, which is zoned commercial or industrial. In addition, the comprehensive plan identifies specific locations appropriate for business park development. (Ord. 4229 § 2, 1987.)~~

~~18.36.020 — Process.~~

~~The approval process for business parks is in two steps. The first step in the conceptual approval of the business park, by the hearing examiner and city council, this step also approves the rezone to the business park district. The second step is the approval of the site plan by the planning director.~~

~~A. Conceptual Approval.~~

- ~~1. Conceptual approval of a business park shall be applied by the rezone process as specified in ACC 18.68.030(A)(1). The rezone shall be a contract rezone and shall include an agreement that establishes the type, square footage and general location of the uses; the location and size of the park; restrictive covenants; public improvements; and the responsibilities of the owner/developer.~~

~~2. A BP district shall only be approved when the owner/developer has demonstrated that a public benefit will result and the project contains architectural, site, and landscape design standards that are significantly superior to those typically required in the other industrial and commercial zones.~~

~~3. No significant impacts on the public infrastructure shall occur that cannot be effectively mitigated by the development of the business park.~~

~~4. If the approval of the business park requires a subdivision of property, the preliminary plat may be processed concurrently.~~

~~B. Site Plan Approval.~~

~~1. The site plan of a business park shall be approved by the planning director.~~

~~2. From the date of filing a complete application the planning director shall within 30 calendar days either approve, deny, or approve with conditions the site plan. The decision of the director shall be final unless appealed to the hearing examiner pursuant to ACC 18.70.050.~~

~~3. The city attorney shall prepare the necessary documents, approving the site plan, which shall be recorded at the appropriate King County office, for properties located in King County, or recorded at the appropriate Pierce County office for properties located in Pierce County. (Ord. 6809 § 1 (Exh. A), 2021; Ord. 6779 § 3, 2020; Ord. 5170 § 1, 1998; Ord. 4229 § 2, 1987.)~~

~~18.36.030 — Permitted uses.~~

~~Only those uses specifically authorized in the contract rezone, as approved by the hearing examiner and city council, may be permitted in this zone. Any of the uses listed as permitted, administrative, and conditional in the M-1 district, Chapter 18.32 ACC, and those uses listed as permitted in the C-3 district, Chapter 18.32 ACC, may be those uses as being permitted in this zone. This however shall not allow outdoor activities such as storage, fabrication, or sales, unless specifically authorized as part of the contract rezone. The hearing examiner and city council may establish any procedural or substantive conditions on any such use as may be appropriate for the site. (Ord. 4229 § 2, 1987.)~~

~~18.36.040 — Application.~~

~~A. Conceptual Approval. An application shall be required for conceptual approval of a business park and shall include the following:~~

~~1. Standard rezone application;~~

- ~~2. List of uses;~~
- ~~3. Covenants and restrictions;~~
- ~~4. A site plan to illustrate the following:~~
 - ~~a. Vicinity map;~~
 - ~~b. Boundaries and dimensions of proposed park;~~
 - ~~c. Acreage of park;~~
 - ~~d. Layout of interior streets;~~
 - ~~e. Adjacent public streets;~~
 - ~~f. Easements, existing, and if known, proposed;~~
 - ~~g. Location and size of all existing utilities;~~
 - ~~h. General location of uses;~~
 - ~~i. Existing ownership pattern;~~
 - ~~j. The site plan shall be properly dimensioned and drawn at a scale not less than one inch equals 40 feet and on a sheet size 24 by 36 inches, more sheets may be used if necessary. A reproducible and seven copies of the site plan shall be submitted at the time of application. An alternative scale may be approved by the planning director.~~

~~B. *Site Plan Approval.* An application shall be required for site plan approval of a business park and shall include the following:~~

- ~~1. The ordinance and contract of the conceptual approval;~~
- ~~2. A site plan which shall illustrate the following:~~
 - ~~a. Vicinity map;~~
 - ~~b. Boundaries and dimensions of park;~~
 - ~~c. If partial approval, illustrate the proposal within the boundaries of the park;~~
 - ~~d. Illustrate previous site plan approvals that may have occurred within the park;~~
 - ~~e. Acreage of proposal;~~
 - ~~f. Layout of interior streets;~~

- ~~g. Adjacent public streets,~~
- ~~h. Easements, existing and proposed,~~
- ~~i. Location and size of all existing and proposed utilities,~~
- ~~j. Typical street cross section,~~
- ~~k. Location of uses,~~
- ~~l. Location of buildings and structures, both existing and proposed, including setbacks,~~
- ~~m. Location and layout of off street parking, loading and unloading areas,~~
- ~~n. Location of walls and fences, indication of their height and materials,~~
- ~~o. Location of any storage areas or refuse containers,~~
- ~~p. Location and size of signs,~~
- ~~q. Landscaping plan,~~
- ~~r. Indication of height of buildings,~~
- ~~s. Proposed architectural treatment of large expanse of walls,~~
- ~~t. Any covenants not previously approved,~~
- ~~u. The site plan shall be properly dimensioned and drawn at a scale not less than one inch equals 40 feet and on a sheet size 24 by 36 inches, more sheets may be used if necessary. A reproducible and seven copies of the site plan shall be submitted at the time of application. An alternative scale may be approved by the planning director. (Ord. 4229 § 2, 1987.)~~

~~18.36.050 — Development standards.~~

~~Development standards in a BP district are as follows:~~

- ~~A. Minimum area to be developed as a business park: 10 acres;~~
- ~~B. Minimum lot area: none required;~~
- ~~C. Minimum lot width: none required;~~
- ~~D. Minimum lot depth: none required;~~

~~E. Maximum lot coverage: none required;~~

~~F. Maximum building height: 35 feet. Additional height may be allowed if approved by the hearing examiner and city council;~~

~~G. Minimum Yard Setbacks.~~

~~1. Exterior Property Lines: Setbacks from the exterior boundary line of the business park shall be comparable to or compatible with those of existing development of adjacent properties; or if adjacent properties are undeveloped, the type of development which may reasonably be expected on such properties given the existing zoning of such properties or the projections of the comprehensive plan. In no event shall such setback be less than 20 feet.~~

~~2. Interior Property Lines: The setbacks within the business park may either be determined at the time of conceptual or site plan approval;~~

~~H. Fences and hedges: see Chapter 18.31 ACC;~~

~~I. Parking: see Chapter 18.52 ACC;~~

~~J. Landscaping: see Chapter 18.50 ACC, a minimum of 15 percent of the business park shall be landscaped;~~

~~K. Signs: see Chapter 18.56 ACC;~~

~~L. Performance standards: see Chapter 18.58 ACC;~~

~~M. Sidewalks and/or walkways: there may be flexibility in the design of sidewalks or walkways if approved by the city engineer. (Ord. 4229 § 2, 1987.)~~

~~18.36.060 — Supplemental development standards. (For the BP Zone.)~~

~~Supplemental development standards in a BP district are as follows:~~

~~A. All activities shall be conducted entirely within a building except as follows:~~

~~1. Gas pumps;~~

~~2. Refuse containers, provided they are screened from adjoining property and public or private right of way;~~

~~3. Horticulture activities;~~

~~4. Play areas for daycare;~~

~~5. Outdoor activities as permitted by the contract rezone;~~

~~B. All odors, noise, vibrations, heat, glare, or other emissions are controlled within the confines of a building unless specifically permitted elsewhere by this title;~~

~~C. No outdoor testing of products;~~

~~D. No highly combustible, explosive or hazardous materials are permitted, unless clearly incidental and secondary to the permitted use;~~

~~E. Rooftop equipment shall be set back a minimum of 20 feet from the edge of the roof and be painted the same color as the building on which the equipment is located: or, screen the equipment from adjoining uses or from street right of way if setback is less than 20 feet;~~

~~F. Loading and unloading docks that have frontage on a street shall be required to provide an additional 10-foot width of Type III landscaping or in lieu of the additional 10-foot width, a Type II landscaping may be provided;~~

~~G. Outdoor storage may be restricted to the rear of the property and shall as a minimum be guided by the screening and landscaping requirements of the M-1 zone;~~

~~H. No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the state siting~~

~~18.36.070 — Time limit.~~

~~In order to effectively respond to the changing circumstances with regard to industrial land within Auburn and on neighboring parcels of the business park, and to be consistent with evolving development standards, the following time limit shall apply:~~

~~A. Each five years, from the approval date of the contract of each business park, the hearing examiner shall review the contract of each business park in which construction has not been completed. The hearing examiner shall determine whether the business park is still a viable proposal by reviewing whether the applicant is still pursuing the project, or there are conflicts in the execution of the contract, and shall recommend to the city council to either extend, amend or void the contract.~~

~~If a contract is voided, the BP zone itself may remain but further construction shall only be authorized by the execution of a new contract.~~

~~If a contract is voided, the hearing examiner must find reason for the BP zone to remain on that portion of the business park that has not been constructed. If no reason is found to continue the BP zone, then the hearing~~

~~examiner shall conduct a public hearing to rezone the parcel back to the zone on the property prior to the BP zone. (Ord. 4229 § 2, 1987.)~~

Chapter 18.47

ELECTRIC VEHICLE INFRASTRUCTURE

18.47.020 Permitted locations.

EVI Type	Zoning District						
	PUD, RC, R-1, R-5	R-7, R-10, R-16, R-20	C-N, RO	DUC	C-1, C-2, C-3	M-1, M-2, ~~BO, EP~~	I, P-1
EV Charging Station ^{1, 2}	P ³	P ³	P	P	P	P	P
Rapid Charging Station ⁴	P ⁵	P ⁵	P	P	P	P	P
Battery Exchange Station	X	X	X	X	P	P	P

P: Use is permitted. X: Use is not allowed in the given zoning district.

Development Standards:

1 Level 1 and Level 2 charging only.

2 Level 1 and Level 2 charging are permitted in aquifer recharge areas and in other critical areas when serving an existing use.

3 Allowed only as accessory to a principal outright permitted use or permitted conditional use.

4 The term “rapid” is used interchangeably with Level 3 and fast charging.

5 Only “electric vehicle charging stations – restricted” as defined in ACC [18.04.354](#).

Chapter 18.50

LANDSCAPING AND SCREENING

18.50.040 Landscape development standards.

A. **General Location for Landscape Improvements.** Landscaping shall be provided in the following locations for all types of development, unless the city determines that the required landscape is not necessary to fulfill the purposes of this chapter:

1. *Perimeter Areas.* All areas that abut a street or residential property shall be landscaped in compliance with this chapter, except where occupied by a primary building, walk or driveway. Minimum landscape areas are listed in Tables 18.50.040(A) and (B).
2. *Unused Areas.* All areas of a multifamily or nonresidential project site not intended for a specific use (including areas planned for future phases of a phased development) shall be landscaped with existing natural vegetation, native grasses or similar.
3. *Parking/Loading Areas.* Parking lots, and where loading areas are visible from a public street, shall be landscaped in compliance with this chapter.
4. *Outdoor Storage Areas, Recreational Vehicle Parking, and Refuse Areas.* All outdoor storage areas, recreational vehicle parking, and refuse areas, when visible from adjoining properties or public streets, shall be landscaped in compliance with this chapter.
5. **Stormwater Low Impact Development (LID) Facilities.** Areas of vegetation planted in storm water LID facilities (not permanently inundated or ponded areas) and for which there is a city-approved maintenance plan as prescribed in the city's Engineering Design Standards Manual shall count towards the minimum landscape coverage areas outlined in subsection [B](#) of this section.

B. *Landscape Area Requirements by Zones.* Minimum landscape area requirements are listed below by zones consistent with ACC [18.02.070](#).

Table 18.50.040(A). Minimum Landscape Requirements by Zoning District

Zones	Minimum Landscape Coverage ¹	Minimum Landscape Planter Width – Perimeter Areas ²	
		Abutting Street ³	Abutting Residential Property
Residential Zones			
RC, R-1, R-5, and R-7 Residential Zones ⁴	N/A	N/A	N/A

Zones	Minimum Landscape Coverage ¹	Minimum Landscape Planter Width – Perimeter Areas ²	
		Abutting Street ³	Abutting Residential Property
R-10, R-16 and R-20 Zones ⁵	20%	6 ft.	10 ft.
Nonresidential Zones			
C-2	10%	0 ft.	6 ft.
C-1, C-N	10%	6 ft.	10 ft.
C-3, I, P-1	15%	6 ft.	10 ft.
~~EP~~	~~10%~~	~~10 ft.~~	~~10 ft.~~
~~BP~~	~~15%~~	~~10 ft.~~	~~10 ft.~~
M-1	10%	10 ft.	10 ft.
M-2	10%	10 ft.	25 ft.
Other			
RO ⁶ /RO-H ⁶	N/A	N/A	N/A
DUC ⁷	N/A	N/A	N/A

Notes:

1 Minimum landscape coverage required is the minimum percentage of net lot area that must be maintained with a vegetated pervious surface. Vegetated bioretention cells or water quality treatment swales (not permanently inundated or ponded areas) may be included in the required landscape coverage percentage. Preference shall first be given to retention of areas of existing native coniferous vegetation. For sites that do not have existing native coniferous vegetation, landscape coverage can be achieved through planting of native species.

2 Listed planter widths shall be located entirely on private property.

3 The minimum landscape planter abutting a street may be reduced in size using the provision contained in ACC [18.50.080](#), Alternative landscaping plan. The reduced landscape planter shall have an average width of the requirement contained in Table 18.50.040(A).

4 Landscaping shall only be required in conjunction with an administrative or conditional use permit. The type and amount of landscaping shall be determined at that time the administrative or conditional use permit is approved.

5 Refer to ACC [18.31.200](#), Architectural and site design review standards and regulations, for additional requirements.

6 Landscaping within the RO/RO-H zone is not required unless site development includes the demolition of existing structure(s) together with new construction. Under this scenario the minimum landscape requirements of the C-1 zone shall be met.

7 Landscaping within the DUC zone shall be provided as defined in the Downtown Urban Center Design Standards; see reference to ACC [18.29.070](#).

Chapter 18.54

NONCONFORMING STRUCTURES, LAND AND USES

18.54.080 Amortization and abatement of outdoor storage.

All outdoor storage yards that do not comply with the landscape and screening requirements of Chapter [18.50](#) ACC which are located within an M-1 or ~~BP~~ zone that are adjacent to a residential zone or are visible from a public street shall, within three years of the adoption of this title, screen and landscape the outdoor storage pursuant to the requirements of Chapter [18.50](#) ACC, or the use shall be abated. (Ord. 4229 § 2, 1987.)

Chapter 18.55

OUTDOOR LIGHTING

18.55.030 General requirements.

A. *Shielding Required.* Except as otherwise exempt, all outdoor lighting fixtures shall be constructed with shielding on all sides. The outdoor light source (bulb or element) shall not be visible at or beyond the property line.

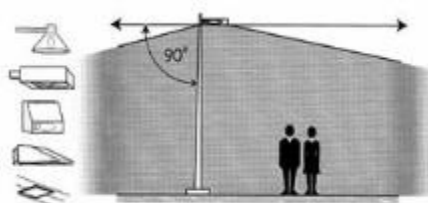


Figure 18.55.030. Examples of light fixtures with shielding on all sides

B. *Fixture Heights.* Lighting fixtures shall not exceed the following maximum heights:

Table 18.55.030.

Outdoor Lighting Location	Fixture Height (Maximum as measured to the top of the fixture from grade)
Within 50' of a residential zoning district	16 ft
Surface Parking Area	30 ft
C-1, C-3, M-1, M-2, ~~EP~~	24 ft
All other districts	

C. *Photometric Plan Requirements.* A photometric plan shall be prepared and submitted for review and approval when required under ACC [18.55.020](#), Applicability. The required elements of the plan shall be specified in application forms to be provided by the city. The photometric plan will be reviewed to ensure compliance with the provisions in this chapter.

D. *Level of Illumination.*

1. Parking lots, driveways, and trash enclosures/areas shall be illuminated with a minimum maintained one foot-candle of light and an average not to exceed four foot-candles of light.
2. Pedestrian walkways shall be illuminated with a minimum maintained one-half foot-candle of light and an average not to exceed two foot-candles of light.
3. In order to minimize light spillage on abutting residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed one-tenth foot-candle.

E. *Accent Lighting.* Lighting used to accent architectural features, landscaping or art is permitted to be directed upward; provided, that the fixture shall be located, aimed, or shielded to minimize light spill. No permit is required for this type of lighting.

F. *Periods of Illumination.*

1. All outdoor lighting systems shall be equipped with automatic switches conforming to the requirements of Section 1513.6.2 of the Washington Energy Code.
2. The use of sensor technologies, timers or other means to activate lighting during times when it will be needed is encouraged to conserve energy, provide safety and promote compatibility between different land uses. Lower lighting levels at off-peak times are encouraged as a safety measure.
3. However, outdoor lights may remain on during the required off hours when:
 - a. Illuminating flags representing country, state, or other civic entity;
 - b. Functioning as security lighting (e.g., illuminating a pathway, building entry, etc.);
 - c. Associated with special events, etc. (Ord. 6390 § 1, 2011.)

Chapter 18.57

STANDARDS FOR SPECIFIC LAND USES

18.57.020 Industrial, manufacturing and processing, wholesaling.

A. *Outdoor Storage, Incidental to Principal Permitted Use on Property.*

1. *C-3 Zone.* Outdoor storage is subject to the following requirements:

- a. Outdoor storage shall be limited to an area no greater than 10 percent of the lot.
- b. Outdoor storage shall be located between the rear lot line and the extension of the front facade of the principal structure; provided also, that for corner lots no outdoor storage is allowed between a building and a side street lot line. For through lots, the location for outdoor storage shall be determined by the planning director.
- c. Outdoor storage shall not be located in a required yard/setback area.
- d. Outdoor storage shall not be permitted on undeveloped lots.
- e. Outdoor storage shall be limited to 15 feet in height. The planning director may authorize an increase in height, up to 50 percent, through an administrative variance, subject to the procedures of ACC [18.70.015\(A\)\(2\)](#).
- f. Outdoor storage areas shall be landscaped in accordance with ACC [18.50.040\(C\)\(5\)](#).
- g. Outdoor storage areas shall consist of a hard surface material of either gravel or paving.
- h. Outdoor storage shall consist of supplies, materials, and/or equipment that are in working and usable condition.
- i. Outdoor storage of unworkable and/or unusable equipment, supplies or materials is not permitted.

2. *M-1 Zone.* Outdoor storage is subject to the following requirements:

- a. Outdoor storage shall be limited to an area no greater than 50 percent of the lot.
- b. Meet requirements of subsections [\(A\)\(1\)\(b\)](#) through [\(i\)](#) of this section.

~~3. *EP Zone.* Outdoor storage is subject to the following requirements:~~

- ~~a. Outdoor storage shall be limited to an area no greater than 15 percent of the lot.~~
- ~~b. Meet requirements of subsections [\(A\)\(1\)\(b\)](#) through [\(i\)](#) of this section.~~

34. M-2 Zone. Outdoor storage is subject to the following requirements:

- a. Outdoor storage shall be landscaped in accordance with ACC [18.50.040\(C\)\(5\)](#).
- b. Outdoor storage shall not be permitted on undeveloped lots.
- c. Outdoor storage shall be limited to 30 feet in height.

18.57.035 Retail.

A. *Building and Landscape Materials Sales.*

1. *All Zones Where Permitted.*

- a. Landscape materials displayed outdoors are limited to plants, soils, gravel, and fertilizer. No soil mixing is allowed.
- b. Stored materials other than landscape plant materials shall be completely screened by walls or buildings and shall not protrude above the height of the enclosing walls or buildings or be visible from a public right-of-way or adjacent residential zone or use and shall not be located in any of the required setbacks.
- c. Stored building supplies and landscaping materials shall be limited to 15 feet in height. The planning director may authorize an increase in height, up to 50 percent, through an administrative variance, subject to the procedures of ACC [18.70.015\(A\)\(2\)](#).

~~B. *Groceries, Specialty Food Stores.*~~

~~1. *EP Zone.*~~

- ~~a. Groceries and specialty food stores are limited to 20,000 square feet in size.~~

18.57.030 Mixed-use development.

A. *All Zones Where Permitted.*

1. Multiple-family dwellings shall only occur concurrent with or subsequent to the development and construction of the nonresidential components of the mixed-use development unless a different sequence is allowed in the following code sections.
2. *Vertical Mixed-Use.*
 - a. Mixed-use development comprised of a maximum of one building on a development site shall have a minimum of 50 percent of the ground floor comprised of one or more of the uses permitted outright, administratively, or conditionally, listed under “Recreation, Education, and Public Assembly,” “Retail,” or “Services” in Table 18.23.030; provided, that uses normal and incidental to the building including, but not limited to, interior entrance areas, elevators, waiting/lobby areas, mechanical rooms, mail areas, garbage/recycling/compost storage areas, and vehicle parking areas located on the ground floor shall occupy a maximum of 50 percent of the ground floor space.

3. *Horizontal Mixed-Use.*

a. Mixed-use development comprised of two or more buildings shall have a minimum of 25 percent of the cumulative building ground floor square footage comprised of one or more of the uses permitted outright, administratively, or conditionally, listed under “Recreation, Education, and Public Assembly,” “Retail,” or “Services” in Table 18.23.030; provided, that uses normal and incidental to the building including, but not limited to, interior entrance areas, elevators, waiting/lobby areas, mechanical rooms, mail areas, garbage/recycling/compost storage areas, and vehicle parking areas located on the ground floor shall not be included in this 25 percent requirement.

b. Mixed-use development comprised of two or more buildings (horizontal mixed-use) shall be arranged with the required nonresidential building(s) located adjacent to the public street or private street and the multifamily located behind. For a corner lot or through lot, the nonresidential building(s) shall be located adjacent to higher classification street.

B. *C-2 Zone.*

1. Vertical mixed-use development is required.
2. All other requirements of subsection [A](#) of this section shall apply.

C. *C-3 Zone.*

1. One thousand two hundred square feet of lot area is required for each dwelling unit.
2. All other requirements of subsection [A](#) of this section shall apply.

D. *C-4 Zone.*

1. Vertical or horizontal mixed-use is allowed.
2. Multiple-family dwellings may be constructed prior to the development and construction of the nonresidential components of the mixed-use development; provided, that the nonresidential components of the master plan are development ready (i.e., wet and dry utilities are extended to future commercial pads) and required frontage improvements as determined by the community development director are completed.

E. *M-1 Zone.*

1. Vertical mixed-use development is required.
2. Ground floor uses shall be comprised of one or more of the uses permitted outright, administratively, or conditionally, listed under “Retail” or “Services” in Table 18.23.030. All other requirements of subsection [A](#) of this section shall apply.

~~F. *EP Zone.*~~

~~1. The multiple-family development incorporates sustainable design and green building practices and qualifies to be built green certified.~~

~~2. All other requirements of subsection A this section shall apply. (Ord. 6728 § 5 (Exh. E), 2019; Ord. 6644 § 3, 2017; Ord. 6478 § 1, 2013; Ord. 6435 § 1, 2012.)~~

Chapter 18.64

ADMINISTRATIVE AND CONDITIONAL USE PERMITS

18.64.020 Process.

A. *Administrative Use Permits.* An application for an administrative use permit shall be reviewed in accordance with ACC Title [14](#) as a Type II decision, subject to the additional provisions of this section. The planning director or designee shall make the final decision unless the application is forwarded to the hearing examiner pursuant to subsection [\(A\)\(2\)](#) of this section, in which case the hearing examiner will make the final decision.

1. *Additional Public Notice Requirements.* Administrative use permits for uses in the following zones shall be subject to the additional public notice requirements in subsections [\(A\)\(1\)\(a\)](#) and [\(b\)](#) of this section: R-C residential conservancy zone, C-N neighborhood shopping district, C-1 light commercial district, C-2 neighborhood business district, C-3 heavy commercial district, M-1 light manufacturing district, M-2 heavy manufacturing district, ~~BP business park district~~:

- a. The mailing radius requirement of ACC [14.07.040\(A\)](#) shall be increased to 500 feet; and
- b. In addition to the methods of providing notice required by ACC [14.07.040](#), public notice shall be posted on the city's website.

2. Following the public comment period provided for in ACC Title [14](#), the planning director or designee shall:

- a. Review the information in the record and render a decision pursuant to the procedural requirements of ACC Title [14](#); or
- b. Within 10 days following the close of the public comment period, forward the application to the hearing examiner for a public hearing and final decision in accordance with Chapter [2.46](#) ACC if the planning director or designee determines that one or more of the following exists:
 - i. Public comments indicate a substantial degree of concern, controversy, or opposition to the proposal; or
 - ii. A public hearing is necessary to address issues of vague, conflicting, or inadequate information; or
 - iii. The application raises a sensitive or controversial public policy issue; or
 - iv. A public hearing might clarify issues involved in the permit decision.
- c. When a public hearing before the hearing examiner is deemed necessary by the planning director or designee:

- i. The city shall provide written notice to the applicant within 10 days following the closing of the public comment period that the application is being forwarded to the hearing examiner for public hearing and decision pursuant to the procedural requirements of this chapter. The notice shall specify the reason the application is being forwarded to the hearing examiner;
- ii. Processing of the application shall not proceed until any supplemental permit review fees set forth in the city of Auburn fee schedule are received; and
- iii. The application shall be deemed withdrawn if the supplemental fees are not received within 30 days of the applicant notification by the city.

B. *Conditional Use Permits.* An application for a conditional use permit shall be reviewed in accordance with ACC Title [14](#) as a Type III decision. A request for a conditional use permit shall be heard by the hearing examiner in accordance with the provisions of Chapter [2.46](#) ACC. The hearing examiner shall make the final decision.

C. When a proposal includes more than one element that requires administrative use and/or conditional use approval, the following review processes shall apply:

1. For proposals with multiple administrative use elements, a single administrative use permit application will be required; provided, that findings of fact pursuant to ACC [18.64.040](#) are made for each element.
2. For proposals with administrative and conditional use elements, a single conditional use permit application will be required; provided, that findings of fact pursuant to ACC [18.64.040](#) are made for each element. (Ord. 6442 § 24, 2012; Ord. 6269 § 22, 2009; Ord. 6185 § 5, 2008; Ord. 5811 § 6, 2003; Ord. 4875 § 1, 1996; Ord. 4840 § 1, 1996; Ord. 4304 § 1(45), 1988; Ord. 4229 § 2, 1987.)_

Chapter 3.60

SALES OR USE TAX

3.60.036 Construction sales tax exemption.

A.

1. The following purchasers in the eligible target business class who have paid the tax imposed by this chapter on construction materials, fixed equipment, or machinery installation, or on sales of or charges made for labor and services rendered in respect to such construction or installation of such machinery or equipment, are eligible for an exemption as provided for in this section: for property zoned downtown urban center (DUC), C-3 (heavy commercial district), and C-4 (mixed-use commercial), purchases directly related to the construction of new commercial buildings or redevelopment of existing vacant buildings 25,000 square feet or greater or expansion of existing commercial buildings that creates new or expanded building floor area that generates sales tax revenue.
2. For property zoned downtown urban center (DUC), purchases directly related to the construction of new commercial buildings less than 25,000 square feet, or redevelopment of existing buildings less than 25,000 square feet, where the cost of the improvement is at least 25 percent of the current assessed value of the improvements on the property pursuant to the assessment records of King or Pierce County, as applicable.
3. For property zoned M-1 (light industrial district) and M-2 (heavy industrial district), purchases directly related to the construction of new commercial buildings, redevelopment of existing buildings that result in a change of occupancy from warehouse use to manufacturing use, or redevelopment of existing buildings where the cost of the improvement is at least 25 percent of the current assessed value of the improvements on the property pursuant to the assessment records of King or Pierce County, as applicable.

B. A purchaser is eligible for an exemption specified under this section from the local sales and use tax paid under this chapter, as authorized under RCW [82.14.030\(2\)](#), up to a maximum of 20 percent of taxes imposed and paid to the city of Auburn not to exceed \$100,000. The purchaser is eligible for an exemption under this section in the form of a refund.

C. For purposes of this section, the following definitions apply:

1. “Change of occupancy” means a change of the purpose for which a building is used or intended to be used. The term shall also include the building or portion thereof in which such change of occupancy is made. Change of occupancy is not intended to include change of tenants or proprietors.

2. “Commercial building” means a structure that has, as its primary purpose, a commercial use as that term is defined in ACC [18.04.240](#).
3. “Expansion” means to add to the floor area of a building.
4. “Purchaser” means a person or entity that is the recipient of a good or service.

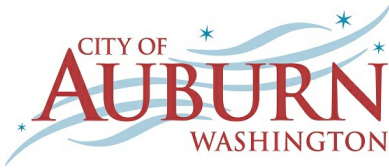
D. *Eligible Target Business Classes.*

1. The construction sales tax exemption specified in subsection [\(A\)\(1\)](#) of this section shall only apply to those businesses engaged in normal business activities under the following classifications of businesses occurring within the specified zoning designations:
 - a. General Merchandise, Warehouse Club, SuperCenter – Sales Tax Classification Code 45291;
 - b. Building Materials and Garden Home Center – Sales Tax Classification Code 44411;
 - c. Electronics and Appliances – Sales Tax Classification Code 44311;
 - d. Full Service Restaurants – Sales Tax Classification Code 722110;
 - e. New and Used Automobile and Light Utility Truck Dealers – Sales Tax Classification Code 44110;
 - f. Bowling Centers – Sales Tax Classification Code 713950;
 - g. Motion Picture Theaters (excluding drive-in theaters) – Sales Tax Classification Code 512131;
 - h. Hotels – Sales Tax Classification Code 72110; and
 - i. Residential Buildings and Dwellings within the DUC Only – North American Industry Classification System Code 531110.
2. The construction sales tax exemptions specified in subsections [\(A\)\(2\)](#) and [\(3\)](#) of this section shall apply to all businesses located in the DUC, ~~EP~~, M-1, and M-2 zoning districts as set forth in those subsections.

E. *Application for Refund.*

1. A purchaser claiming an exemption and applying for a refund under this section must pay the tax imposed by ACC [3.60.020](#). The purchaser may then apply to the city for a refund in a form and manner prescribed by the city and shall submit information that the city deems adequate to justify the exemption, including but not limited to:
 - a. Identification of the vendor/contractor;
 - b. North American Industry Classification System (NAICS) code under which the tax was reported;

-
- c. Name and Unified Business Identifier (UBI) number of the vendor/contractor on the combined excise tax return filed with the state of Washington; and
 - d. Detailed information supporting the amounts reported under the state use and sales tax section of the above report for location codes 1702 and 2724.
2. A purchaser may not apply for a refund under this section more frequently than once per quarter. The purchaser must specify the amount of exempted tax claimed and the qualifying purchases for which the exemption is claimed. The purchaser must retain all records provided to the city in making its claim.
3. The city shall determine eligibility under this section based on the information provided by the purchaser, which is subject to audit verification by the city. If the city verifies eligibility, it shall remit eligible taxes paid to the purchaser.
- F. *Appeals.* Any applicant aggrieved by an action of the city concerning eligibility or computation of remittance under this section may file a written appeal to the city's hearing examiner in accordance with Chapter [2.46](#) ACC within 14 calendar days of receipt of the city's decision. The hearing examiner is specifically authorized to hear and decide such appeals and the decision of the hearing examiner shall be the final action of the city.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5676 (Comeau)

Department:

City Council

Attachments:

[Resolution No. 5676](#)

[Council ROP with Revisions 9.15.2022](#)

Date:

September 14, 2022

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Resolution No. 5676.

Background for Motion:

The City Council reviews their Rules of Procedure periodically and makes updates as needed. The full Council reviewed the changes proposed by the ad hoc committee at the August 29, 2022 Study Session.

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

Councilmember: Jeyaraj

Meeting Date: September 19, 2022

Staff:

Comeau

Item Number:

RES.A

RESOLUTION NO. 5676

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING THE CITY COUNCIL RULES OF PROCEDURE

WHEREAS, the City Council adopted its Rules of Procedure on February 4, 2004, per Ordinance No. 5802, which provided that future amendments would be made by resolution; and

WHEREAS, the City Council most recently revised the Rules of Procedure on September 8, 2020, Resolution No. 5543; and

WHEREAS, the City Council has decided to amend its rules again to implement current law and to make necessary clarifying changes.

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

Section 1. The Rules of Procedure of the City Council are amended to read in substantially the same form as the Rules attached hereto 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: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON

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RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON

SECTION 1 AUTHORITY

The Auburn City Council establishes the following rules for the conduct of Council meetings, proceedings and business. These rules shall be in effect on adoption by resolution of Council and until they are amended or new rules are adopted. The Deputy Mayor will coordinate a review of these rules at least once every calendar year.

SECTION 2 COUNCIL MEETINGS

All meetings of the City Council shall be open to the public and all persons shall be permitted to attend, both in person and virtually, any meeting of this body, except as provided in RCW Chapter 42.30.

The City Clerk¹ is responsible for preparing agendas for all City Council meetings.²

The City Clerk is responsible for preparing action minutes of all of the Council meetings, that contain an account of all official actions of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law.

2.1 **Regular Meetings.** Regular meetings of the City Council shall be held at 7:00 p.m. on the first and third Mondays of every month in the City Hall Council Chambers located at 25 West Main Street, Auburn, Washington.³ The regular meeting location may be changed by a majority vote of the City Council.

~~Four or more Councilmembers will constitute a quorum for the transaction of business.~~

A. If a scheduled Regular Council meeting falls on a legal holiday, the meeting shall be held at 7:00 p.m. on the first business day following the holiday.

B. The Mayor, as presiding officer, shall be seated at the center of the dais, and the Deputy Mayor shall be seated to the presiding officer's immediate left. When the Deputy Mayor is acting as the presiding officer, in the absence of the Mayor, the Deputy Mayor shall be seated in the center of the dais. The seating arrangement for the other members of the Council shall be as determined and directed by the Deputy Mayor. The seating arrangement will be decided once every calendar year.

¹The City Clerk may delegate any of the duties in these Rules to staff.

²ACC 2.03.100

³ACC 2.06.010(A), 2.06.020

[See ACC 2.06.010 (Ord. 3916 § 1, 1983; 1957 code § 1.04.010); ACC 2.06.020 (Ord. 3759 § 1, 1982; 1957 code § 1.04.020); ACC 2.06.030 (1957 code § 1.04.060); ACC 2.06.080 (1957 code § 1.04.090).]

2.2 **Study Sessions.** Study Sessions of the City Council shall be held at 5:30 p.m. on the second, fourth and fifth Mondays of every month in the City Hall Council Chambers located at 25 West Main Street, Auburn, Washington.⁴ The regular meeting location, including making the location a virtual forum, for Study Sessions may be changed by a majority vote of the City Council.

~~A. Four or more Councilmembers will constitute a quorum for the transaction of business.~~

~~B.A.~~ If a scheduled Study Session falls on a legal holiday, the meeting shall be held at 5:30 p.m. on the first business day following the holiday.

B. Study Sessions seating arrangement shall be located in the floor space directly in front of the dais, unless there is a public health emergency in effect. The table layout for Council and presenters and speakers shall be arranged to provide for maximum visibility of all attendees. The Deputy Mayor and the Special Focus Area chairperson for the scheduled focus area per the agenda shall be at a designated head table. No particular seating arrangement shall be required for other members of the Council, or for the Mayor for Study Sessions.

C. The Council shall not take final action at a Study Session. For purposes of this rule, "final action" by the council means a collective positive or negative decision, or an actual vote on a motion, proposal, resolution, order or ordinance.⁵ Procedural parliamentary motions are not considered final action.

2.3 **Special Meetings.** A special meeting of the City Council may be called by the Mayor or any three members of the Council by written notice delivered to each member of the Council at least 24 hours before the time specified for the proposed meeting. Meeting notices shall be delivered by reasonable methods. Those methods can include email notification in addition to notice on the agency's website and principal location. The City Clerk shall provide the written notices. No ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed, at any special meeting unless public notice of that meeting has been given by notice to the local press, radio and television that is reasonably calculated to inform the city's inhabitants of the meeting.⁶

[See ACC 2.06.040 (1957 code § 1.04.070).]

⁴ ACC 2.06.010(B), 2.06.020

⁵ RCW 42.30.020(2)

⁶ ACC 2.06.040; RCW 35A.12.110

2.4 **Emergency Meetings.** Emergency meetings may be called by the Mayor in case of an emergency. Meeting site notice requirements do not apply.

2.5 **Closed or Executive Sessions.** A Council meeting that is closed to the public. Council, the Mayor, City Attorney and authorized staff members and/or consultants may attend.

Closed and Executive sessions may be held during Regular meetings, Study Session meetings, and Special meetings of the City Council, and will be announced by the presiding officer. Closed and Executive session subjects are limited to considering those matters permitted by State law.⁷

~~[See former AGC 2.06.070 (1957 code § 1.04.080).]~~

2.6 **Cancellation of Meetings.** Meetings may be canceled by the Mayor with the concurrence of the Deputy Mayor or, in the absence of either, by the Mayor or the Deputy Mayor, or by a majority vote of the City Council, and proper notice given by the City Clerk.

2.7 **Quorum.** Four (4) or more Councilmembers will constitute a quorum for the transaction of business.

SECTION 3 ORDER OF BUSINESS FOR REGULAR COUNCIL MEETING AGENDA

All items to be included on the Council's agenda for consideration should be submitted to the City Clerk, in full by 12:00 Noon on the Tuesday preceding each regular Council meeting. The City Clerk shall then prepare a proposed agenda according to the order of business, for approval by the Mayor, or their designee. A final agenda will then be prepared by the City Clerk and distributed to Councilmembers as the official agenda for the meeting.

3.1 The agenda format of the Regular City Council meeting shall be as follows:

A. **Call to Order.** The Mayor shall call the meeting to order.

B. **Land Acknowledgement.** ~~The Mayor shall make a land acknowledgement.~~

⁷ RCW 42.30.110(1), 42.30.140

A.C. **Public Participation.** This is the place in the agenda where the public is informed on how to participate in the public meeting and/or instructed on the available options to view the public meeting.

B.D. **Pledge of Allegiance.** The Mayor, Councilmembers and, at times, invited guests will lead the Pledge of Allegiance.

C.E. **Roll Call.** The City Clerk will call the roll.

D.F. **Announcements, Proclamations and Presentations.** A proclamation is defined as an official announcement made by the Mayor or the City Council regarding a non-controversial event, activity or special interest group which has a major city-wide impact.

E.G. **Appointments.** Appointing individuals to various committees, boards and commissions. Confirmation of appointments, where confirmation is called for, may be preceded by discussion in executive session, where appropriate.

F.H. **Agenda Modifications.** Changes to the Council's published agenda are announced at this time.

G.I. **Public Hearings and Appeals.** Individuals may comment on public hearing and appeal items by submitting written comments to the City Clerk in advance of the public hearing or by participating in the forum designated by the public hearing notice. However, if an appeal is a closed-record appeal, the matter shall be considered only based on information, evidence and documents in the record. Argument on the appeal shall refer only to matters, information, documents and evidence presented at the underlying hearing from which the appeal is taken, and no new information, evidence or documents may be added, and argument on the appeal may only deal with information, evidence and documents in the record. The presiding officer will state the public hearing and/or appeal procedures before each hearing.

H.J. **Public Comment.Audience Participation.** Members of the public audience may comment on items relating to any matter related to City business under the Public Comment portion of the meeting agenda. Section 10 of these Rules sets forth the procedures for receiving public comments. Audience Participation period. Comments are limited to three (3) minutes per person, and a total of fifteen (15) minutes per topic. Groups who have a designated speaker may have a total of ten (10) minutes to speak. Public comments sign-up forms will be available at the City Clerk's desk, or at a location in the council chambers that is designated for sign-up forms and agenda forms, at each meeting for use of those citizens wishing to address the Council. The City Clerk shall serve as timekeeper. The

~~presiding officer may make exceptions to the audience participation time restrictions when warranted.~~

~~Members of the audience may also speak on individual agenda items on the printed agenda at the time they are considered by the Council as requested by the presiding officer.~~

I.K. Correspondence.

J.L. Council Ad Hoc Committee Reports. Council ad hoc Committee Chairs, or designee, may report on the status of their ad hoc Council Committees' progress on assigned tasks and may give their recommendations to the City Council, if any. The Chair of an ad hoc committee must notify the Mayor, Deputy Mayor, City Clerk, and most senior member of the ad hoc committee in advance of any anticipated absence.

K.M. Consent Agenda. Approval of the Consent Agenda, including items considered to be routine and non-controversial, may be approved by one motion. Items on the Consent Agenda include but are not limited to the following. Any Councilmember may remove any item from the Consent Agenda for separate discussion and action.

1. Approval of minutes.
2. Fixing dates for public hearings and appeals.
3. Approval of claims and vouchers, bid awards and contracts.
4. Approval of surplus property.
5. Other items designated by the City Council.

L.N. Unfinished Business. Unfinished business of a general nature that was considered by Council at a previous business meeting.

M.O. New Business. Business, other than ordinances and resolutions, that has not been previously before the City Council and items that are removed from the Consent Agenda for separate discussion and action. {Councilmembers are encouraged to may provide the Mayor or Deputy Mayor a heads up information regarding the topic of on any new business 48 hours prior to the Council meeting to be added on the Agenda.}

N.P. Ordinances.

1. All ordinances shall be in writing. Titles may be read aloud before the ordinance is voted on. Any councilmember may request a full

reading of the text of a proposed ordinance before the vote on its adoption. The request for a full reading of an ordinance does not need to be voted on. However, the request for a reading of the title of the proposed ordinance, or a full reading of the text of the proposed ordinance may be waived by a majority of the councilmembers in attendance at the council meeting.

2. Before any ordinance is considered for adoption by the City Council, the ordinance shall be included on a Study Session agenda. Council may waive this rule.

After a motion to adopt an ordinance has been made and seconded, the Councilmember making the motion is encouraged to give a brief description of the issues involved with the ordinance, without simply repeating the ordinance title, and may choose to comment on any results of Council discussion or action regarding the issue.

Discussion and debate by the City Council on ordinances will be held before the vote on an ordinance. Councilmembers may approve, reject, or amend the ordinance, or postpone the action and direct staff to further review the proposed ordinance.

An ordinance shall be adopted by a vote of at least a majority of the whole membership of the Council, provided, that public emergency ordinances require a vote of a majority plus one of the whole Council membership. A public emergency ordinance is one designated to protect public health and safety, public property, or public peace.

9.9. Resolutions. All resolutions shall be in writing. Titles may be read aloud before the resolution is voted on. Any councilmember may request a full reading of the text of a proposed resolution prior to the vote on its passage. The request for a full reading of a resolution does not need to be voted on. However, the request for a reading of the title of the proposed resolution, or a full reading of the text of the proposed resolution may be waived by a majority of the councilmembers in attendance at the council meeting.

After a motion to pass a resolution has been made and seconded, the Councilmember making the motion is encouraged to give a very brief description of the issues involved with the resolution without simply repeating the resolution title, and the councilmember may choose to comment on any results of Council discussion or action regarding the issue.

Discussion and debate by the City Council on resolutions will be held before the vote on a resolution. Councilmembers shall decide whether or not to amend the resolution, or direct staff to further review the proposed resolution.

A resolution shall be passed by a majority vote of a quorum of the Council, provided that passage of any resolution for the payment of money or that grants or revokes a franchise or license, shall require the affirmative vote of at least a majority of the whole membership of the Council.

~~P.R.~~ **Mayor and Councilmember Reports.** The Mayor and Councilmembers may report on their significant City-related activities associated with ~~to their appointed positions on federal, state, regional, City, and~~ local organizations, —since the last regular meeting. The Mayor and Councilmembers shall limit their reports to not more than three (3) minutes, with sensitivity to avoiding duplicate reporting.

~~Q.S.~~ **Adjournment.**

3.2 **Recess.** The foregoing agenda may be interrupted for a stated time as called by the presiding officer to recess for any reason, including closed or executive sessions.

3.3 **Amendment to Agenda.** The sequence of handling items on the agenda of a particular Regular Council Meeting may be amended from order listed on the printed/approved agenda as follows:

A. **Motion to Suspend the Rules.** Any member of the City Council may move to suspend the rules to allow an item on the agenda to be considered at a different order or placement in the agenda.

~~B.~~ **Adjustment of Agenda by Presiding Officer.** The presiding officer may adjust the order of items on the agenda, or add items to the agenda if agreed upon by the Mayor and the Deputy Mayor, subject to being overruled by a majority vote of the Council.

~~B.~~

~~[See former ACC 2.06.110 (Ord. 5687 § 1, 2002; Ord. 4166 § 2, 1986); ACC 2.06.120 (1957 code § 1.04.120.); ACC 2.06.140 (1957 code § 1.04.140.); ACC 2.06.170 (1957 code § 1.04.190.); ACC 2.06.180 (Ord. 5635 § 2, 2002; 1957 code § 1.04.200).]~~

SECTION 4 COUNCILMEMBER ATTENDANCE AT MEETINGS

4.1 **Council Meetings.**

A. Councilmembers shall attend all scheduled meetings, including committee meetings. Councilmembers shall inform the Mayor or the City Clerk if they

are unable to attend any Regular Council meeting, or if they knowingly will be late to any such meetings, or unable to stay for the entire meeting. Councilmembers shall inform the Chair of [the](#) committee and the City Clerk if they are unable to attend a meeting.

A Councilmember will be excused from a meeting if they have submitted a request to the Mayor or City Clerk in advance of the meeting. Written requests should be submitted whenever possible, by email. If the request is made the day of the meeting, it may be made by telephone or in person. The reason for the request shall be given at the time of the request. Excessive, continued or prolonged absences may be addressed by the City Council on a case-by-case basis.

Additionally, Councilmembers shall notify the Deputy Mayor of anticipated absences.

[See ACC 2.06.050 and RCW 35A.12.060]

- B. Councilmembers may participate remotely at Council meetings via telephone, video conference, or other approved electronic means and within strict limited circumstances and only as authorized and approved by the Mayor and with notification to the Deputy Mayor. If a Councilmember appears remotely for a Council meeting, the Councilmember will use the City of Auburn approved virtual background. Technical circumstances shall be considered as to the acceptability of remote attendance. Council prefers in-person attendance when possible.
- C. Remote attendance of the entire council may be permissible when and if a declaration of emergency is declared locally, regionally, state wide, and/or nationally that would prohibit in person attendance by councilmembers. The Mayor shall direct remote attendance of the council as necessary ~~in these circumstances~~ and when it is in the interest of the City to conduct council business.

[See ACC 2.06.050 and RCW 35A.12.060]

4.2 Study Sessions.

- A. Councilmembers shall attend all ~~scheduled meetings, including~~ Study Sessions. Councilmembers shall inform the Mayor or the City Clerk and the Deputy Mayor if they are unable to attend a Study Session, or if they knowingly will be late to any such meeting, or unable to stay for the entire meeting. Councilmembers shall also inform the Chair of ad hoc committees, and Special Focus Areas if they are unable to attend a such meetings.

A Councilmember will be excused from a meeting if they have submitted a request to the Mayor or City Clerk and the Deputy Mayor in advance of the meeting. Written requests should be submitted whenever possible, by email. If the request is made the day of the meeting, it may be made by telephone or in person. The reason for the request shall be given at the time of the request. Excessive, continued or prolonged absences may be addressed by the City Council on a case-by-case basis.

[See ACC 2.06.050 and RCW 35A.12.060]

- B. Councilmembers may participate remotely at Study Sessions under the same protocol set forth in Section 4.1B-C.
- 4.3. **Ad Hoc Council Committee Meetings.** Attendance at Ad Hoc Council Committee meetings and Special meetings will not be considered “regular meetings” for the purposes of RCW 35A.12.060, applicable to Regular City Council meetings. However, unexcused absences from any Regular or Special meetings, or Ad Hoc Committee meetings, is a violation of these Rules of Procedure.
- 4.4 **Use of Cell Phones Prohibited.** At all meetings of the City Council, Councilmembers are prohibited from using cell phones or other personal communication devices, and shall not send or receive and read e-mails, text messages, or any other social media postings.
- 4.5 **Department.** Councilmembers shall refrain from side conversations with other individual Councilmembers. Councilmembers shall also refrain from inappropriate or derogatory body language, comments, or any other actions that detract from the department of the City Council.

SECTION 5 PRESIDING OFFICER - DUTIES

5.1 Conduct of Meetings.

A. The Mayor will preside over all Regular and Special Meetings of the Council. If the Mayor is absent, the Deputy Mayor will preside. If both the Mayor and Deputy Mayor are absent, the Senior Councilmember will preside.

B. The Deputy Mayor will preside over Council Study Sessions, other than those portions for which Special Focus Areas are scheduled. If the Deputy Mayor is absent, the Special Focus Area Chair will preside. If both the Deputy Mayor and the Special Focus Area Chair are absent, the Senior Councilmember will preside.

B.

C. The Chair of a Special Focus Area must notify the Mayor, City Clerk, and Vice Chair of the Special Focus Area in advance of any anticipated absence.

The Mayor is encouraged to attend Study Sessions.

~~[See former ACC 2.06.090 (1957 code § 1.04.100).]~~

5.2 The Presiding Officer:

- A. Shall preserve order and decorum at all meetings of the Council and cause the removal of any person in the audience from any meeting who disrupts the meeting after having been warned to cease the disruptive behavior.
- B. Shall observe and enforce all rules adopted by the Council.
- C. Shall decide all questions on order, in accordance with these rules, subject to appeal by any Councilmember.
- D. May affix approximate time limits for each agenda item.

~~[See former ACC 2.06.100 (1957 code § 1.04.170.); ACC 2.06.190 (1957 code § 1.04.210).]~~

SECTION 6 COUNCILMEMBERS

- 6.1 **Remarks.** Councilmembers who wish to speak shall address the presiding officer, and when recognized, shall confine themselves to the question under debate.
- 6.2 **Questioning.** Any member of the Council, and the Mayor, shall have the right to question any individual, including members of the staff, on matters related to the issue properly before the Council for discussion.
- 6.3 **Obligation to the Public Agency.** Notwithstanding the right of Councilmembers to express their independent opinions and exercise their freedom of speech, Councilmembers should act in a way that reflects positively on the reputation of the City and of the community. Councilmembers shall also interact with other members of the City Council and City staff in ways that promote effective local government.
- 6.4 **Council Training.** Councilmembers shall participate in training offered by individuals, agencies, entities and organizations including but not limited to the Association of Washington Cities and the State of Washington. This includes initial orientation after taking office, and other required or recommended training.
- 6.5 **Participation in Committees, Agencies and Organizations.** To better represent the interests of the City of Auburn, Councilmembers are encouraged to participate in assignments to local, regional, state and national committees, agencies and organizations.

~~[See former ACC 2.06.130 (1957 code § 1.04.130).]~~

SECTION 7 DEBATES

- 7.1 **Speaking to the Motion.** No member of the Council, or the presiding officer, shall speak more than twice on the same motion except by consent of the presiding officer or a majority of the Councilmembers present at the time the motion is before the Council. The Presiding Officer shall recognize Councilmembers in the order in which they request the floor. The Councilmember who made a motion shall be permitted to speak to it first. The presiding officer may also allow discussion of an

issue before stating a motion when such discussion would facilitate wording of a motion.

- 7.2 **Interruption.** No member of the Council, or the presiding officer, shall interrupt or argue with any other member while such member has the floor, other than the presiding officer's duty to preserve order during meetings as provided in Section 5.2.A of these rules.
- 7.3 **Courtesy.** Members of the Council and the presiding officer, in the discussion, comments, or debate of any matter or issue shall address their remarks to the presiding officer, be courteous in their language and deportment, and shall not engage in or discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant to the question or matter under discussion.
- ~~7.4~~ **Challenge to Ruling.** Any member of the Council shall have the right to challenge any action or ruling of the presiding officer, in which case the decision of the majority of the members of the Council present shall govern.

~~7.5~~
~~[See former ACC 2.06.130 (1957 code § 1.04.130).]~~

~~7.6~~ 7.4

SECTION 8 PARLIAMENTARY PROCEDURES AND MOTIONS

- 8.1 Unless specifically provided in these rules, all City Council meeting discussions shall be governed by *ROBERTS RULES OF ORDER, NEWLY REVISED* (latest edition).
- 8.2 If a motion does not receive a second, it dies. Matters that do not constitute a motion (and for which no second is needed) include nominations, withdrawal of motion by the person making the motion, request for a roll call vote, and point of order or privilege.
- 8.3 A motion that receives a tie vote fails. Except where prohibited by law, the Mayor, as presiding official, shall be allowed to vote to break a tie vote.
- 8.4 Motions shall be stated in the affirmative. For example, "I move to approve" as opposed to "I move to reject." Councilmembers shall be clear and concise and not include arguments for the motion within the motion.
- 8.5 After a motion has been made and seconded, the Councilmembers may discuss their opinions on the issue prior to the vote.

- 8.6 If any Councilmember wishes to abstain from a vote on a motion that Councilmember shall so advise the City Council, shall remove and absent themselves from the deliberations and considerations of the motion, and shall have no further participation in the matter. The Councilmember should make this determination before any discussion or participation on the subject matter or as soon thereafter as the Councilmember identifies a need to abstain. Councilmember may confer with the City Attorney to determine whether the Councilmember is required to abstain.
- 8.7 A motion to table is non-debatable and shall preclude all amendments or debates of the issue under consideration. A motion to table effectively removes the item without a time certain. A motion to table to a time certain will be considered a motion to postpone as identified in Section 8.8. To remove an item from the table requires a two-thirds' majority vote.
- 8.8 A motion to postpone to a certain time is debatable, is amendable and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or to a time certain at a future Regular or Special City Council meeting. To remove an item from postponement in advance of the time certain requires a two-thirds' majority vote.
- 8.9 A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if it received an affirmative vote.
- 8.10 A motion to call for the question shall close debate on the main motion and is not debatable. This motion must receive a second and fails without a two-thirds' vote; debate is reopened if the motion fails.
- 8.11 A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.
- 8.12 Motions that cannot be amended include: Motion to adjourn, lay on the table (table), roll call vote, point of order, reconsideration and take from the table.
- 8.13 A point of order can be raised by any member of the governing body. A member of the governing body can appeal the chair's ruling. An appeal must be immediate and must be seconded. The chair will then explain the ruling. The members of the governing body can debate the matter, each member may speak once. The members of the governing body will then make a decision on the appeal by a majority vote.
- 8.13.14 Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).

~~8.148.15~~ Debate of the motion only occurs after the motion has been moved and seconded.

~~8.158.16~~ The presiding officer, City Attorney or City Clerk should repeat the motion prior to voting.

~~8.168.17~~ When a question has been decided, any Councilmember who voted with the prevailing side may move for reconsideration at the same, or the next meeting. In order to afford Councilmembers who voted with the prevailing side the potential basis for a motion for reconsideration, Councilmembers who voted with the prevailing side may inquire of Councilmembers who voted with the minority as to the reasons for their minority vote, if not stated during debate prior to the vote. A motion for reconsideration is debatable if the motion being reconsidered was debatable. If the motion being reconsidered was not debatable, the motion for reconsideration is not debatable.

~~8.178.18~~ The City Attorney shall act as the Council's parliamentarian and shall advise the Presiding Officer on all questions of interpretations of these rules which may arise at a Council meeting.

~~8.18~~ These rules may be amended, or new rules adopted, by a majority vote of the full Council.

~~8.19~~
~~[See former ACC 2.06.160 (1957 code § 1.04.180.); ACC 2.06.170 (1957 code § 1.04.190.); ACC 2.06.200 (1957 code § 1.04.220.); ACC 2.06.210 (1957 code § 1.04.230).]~~

~~8.208.19~~

SECTION 9 VOTING

9.1 **Voice vote.** A generalized verbal indication by the Council as a whole of "aye or yes" or "nay or no" vote on a matter, the outcome of which vote shall be recorded in the official minutes of the Council. Silence of a Councilmember during a voice vote shall be recorded as a "no" vote except where a Councilmember abstains because of a stated conflict of interest or appearance of fairness issue.

If there is uncertainty as to the outcome of a voice vote, the presiding officer or any councilmember may ask for a raise of hands for the ayes or nays.

9.2 **Roll Call Vote.** A roll call vote may be requested by the presiding officer or by any Councilmember. The City Clerk shall conduct the roll call vote.

9.3 **Abstentions.** It is the responsibility of each Councilmember to vote when requested on a matter before the full Council. A Councilmember may only abstain

from discussion and voting on a question because of a stated conflict of interest or appearance of fairness.

- 9.4 **Votes by Mayor.** Except where prohibited by law, the Mayor, as presiding official, shall be allowed to vote to break a tie vote.

~~[See former ACC 2.06.150 (1957 code § 1.04.150).]~~

SECTION 10 COMMENTS, CONCERNS AND TESTIMONY TO COUNCIL

10.1 Persons or groups specifically scheduled on a Council meeting agenda may address the Council in accordance with the ~~topics and~~ speaking times included on the agenda.

10.2 Persons or groups that ~~ing the Council, who~~ are not specifically scheduled on the agenda, may address the council by filling out a speaker sign-in sheet (available at the City Clerk's desk or at a designated location within the council chambers), and (when recognized by the council) stepping up to the podium and giving their name and address for the record.

Unscheduled public comments to the Council are subject to the following rules:

1. Remarks will be limited to 3 minutes. The City Clerk shall use a suitable device to electronically measure speaker time. The presiding officer may make discretionary exceptions to speaker time restrictions;

2. Speakers may not "donate" their speaking time to any other speaker;

3. Remarks will be addressed to the Council as a whole. ~~will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes, in addition to filling out the speaker sign-in sheet available at the City Clerk's desk or at a designated location in the council chambers. No person may "donate" their time to another speaker. All remarks will be addressed to the Council as a whole. The City Clerk shall serve as timekeeper. The presiding officer may make exceptions to the time restrictions of persons addressing the Council when warranted, in the discretion of the presiding officer.~~

10.3 Meeting interruptions. Any speaker or person who interrupts the orderly conduct of a meeting may be barred from further participation in the meeting by the presiding officer, unless permission to continue is granted by a majority of Councilmembers present. Examples of interruptions under this rule include: ~~causes actual disruption by~~

1. failing to comply with ~~an~~ the allotted speaking time;

~~2. continuing to address items that are not on the council agenda;~~

~~23. committing acts of violence or property destruction;~~

~~34. directly or indirectly threatening physical violence against anyone attending the meeting;~~

~~45. interfering with the meeting or with other speakers through vocal interruptions or disruptive action.~~

~~If a meeting interruption occurs, the Presiding Officer shall address the person(s) causing the interruption by citing the interrupting conduct, ordering it to stop, and warning that continuation may result in removal from the meeting.~~

~~The Presiding Officer may remove the interrupting person(s) if the conduct persists after the warning. If removal of the person(s) does not restore the meeting to order, the Presiding Officer may clear the room of spectators and continue the meeting, or adjourn the meeting and reconvene it at a different location selected by Council majority.⁸ established for the individual speaker's public comment, making personal attacks, using hate speech, making slanderous remarks or other disruptive conduct while addressing the Council shall be barred from further participation by the Presiding Officer, unless permission to continue is granted by a majority vote of Councilmembers present.~~

~~10.1 The three (3) minute designation shall be electronically timed by means of a suitable device with the City Clerk as the designated time keeper.~~

~~[See former ACC 2.06.130 (1957 code § 1.04.130).]~~

SECTION 11 PUBLIC HEARINGS AND APPEALS

11.1 Quasi-judicial hearings require a decision be made by the Council using a certain process, which may include a record of evidence considered and specific findings made. The following procedure shall apply:

- A. The Department Director of the department most affected by the subject matter of the hearing, or that Director's designee, will present the City's position and findings. Staff will be available to respond to Council questions.

⁸ RCW 42.30.050

- B. The proponent spokesperson shall speak first and be allowed (10) minutes. Council may ask questions.
 - C. The opponent spokesperson shall be allowed ten (10) minutes for presentation and Council may ask questions.
 - D. Each side shall then be allowed five (5) minutes for rebuttal, with the proponent spokesperson speaking first, followed by the opponent spokesperson.
 - E. The City Clerk shall serve as timekeeper during these hearings.
 - F. After each proponent and opponent spokesperson have used their speaking time, Council may ask further questions of the speakers, who shall be entitled to respond but limit their response to the question asked.
- 11.2 Public hearings where a general audience is in attendance to present arguments for or against a public issue:
- A. The Department Director or designee shall present the issue to the Council and respond to questions.
 - B. A person may speak for three (3) minutes. No one may speak for a second time until everyone who wishes to speak has had an opportunity to speak. The presiding officer may make exceptions to the time restrictions of persons speaking at a public hearing when warranted, in the discretion of the presiding officer.
 - C. The City Clerk shall serve as timekeeper during these hearings.
 - D. After the speaker has used their allotted time, Council may ask questions of the speaker and the speaker may respond, but may not engage in further debate.
 - E. The hearing will then be closed to public participation and open for discussion among Councilmembers.
 - F. The presiding officer may exercise changes in the procedures at a particular meeting or hearing, but the decision to do so may be overruled by a majority vote of the Council.

SECTION 12 DEPUTY MAYOR

12.1 Annually or more often as deemed appropriate, the members of the City Council, by majority vote, shall designate one of their members as Deputy Mayor for a one year time period, except as provided in Section 12.1, Paragraphs G and H. Elections will be held no later than the last Council meeting of the year.

- A. Any member of the City Council who will have served on the Council for one year at the beginning for that Councilmember's terms as Deputy Mayor, may be nominated for the position of Deputy Mayor by having that Councilmember's name placed in nomination by a Councilmember. The nomination of a councilmember for the position of Deputy Mayor does not require a second, and a councilmember may nominate him or herself.
 - 1. Nominations for the position of Deputy Mayor shall be made by members of the City Council on the dates of election for the Deputy Mayor position.
 - 2. In connection with the selection of Deputy Mayor, it is strongly suggested that councilmembers approach the election in an open, transparent and respectful manner, avoiding anything that jeopardizes harmony among councilmembers.
- B. The Councilmember receiving a majority of the votes cast by the members of the City Council shall be elected Deputy Mayor. A Councilmember may vote for him or herself.
- C. The names of all nominees for the position of Deputy Mayor shall be included in the vote.
- D. If no single Councilmember received a majority of the votes cast, a second vote/ballot between the two nominees who received the largest number of votes will be held.⁹
- E. The Deputy Mayor shall serve at the pleasure of the Council.
- F. In the event of the absence or unavailability of the Deputy Mayor, the senior member of the City Council, other than the Deputy Mayor, shall serve as interim Deputy Mayor until the return of the regular Deputy Mayor.
- G. If the designated Deputy Mayor is unable to serve the full term of the position of Deputy Mayor, the Council shall elect the next Deputy Mayor in accordance with Section 12 ~~designate the next senior member of the City Council as Deputy Mayor for to serve~~ the remainder of the term. If the appointment is declined the process shall continue until a Deputy Mayor is designated.

⁹~~If there are more than two nominees in the initial election Council may choose to have an run-off votes among the nominees.~~

- H. In the event that the councilmember selected as Deputy Mayor is unable to perform the duties of the position of Deputy Mayor, or fails to act in accordance with the City Council Rules of Procedure, the City Council may, by a majority vote of the full City Council, remove the Deputy Mayor from this position, in which case, the Council shall elect the next Deputy Mayor in accordance with Section 12 to serve the remainder of the term.~~the next senior councilmember shall assume the position of Deputy Mayor for the balance of the year. If the next senior councilmember is unwilling or unable to assume the position of Deputy Mayor, the position of Deputy Mayor shall be filled by a majority vote of the full City Council.~~

[See RCW 35A.12.065.]

12.2 The Deputy Mayor, as the head of the legislative branch of the City, shall perform the following duties:

A. Intra-Council Relations:

1. Serve as the Chair of the Council Study Sessions;
2. Serve as an ex-officio member of all ad hoc committees of the City Council. If the Deputy Mayor's attendance at an ad hoc committee meeting brings the number of councilmembers attending to four, the meeting shall comply with the Open Public Meetings Act (RCW 42.30), unless expressly exempted;
3. Assist in new councilmember training including conducting a review of the rules of procedure with one to two individual councilmembers;
4. Support cooperative and interactive relationships among council members;
5. Work with Administration to prepare agendas for Council Study Sessions;
6. Preside over the Study Sessions of the City Council, designate Special Focus Area chairs, designate Special Focus Area assignments, and work with the chairs of the Special Focus Areas on the portions of Study Sessions over which the Special Focus Areas chairs preside.

B. Mayor-Council Relations:

1. Help maintain a positive and cooperative relationship between the Mayor and the City Council;

2. Act as conduit between the Mayor and the City Council on issues or concerns relating to their duties;
3. Preside over Regular Meetings of the City Council in the absence or unavailability of the Mayor;
4. In the event of a prolonged absence or incapacitation (a state of disability that prohibits the function of duties) of the Mayor, the Deputy Mayor shall perform the duties of the Mayor.
 - (a) A prolonged absence is defined as requiring a leave of absence that prohibits the performance of the duties of the office. Vacation leave for periods up to two weeks, illnesses requiring an absence of less than two weeks, out of state or out of country travel lasting not more than two weeks, or other similar short-term absences shall not be considered prolonged absences.
 - (b) In the event of a disaster, emergency, or other similar circumstance, where the Mayor is out-of-town and unable to carry out the duties of the office of Mayor, the Deputy Mayor, in consultation with the Mayor, shall act as Mayor until the return and availability of the Mayor;
5. The Deputy Mayor shall also stand in on behalf of the Mayor in other situations as requested by the Mayor;
6. In the performance of the duties of the Mayor, the Deputy Mayor shall not have authority to appoint, remove, replace, discipline or take other similar action on any director or employee of the City;
7. The Deputy Mayor shall not have veto authority for actions that may be taken by the City Council;
8. The Deputy Mayor shall be aware of City, regional and intergovernmental policies and activities in order to properly execute the role of Mayor.

C. Intergovernmental and Community Relations:

1. Act in absence of Mayor as requested and/or as required;
2. Be aware of all City regional and intergovernmental policies and activities in order to be prepared to step into the role of Mayor if necessary;

3. Serve as the Chair of the City's Emergency Management Compensation Board.

D. Other Duties of the Deputy Mayor:

1. In cooperation with the Mayor and Special Focus Area group's chairpersons and with assistance from Administration, create and establish agendas for all study sessions;
2. Serve as liaison to the Junior City Council, participating as a non-voting member of the Junior City Council, encouraging, guiding and counseling the members of the Junior City Council in connection with its duties and assignments;
3. Facilitate any issue related to the conduct and/or actions of councilmembers that may be inappropriate or that may be in violation of the Council Rules of Procedure (Section 20.1);
4. Conduct regular and periodic meetings with individual councilmembers to address councilmember issues, concerns, legislative processes, councilmember proposals, councilmember training, and other similar related items;
5. Conduct group meetings with councilmembers, including two on one meetings with councilmembers on a rotating basis provided that such meetings shall not have more than two councilmembers at such meetings. All such meetings at which a quorum of the City Council is in attendance shall be in compliance with the Open Public Meetings Act (RCW 42.30), unless expressly exempted.

~~[former AGC 2.06.090 (1957 code § 1.04.100).]~~

SECTION 13 COUNCIL POSITION VACANCY OR ABSENCE

- 13.1 If an unexpired Council position becomes vacant, the City Council has ninety (90) days from the occurrence of the vacancy to appoint, by majority vote of a quorum of the Council, a qualified person to fill the vacancy pursuant to State law. The Council may make such appointment at its next regular meeting, or at a special meeting called for that purpose. If the Council does not appoint a person within the ninety (90) day period, the Mayor may make the appointment from among the persons nominated by members of the Council.

- 13.2 If there is an extended excused absence or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tempore to serve during the absence or disability.

SECTION 14 COUNCIL MEETING STAFFING

- 14.1 Department Directors or designees shall attend all meetings of the Council unless excused by the Mayor.

- 14.2 The City Attorney, or designee, shall attend all meetings of the Council unless excused by the Mayor, and shall upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian. ~~An Assistant City Attorney shall attend meetings when the City Attorney has been excused.~~

~~[See former ACC 2.06.060 (1957 code § 1.04.160).]~~

SECTION 15
COUNCIL RELATIONS WITH STAFF

- 15.1 There will be mutual courtesy and respect from both City staff and Councilmembers toward each other and of their respective roles and responsibilities.
- 15.2 City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge City staff as administering the Council's policies.
- 15.3 It is the intent of Council that all pertinent information asked for by individual Council members shall be made available to the full Council.
- 15.4 Individual Councilmembers shall not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits. Councilmembers may, at the request of the Mayor, participate in discussions and decisions related to these matters.
- 15.5 Other than through legislative action taken by the Council as a whole, individual Councilmembers shall not interfere with the operating rules and practices of any City department.
- 15.6 No individual Councilmember shall direct the Mayor to initiate any action or prepare any report that is significant in nature, or initiate any project or study without the consent of a majority of the Council. This provision, however, does not prohibit individual Councilmembers from discussing issues with the Mayor or making individual requests or suggestions to the Mayor. The Mayor shall endeavor to advise and update the Councilmember(s) on the status or follow-up of such issues.
- 15.7 All councilmember requests for information, other than requests for legal advice from the City Attorney's Office, shall be directed through the Mayor in order to assign the task to the proper staff. The Deputy Mayor may work with the Mayor's designated staff to prepare Study Session agendas and facilitate Study Session work.
- 15.8 Any written communication with staff shall also include the Mayor as a recipient.

SECTION 16
COUNCIL STUDY SESSIONS, COMMITTEES
AND CITIZEN ADVISORY BOARDS

- 16.1 In addition to the regularly scheduled City Council meetings (Regular Council Meetings) scheduled on the first and third Mondays of the month, City Council shall regularly schedule Council Study Sessions on the second, fourth and fifth Mondays

of the month for review of matters that would come back before the City Council at Regular Council Meetings. Different than the format for Regular Council Meetings (identified in Section 3 hereof), Study Sessions shall be less formal than Regular Council Meetings and shall give the City Council the opportunity to discuss and debate issues coming before it for action at Regular Council meetings. The format for these meetings shall be as follows:

A. General Business Focus and Special Focus Areas.

Study Sessions shall consist of ~~two (2) Focus divisions per meeting;~~ (1) a General Business Focus and (2) a Special Focus Area in each meeting. The General Business Focus shall be scheduled first, and shall include agenda items that relate to issues of general City concern, items that will be coming before the City Council at upcoming meetings and presentations and reports to the City Council. The Special Focus Area groups shall, on a rotating basis described below, commence their portion of the Study Session following the conclusion of the Study Session General Business Focus. The Special Focus Area groups shall review matters of Council concern related to their areas of oversight responsibility. The Special Focus Area groups shall consist of the following: (1) Public Works & Community Development; (2) Municipal Services; (3) Community Wellness; and (4) Finance, Technology & Economic Development. These Special Focus Area groups shall be tasked with oversight of Council considerations as follows:

1. Public Works & Community Development;

- Utilities
- Transportation
- Sustainability
- Environmental Protection
- Cultural Arts and Public Arts
- Planning and Zoning
- Permits and Development
- Right of Way Management
- Airport
- Airport Business

2. Municipal Services

- Police
- SCORE Jail
- District Court
- Parks & Recreation
- Animal Control
- Solid Waste
- Emergency Planning
- Multimedia

- Cemetery
3. Community Wellness
 - Public Health and Wellness
 - Community and Neighborhood Services
 - Homelessness and Homeless Prevention
 - Housing Quality, Affordability, and Attainability
 - Human and Social Services
 - Domestic Violence Services
 - Community Equity
 4. Finance, Technology, & Economic Development
 - Equipment Rental
 - Facilities
 - Innovation and Technology
 - City Real Property
 - Business Development
 - Sister Cities International

Aside from the above Special Focus Area topics, there shall be a Finance ad hoc Committee to review vouchers and payroll.

B. Scheduling of Special Focus Area.

1. The Special Focus Areas shall conduct their portion of the Study Sessions on 2nd and 4th Mondays of the month on a rotating basis such as follows: Public Works & Community Development, then Municipal Services, then Community Wellness, then Finance & Economic Development, then Public Works & Community Development, then Municipal Services, and so on.
2. On 5th Mondays of the Month, Study Sessions will not typically include any of the above Special Focus Areas, but may include special topics and issues of general concern to the City Council, including Council operating arrangements and Council Rules of Procedure. It is provided, however, that in order for the City Council to address the matters coming before the City Council, the Mayor and Deputy Mayor may, as they deem appropriate, insert into any Study Session any matters calling for City Council consideration and discussion, regardless of Special Focus Areas.
3. Topics for Special Focus Area consideration (for inclusion in the Special Focus Area portion of the Study Session agenda) shall be determined by the Chair of each Special Focus Area along with the Mayor and the Deputy Mayor, the Vice-Chair, and the designated departments director(s) for the Special Focus Area. The department

director(s) shall review agenda topics and suggestions by other Councilmembers of such topics. The Deputy Mayor may review agenda items and topics with each Special Focus Area chairperson individually when convenient.

C. Meeting Times

Study Sessions shall be scheduled as set forth in Section 2.2, above.

1. Three to four hours maximum timeframe (goal).
2. Agenda items should relate to future policy-making, strategic planning or key state or federal issues affecting current or future city operations.
3. Agenda items should be substantive only (e.g., traffic impact fee increase proposals, comprehensive plan updates, rather than day-to-day operational issues. [Non-substantive items (e.g., accepting a grant, authorizing contract bidding, etc.) should go directly to the Regular City Council meeting.

D. Study Session Meeting Format.¹⁰

1. Call to Order.
2. Roll Call.
3. Announcements, Reports, and Presentations.
4. Agenda Items for Council Discussion.
5. Ordinances.

~~6. Other Discussion Items.~~

~~7. New Business.~~

~~While Councilmembers are encouraged to coordinate agenda topics for future Study Sessions with the Deputy Mayor in advance, they may be proposed by any Councilmember during New Business.~~

~~Councilmembers will identify: a) the subject of the proposed topic; b) whether they've discussed the topic with the appropriate Special Focus Area Chair and/or Mayor or affected Department head to~~

¹⁰ It is the intention of the City Council that Study Sessions shall be televised on the City's public access channel if reasonably possible.

~~determine whether the subject is already proposed to come before Council; c) the specific information the Councilmember wants to discuss; and (d) the specific purpose of the request.~~

~~If a majority of Councilmembers agree, the Deputy Mayor and the Mayor will meet to place the topic on future Study Session Agenda. Council may also ask staff to provide a written report instead of having discussion.~~

~~8.6. Special Focus Area (the Chair of the Special Focus Area scheduled for the Study Session shall preside over this portion of the study session.) The Vice Chair shall preside over this portion of the study session in the Chair's absence.~~

~~9.7. Adjournment.~~

- 16.2 The Mayor, the Deputy Mayor or a majority of the City Council may establish ad hoc committees as may be appropriate to consider special matters that require special approach or emphasis.
- 16.3 Ad hoc committees may be established and matters referred to them at study sessions, without the requirement that such establishment or referral take place at a regular City Council meeting.
- 16.4 The Deputy Mayor shall appoint Councilmembers to Council ad hoc committees, provided that the Mayor shall appoint members to Council ad hoc committees if the Deputy Mayor is disabled or precluded from acting in that capacity.
- 16.5 The Mayor shall appoint Council representatives to intergovernmental councils, boards and committees.
- 16.6 Councilmember appointments to intergovernmental councils, boards and committees, including ad hoc committees, shall be periodically reviewed. All councilmembers shall have the opportunity to serve on such councils, boards, and/or committees as assigned by the Mayor and on a rotating basis at the discretion of the Mayor. Councilmember appointments to intergovernmental councils, boards, and committees by the Mayor shall be done with consideration of a councilmember's expertise, background, knowledge, working experience and/or education in that council, board, or committee. Ad hoc committee appointment by the Mayor or Deputy Mayor shall be at their discretion.
- 16.7 Ad hoc council committees shall consider all matters referred to them. The chair of such ad hoc committee shall report to the City Council the findings of the committee. Committees may refer items to the Council with a committee recommendation or with no committee recommendation.

- 16.8 Advisory Boards, Committees and Commissions established by ordinance, consisting of citizens appointed pursuant to the establishing Ordinance and serving in the capacity and for the purposes indicated in the Ordinance, shall act as an advisory committee to the City Council.
- 16.9 Committee Chairpersons shall have broad discretion in conducting their meetings. They will generally follow Roberts Rules of Order, Newly Revised.
- 16.10 Unless otherwise expressly provided for when forming an ad hoc committee, it is the intention of the City Council that ad hoc committees function informally and not in any way that takes action in lieu of or on behalf of the full City Council. The purpose and function of such ad hoc committees shall be to review matters in advance of their consideration by the full City Council, and perhaps record and make recommendations to the full City Council. They are not “committees of a governing body” subject to the requirements of the Open Public Meetings Act (Chapter 42.30. RCW). Ad hoc committees shall not receive public testimony or allow audience participation in connection with or related to the agenda item being discussed by the Committee.
- 16.11 Committee Chairpersons shall approve all agenda items and may, at their discretion, remove or add agenda items during the course of the meeting.

SECTION 17 COUNCIL REPRESENTATION AND INTERNAL COMMUNICATION

- 17.1 If a Councilmember meets with, attends a meeting or otherwise appears before individuals, another governmental agency, a community organization, or a private entity or organization, including individuals, agencies, or organizations with whom or with which the City has a business relationship, and makes statements directly or through the media, commenting on an issue that does or could affect the City, the Councilmember shall state the majority position of the City Council, if known, on that issue. Personal opinions and comments which differ from those of the Council majority may be expressed if the Councilmember clarifies that these statements do not represent the City Council’s position, and the statements are those of the Councilmember as an individual. Additionally, before a Councilmember discusses anything that does or could relate to City liability, the Councilmember should talk to the City Attorney or the City’s Risk Manager, so that the Councilmember would have a better understanding of what may be said or how the discussion should go to control or minimize the City’s liability risk and exposure.
- 17.2 Councilmembers need to have other Councilmember’s concurrence before representing another Councilmember’s view or position with the media, another government agency or community organization.

- 17.3 Councilmembers shall not knowingly communicate with an opposing party or with an opposing attorney in connection with any pending or threatened litigation in which the City is a party or in connection with any disputed claim involving the City without the prior approval of the City Attorney, unless the Councilmember is individually a party to the litigation or is involved in the disputed claim separate from the Councilmember's role as a City official.
- 17.4 Communication among Councilmembers shall conform to the following parameters:
- A. Except in connection with Council members meeting, informally, in committees not subject to the Open Public Meetings Act, to assure that communication on agenda items occurs to the greatest extent possible at the public meetings, and to avoid even the perception that email is being used in a way that could constitute a public meeting, *e.g.*, successive communications on City Council topics that involve a quorum of the Councilmembers. Councilmembers should refrain from emailing Councilmembers about such agenda items. Councilmembers should be prepared to communicate about matters that are on upcoming Council agendas at the public meetings. If Councilmembers wish to share information with other councilmembers about matters that are on upcoming agendas, the councilmembers should forward that information to the Mayor for distribution in the council meeting packets.
 - B. Councilmembers may communicate via email to other Councilmembers, including to a quorum of the full City Council about matters within the scope of the City Council's authority or related to City business, but not yet scheduled on upcoming Council agendas, to indicate a desire that certain items be included on upcoming meeting agendas; provided that Councilmembers shall never ask for responses from the other Councilmembers in that communication.
 - C. Email communication among Councilmembers relating to City operations should also include the Mayor as a recipient/addressee.
 - D. Councilmembers may email the Mayor about City business without limitations or restrictions.
 - E. The Deputy Mayor from time to time may need to communicate with all councilmembers on various items such as the annual review of the Rules of Procedure. All such correspondence, usually in the form of email, shall be provided to council as a whole through the Council Assistant. Any responses from council shall also be directed to the Council Assistant who shall then provide all councilmembers with email

correspondence regarding questions, comments, suggestions, recommendations, or any similar item.

- F. City Council email correspondence and text messages ~~all electronic communications~~ shall utilize the designated city email account or city device with no exceptions and within the parameters of the Open Public Meetings Act and the Public Records Act.

17.5 Internet & Electronic Resources/Equipment and Facility Use.

- A. Policy. It is the policy of the City Council that Internet and electronic resources equipment use shall conform to and be consistent with the requirements of City of Auburn Administrative Policy and Procedure 500-03, "Internet & Electronic Resources/Equipment Use – Elected Officials."

All letters, memoranda, and interactive computer communication involving City Councilmembers and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, are public records.

- B. Communications. Each Councilmember is responsible for checking their communication device multiple times on a daily basis and respond to requests by City staff as soon as possible.

B.C. Electronic Communications.

- ~~1. Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a public record. Users should delete these messages once their administrative purpose is served.~~

1. For emergency notifications of absences, and not planned absences, Councilmembers shall send an email to CouncilAlerts@auburnwa.gov to ensure the auto-distribution of communications to necessary people.

2. ~~All other m~~Messages that relate to the functional responsibility of the recipient or sender as a public official constitute a public record. Those records are subject to public inspection and copying.

3. Electronic communications that are intended to be shared among a quorum of the City Council or of an ad hoc Council Committee, whether concurrently or serially, must be considered in light of the Open Public Meetings Act, if applicable. If the intended purpose of the electronic communication is to have a discussion that should be held at an open meeting, the electronic discussion shall not occur. Further,

the use of electronic communication to form a collective decision of the Council shall not occur.

4. Electronic communication should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other confidential City business. In general, electronic communication is discoverable in litigation, and even deleted electronic communication is not necessarily removed from the system. Confidential electronic communications should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
5. Electronic communication between Councilmembers and between Councilmembers and staff shall not be transmitted to the public or news media without the filing of a public disclosure request with the City Clerk.

— Even if a Councilmember uses their personal electronic devices all electronic communications and documents related to City business will be subject to discovery demands and public disclosure requests.

6.

~~6. Each councilmember is responsible for checking their communication device multiple times on a daily basis and respond to request by City staff as soon as possible.~~

C.D. Use of City Equipment and Facilities.

1. City Councilmembers are provided various tools to assist them in handling the business of the City in the role as members of the City Council. These tools include, but are not limited to: (1) an individual office assigned to each Councilmember in which there is (a) office furniture; (b) a computer accommodating access to the City's computer network and (c) a telephone tied to the City's telephone system; (2) and I-Pad or comparable equipment also tied to the City's computer system that can be used remotely (not just in the Councilmember's office); (3) , an I-Phone or comparable equipment accommodating mobile communication needs for (a) telephone calls, (b) emails, and (c) texting; (4) a City badge accommodating physical access to City Hall facilities and Council Offices; and (5) Council mailboxes.
2. In order to assure transmittal of information necessary to conduct business of the City and to avoid Public Records Act liability for the City and Councilmembers for improper or private equipment use, Councilmembers shall use the tools identified above to assist them

in being able to receive and work with information related to duties as councilmembers.

17.6 Council Relations with City Boards and Commissions.

- A. **Council Liaisons.** In addition to where a City Councilmember is appointed by the City Council or the Mayor to serve as a member of a board, commission, committee, task force or any other advisory body, the City Council may, on limited occasions or under unusual circumstances, appoint a Councilmember to serve as a non-member Liaison to a board, commission, committee, task force or any other advisory body. Anytime a Councilmember is appointed as such a Liaison, the position or role of Liaison is subordinate to that of Councilmember, and the Councilmember's responsibility is first and foremost to the City and to the City Council. The role and responsibility of the Councilmember-Liaison is to keep the City Council apprised of the activities, positions and actions of the entity or organization to which the Councilmember has been appointed Liaison, and not to communicate to the board, commission, committee, task force or other advisory body a statement as the position of the City Council, except as authorized or directed by the City Council. Insofar as a Council Liaison position does not give all councilmembers equal access to the activities, functions and information of or about a board, commission, committee, task force or any other advisory body, appointments to Council Liaison positions should be reserved to those instances where a Report to the Council by the board, commission, committee, task force or any other advisory body would not be convenient or practical.
- B. **Reports to the Council.** Each board, commission, committee, task force or any other advisory body of the City shall be requested to present a report to the City Council at a Regular Meeting or a Study Session of the City Council, as scheduled by the Mayor or Deputy Mayor. Such reports shall be scheduled for a Regular Council Meeting or a Council Study Session, and shall be delivered by the chair of the board, commission, committee, task force or any other advisory body or designee. The reports shall inform the City Council of the activities, functions and information with which the board, commission, committee, task force or any other advisory body has been involved since the previous report, and shall include the opportunity for questions by Councilmembers.

- 17.7 Whenever a member of the City Council attends any meeting of any other entity or organization, he or she should endeavor to be prudent in what he or she says or does at such meeting. Further, the Councilmember should avoid attending such meeting if that attendance would impose an interference with the meeting or the operations of the other entity or organization, or of the operations of the City.

SECTION 18 TRAVEL AUTHORIZATION

- 18.1 **Value of Council Travel.** The Auburn City Council recognizes the need of its members to attend conferences, trainings, and meetings to broaden their knowledge of and familiarity with a diverse collection of City-related issues, including, but not limited to Public Works, Communications, Transportation, Economic Development, Public Safety and Energy. These conferences also provide valuable opportunities to network with other city elected officials. Comparing Auburn's specific issues with those of other cities often provides the City Council with established policies already in place in other cities that can be adapted to meet the specific needs of the City of Auburn, as well as expediently and efficiently acquainting Auburn City Councilmembers with ideas of how to address Auburn issues and solve Auburn problems.
- 18.2 **Annual Budget Amounts for Council Travel.** To accommodate Council travel, the Auburn City Council shall allocate an identified amount of money each year in the City budget process to each Councilmember for City-related travel costs, including transportation, lodging, meals and registration costs.
- 18.3 **Adjustment of Council Travel Allocations.** If a councilmember needs more than the amount of travel related funds allocated for their use, the councilmember shall (1) see if there are unused funds available from any other councilmember(s) who are willing to transfer funds from their account to the councilmember needing additional travel funds. If so, with the consent of the Deputy Mayor and the other transferring councilmember(s), funds will be transferred to the requesting councilmember's allotment; or (2) shall request a net adjustment to the budget adding additional funds to their allotment, which adjustment shall be approved by a majority of the whole City Council.
- 18.4 **Receipts and Travel Documentation.** Each City Councilmember shall be responsible for providing to the Mayor or Finance Director, within ten (10) business days of returning from City travel, any and all City travel related receipts and documentation. Quarterly reports of the travel costs incurred by each councilmember shall be provided by the Finance Department.

SECTION 19 CONFIDENTIALITY

- 19.1 Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive or Closed Sessions and as provided in RCW 42.23.070, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is considered by the exempt from disclosure under exemptions set forth in the Revised Code of Washington.

SECTION 20
ENFORCEMENT OF RULES OF PROCEDURE

- 20.1 Councilmembers shall conform their conduct to the requirements, standards and expectations set forth in these Rules of Procedure. In addition to and notwithstanding whatever other enforcement mechanisms may exist for legal, ethical or practical obligations on Councilmember performance or conduct, violations of these Rules of Procedure by Councilmembers may be enforced by action of the City Council through sanctions such as votes of censure or letters of reprimand, and such other action as may be permitted by law.

City Council Rules of Procedure:

Adopted: February 2, 2004

Ordinance No. 5802

Amended by Resolution No. 4282, December 17, 2007

Amended by Resolution No. 4429, December 15, 2008

Amended by Resolution No. 4467, April 6, 2009

Amended by Resolution No. 4615, July 6, 2010

Amended by Resolution No. 4686, February 22, 2011

Amended by Resolution No. 4740, August 15, 2011

Amended by Resolution No. 4813, May 21, 2012

Amended by Resolution No. 4909, February 19, 2013

Amended by Resolution No. 5105, November 3, 2014

Amended by Resolution No. 5112, December 1, 2014

Amended by Resolution No. 5115, December 15, 2014

Amended by Resolution No. 5217, May 2, 2016

Amended by Resolution No. 5240, July 5, 2016

Amended by Resolution No. 5283, February 21, 2017

Amended by Resolution No. 5308, August 7, 2017

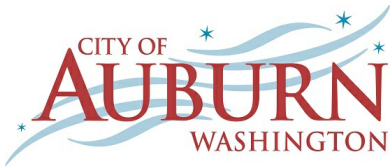
Amended by Resolution No. 5367, May 7, 2018

Amended by Resolution No. 5399, December 17, 2019

Amended by Resolution No. 5469, November 4, 2019

Amended by Resolution No. 5543, September 8, 2020

Amended by Resolution No. 5676, September 19², 2022



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5679 (Council)

Department:

Council

Attachments:

[Resolution No. 5679](#)

Date:

September 13, 2022

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

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

Councilmember: Jeyaraj

Meeting Date: September 19, 2022

Staff:

Council

Item Number:

RES.B

RESOLUTION NO. 5679

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AFFIRMING ITS SUPPORT OF COMPREHENSIVE REPRODUCTIVE HEALTHCARE, INCLUDING ABORTION, AND MARRIAGE EQUALITY; AND ITS SUPPORT OF PROTECTIONS THROUGH WASHINGTON STATE AND FEDERAL LEGISLATIVE ACTION

WHEREAS, in 1970, Washington State voters approved Referendum 20, which legalized abortion in Washington State; and

WHEREAS, on January 22, 1973, the U.S. Supreme Court ruled in Roe v. Wade that unduly restrictive state regulation of abortion is unconstitutional. The Court held that a set of Texas statutes criminalizing abortion in most instances violated a woman's constitutional right of privacy, which it found to be implicit in the liberty guarantee of the Due Process Clause of the Fourteenth Amendment, "...nor shall any state deprive any person of life, liberty, or property, without due process of law"; and

WHEREAS, in 1991, Washington State voter approved Initiative I-120, which declared a woman's right to choose physician-performed abortion prior to fetal viability and further expanded and protected access to reproductive healthcare in Washington State in the event Roe v. Wade were to be overturned; and

WHEREAS, on June 26, 2015, the U.S. Supreme Court ruled in Obergefell v. Hodges that the fundamental right to marry is guaranteed to same-sex couples by both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; and

WHEREAS, comprehensive abortion care is included in the list of essential health care services published by the World Health Organization in 2020; and according to the

World Health Organization, “[l]ack of access to safe, affordable, timely and respectful abortion healthcare, and the stigma associated with abortion, pose risks to women’s physical and mental well-being throughout the life-course. Inaccessibility of quality abortion healthcare risks violating a range of human rights of women and girls, including the right to life; the right to the highest attainable standard of physical and mental health; the right to benefit from scientific progress and its realization; the right to decide freely and responsibly on the number, spacing and timing of children; and the right to be free from torture, cruel, inhuman and degrading treatment and punishment;” and

WHEREAS, on June 9, 2022, Washington Engrossed House Bill 1851 went into effect, which states: “Although the abortion rights movement has historically centered on women in our advocacy, that must no longer be the case; and it is critical that we recognize that transgender, nonbinary, and gender expansive people also require abortion healthcare. Washington’s law should reflect the most inclusive understanding of who needs reproductive healthcare and be updated with gender neutral language”; and

WHEREAS, on June 24, 2022, the Supreme Court of the United States struck down *Roe v. Wade*, holding that the Due Process Clause and Equal Protection Clause of the Fourteenth Amendment do not apply to an individual’s right to safe and legal abortions; and

WHEREAS, the U.S. Supreme Court’s current interpretation of the 14th Amendment is also a threat to marriage equality; and

WHEREAS, Governor Jay Inslee has stated he continued to support an amendment to protect an individual's right to safe and legal abortion in the Washington State Constitution; and

WHEREAS, the City Council believes this new U.S. Supreme Court decision overturning Roe v. Wade may disproportionately impact people of color, people with disabilities, and those with low incomes, among others; and

WHEREAS, the City values and supports LGBTQIA+ community members and employees, and has demonstrated this through such actions as celebrating Pride Month in Auburn; and

WHEREAS, the City Council considered this Resolution during Study Session on September 12, 2022, and allowed for public comment before voting on this Resolution.

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

Section 1. The City Council of the City of Auburn affirms its support of an individual's right to comprehensive, safe, and accessible reproductive healthcare, including abortion, and marriage equality.

Section 2. The City Council of the City of Auburn expresses its support of amendments to the Washington State and United States Constitutions to codify an individual's right to comprehensive, safe, and accessible reproductive healthcare, including abortion, and marriage equality.

Section 3. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 4. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed: _____

CITY OF AUBURN

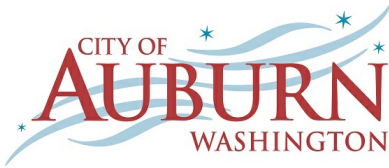
NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5682 (Backus/Comeau/Tate)

Date:

September 13, 2022

Department:

Mayor/Legal/Community
Development

Attachments:

[Resolution No. 5682](#)

[Participation Form](#)

[Allocation Agreement](#)

[MOU](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Resolution 5682.

Background for Motion:

The opioid crisis is having a large impact on the residents of Auburn. Currently, there is a pending lawsuit and proposed settlement involving several opioid distributors to address, in part, the opioid epidemic. To receive settlement proceeds, the City Council must authorize the Mayor to enter into the settlement agreement documents. As part of the settlement agreement, the City must sign a participation form, an allocation agreement, and a memorandum of understanding. The settlement funds must be used to treat and prevent opioid addiction and City staff will create and monitor a plan to ensure compliance with the settlement.

Background Summary:

In 2019, the State of Washington and other local litigants filed a lawsuit against several opioid distributors (King County Superior Court case #19-2-06975-9KNT), alleging that actions and practices of the distributors have contributed to the opioid crisis currently facing the State and numerous Washington localities. The State and the distributors have settled the lawsuit for the total sum of \$430,249,769.02. The settlement is known as the "Washington Distributor Settlement." The settlement terms allocate approximately half of the settlement amount to Washington cities under a 17 year payment agreement that starts after December 1, 2022. Cities must use funds received from the settlement to treat and prevent opioid addiction.

For the settlement agreement to become effective, the 37 counties that participated directly in the lawsuit and at least 90% of all Washington cities with populations of at least 10,000 must participate. Participating in the settlement requires the City to sign a participation form, an allocation agreement, and a memorandum of understanding. Together, these documents establish a formula and framework for the distribution of settlement funds to cities, and set forth the permissible uses of settlement funds. Signing these documents and participating in the settlement will bring much needed opioid treatment and prevention funds to the City. City staff recommends adoption.

Reviewed by Council Committees:

Councilmember: Mulenga

Staff: Backus/Comeau/Tate

Meeting Date: September 19, 2022

Item Number: RES.C

RESOLUTION NO. 5682

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING (MOU) AND RELATED DOCUMENTS TO ENABLE THE CITY TO RECEIVE AN ALLOCATED SHARE OF FUNDS FROM THE WASHINGTON DISTRIBUTOR SETTLEMENT

WHEREAS, in 2019, the State of Washington and other local litigants filed a lawsuit against several opioid distributors (King County Superior Court case #19-2-06975-9KNT), alleging that actions and practices of the distributors have contributed to the opioid crisis currently facing the State and numerous Washington localities;

WHEREAS, the State and the distributors have settled the lawsuit for the total sum of \$430,249,769.02. The settlement is known as the “Washington Distributor Settlement”;

WHEREAS, the settlement terms allocate approximately ½ of the settlement total to Washington cities under a 17 year payment agreement that starts after December 1, 2022. Cities must use funds received from the settlement to treat and prevent opioid addiction;

WHEREAS, for the settlement agreement to become effective, the 37 counties that participated directly in the lawsuit and at least 90% of all Washington cities with populations of at least 10,000 must participate;

WHEREAS, participating in the settlement requires the City to do the following:

- sign a participation form (attached to this Resolution as Exhibit A), where the City indicates its willingness to participate in the settlement (the City must complete this step on or before September 23, 2022 to be eligible for settlement funds);
- sign an allocation agreement (attached to this Resolution as Exhibit B), where the City agrees to the settlement terms and releases any potential claims it has related to the lawsuit; and
- enter a memorandum of understanding (MOU) (attached to this Resolution as Exhibit C) with other Washington local governments providing that the settlement funds allocated to cities are first divided into “allocation regions” by county, then distributed to the cities through an opioid abatement council formed by the region’s participating jurisdictions (Auburn’s geography entitles it allocations within King and Pierce Counties);

and

WHEREAS, in light of the devastating effects of the opioid crisis on the City and the surrounding region, and the need for additional funding to support opioid treatment and prevention, the City desires to perform the above steps and to participate in the Washington Distributor Settlement.

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

Section 1. On behalf of the City of Auburn, the Mayor is authorized to sign the participation form, allocation agreement and memorandum of understanding attached as Exhibits A, B, and C to this Resolution, enabling the City’s participation in the Washington Distributor Settlement

Section 2. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. That this Resolution shall take effect and be in full force upon passage and signatures.

Dated and Signed this _____ day of _____, 2022.

CITY OF AUBURN

NANCY BACKUS
MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Exhibit F
Subdivision Settlement Participation Form

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated May 2, 2022 (“*Distributors Washington Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Distributors Washington Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributors Washington Settlement, including the Distributor Global Settlement Agreement dated July 21, 2021 (“*Global Settlement*”) attached to the Distributors Washington Settlement as Exhibit H, understands that all terms in this Participation Form have the meanings defined therein, and agrees that by signing this Participation Form, the Governmental Entity elects to participate in the Distributors Washington Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of October 1, 2022 and prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.
4. The Governmental Entity agrees to the terms of the Distributors Washington Settlement pertaining to Subdivisions as defined therein.
5. By agreeing to the terms of the Distributors Washington Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after December 1, 2022.
6. The Governmental Entity agrees to use any monies it receives through the Distributors Washington Settlement solely for the purposes provided therein.
7. The Governmental Entity submits to the jurisdiction of the Washington Consent Judgment Court for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Distributors Washington Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in the Distributors Washington Settlement.

8. The Governmental Entity has the right to enforce the Distributors Washington Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributors Washington Settlement, including, but not limited to, all provisions of Section XI of the Global Settlement, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributors Washington Settlement are intended by the Agreement Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributors Washington Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributors Washington Settlement.
11. In connection with the releases provided for in the Distributors Washington Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the date the Distributors Washington Settlement becomes effective pursuant to Section II.B of the Distributors Washington Settlement, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributors Washington Settlement.

12. Nothing herein is intended to modify in any way the terms of the Distributors Washington Settlement, to which Governmental Entity hereby agrees. To the extent this Participation Form is worded differently from Exhibit F to the Distributors Washington Settlement or interpreted differently from the Distributors Washington Settlement in any respect, the Distributors Washington Settlement controls.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

**ALLOCATION AGREEMENT GOVERNING THE ALLOCATION OF FUNDS PAID
BY THE SETTLING OPIOID DISTRIBUTORS IN WASHINGTON STATE**

AUGUST 8, 2022

This Allocation Agreement Governing the Allocation of Funds Paid by the Settling Opioid Distributors in Washington State (the “Allocation Agreement”) governs the distribution of funds obtained from AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation (the “Settling Distributors”) in connection with its resolution of any and all claims by the State of Washington and the counties, cities, and towns in Washington State (“Local Governments”) against the Settling Distributors (the “Distributors Settlement”). The Distributors Settlement including any amendments are attached hereto as Exhibit 1.

1. This Allocation Agreement is intended to be a State-Subdivision Agreement as defined in Section I.VVV of the Global Settlement (the “Global Settlement”), which is Exhibit H of the Distributors Settlement. This Allocation Agreement shall be interpreted to be consistent with the requirements of a State-Subdivision Agreement in the Global Settlement.
2. This Allocation Agreement shall become effective only if all of the following occur:
 - A. All Litigating Subdivisions in Washington and 90% of Non-Litigating Primary Subdivisions in Washington as the terms are used in Section II.C.1 of the Distributors Settlement must execute and return the Subdivision Settlement Participation Form, Exhibit F of the Distributors Settlement (the “Participation Form”) by **September 23, 2022**. This form is also attached hereto as Exhibit 2.
 - B. The Consent Judgment and Stipulation of Dismissal with Prejudice, Exhibit G of the Distributors Settlement, is filed and approved by the Court.
 - C. The number of Local Governments that execute and return this Allocation Agreement satisfies the participation requirements for a State-Subdivision Agreement as specified in Exhibit O of the Global Settlement.
3. Requirements to become a Participating Local Government. To become a Participating Local Government that can participate in this Allocation Agreement, a Local Government must do all of the following:
 - A. The Local Government must execute and return this Allocation Agreement.
 - B. The Local Government must release their claims against the Settling Distributors and agree to be bound by the terms of the Distributors Settlement by timely executing and returning the Participation Form. This form is attached hereto as Exhibit 2.

- C. Litigating Subdivisions must dismiss the Settling Distributors with prejudice from their lawsuits. The Litigating Subdivisions are listed on Exhibit B of the Distributors Settlement.
- D. The Local Government must execute and return the One Washington Memorandum of Understanding Between Washington Municipalities (“MOU”) agreed to by the Participating Local Governments in Washington State, which is attached hereto as Exhibit 3. As specified in Paragraph 10.A of this Allocation Agreement, the Local Government may elect in its discretion to execute the MOU for purposes of this Allocation Agreement only.

A Local Government that meets all of the conditions in this paragraph shall be deemed a “Participating Local Government.” Alternatively, if the requirements of Paragraphs 2(A), 2(B), and 2(C) of this Allocation Agreement are satisfied and this Allocation Agreement becomes effective, then all Local Governments that comply with Paragraph 3(B) of this Allocation Agreement shall be deemed a “Participating Local Government.”

- 4. This Allocation Agreement applies to the Washington Abatement Amount as defined in Section IV.A of the Distributors Settlement. The maximum possible Washington Abatement Amount for the Distributors Settlement is \$430,249,769.02. As specified in the Global Settlement, the Washington Abatement Amount varies dependent on the percentage of Primary Subdivisions that choose to become Participating Local Governments and whether there are any Later Litigating Subdivisions as defined in Section I.EE of the Global Settlement.
- 5. This Allocation Agreement does not apply to the Washington Fees and Costs as defined in Section V of the Distributors Settlement. After satisfying its obligations to its outside counsel for attorneys’ fees and costs, the State estimates that it will receive approximately \$46 million for its own attorneys’ fees and costs pursuant to Section V.B.1 of the Distributors Settlement. The State shall utilize any and all amounts it receives for its own attorneys’ fees and costs pursuant to Section V.B.1 of the Distributors Settlement to provide statewide programs and services for Opioid Remediation as defined in Section I.SS of the Global Settlement.
- 6. While this Allocation Agreement does not apply to the Washington Fees and Costs as defined in Section V of the Distributors Settlement, Section V.B.2 of the Distributors Settlement estimates that the Settling Distributors shall pay \$10,920,914.70 to Participating Litigating Subdivisions’ attorneys for fees and costs. The actual amount may be greater or less. This Allocation Agreement and the MOU are a State Back-Stop Agreement. The total contingent fees an attorney receives from the Contingency Fee Fund pursuant to Section II. D in Exhibit R the Global Settlement, the MOU, and this Allocation Agreement combined cannot exceed 15% of the portion of the LG Share paid to the Litigating Local Government that retained that firm (i.e., if City X filed suit with outside counsel

on a contingency fee contract and City X receives \$1,000,000 from the Distributors Settlement, then the maximum that the firm can receive is \$150,000 for fees.)

7. No portion of the Washington Fees and Costs as defined in Section V of the Distributors Settlement and/or the State Share as defined in Paragraph 8.A of this Allocation Agreement shall be used to fund the Government Fee Fund (“GFF”) referred to in Paragraph 10 of this Allocation Agreement and Section D of the MOU, or in any other way to fund any Participating Local Government’s attorneys’ fees, costs, or common benefit tax other than the aforementioned payment by the Settling Distributors to Participating Litigating Subdivisions’ attorneys for fees and costs in Section V.B.2 of the Distributors Settlement.
8. The Washington Abatement Amount shall and must be used by the State and Participating Local Governments for Opioid Remediation as defined in Section I.SS of the Global Settlement, except as allowed by Section V of the Global Settlement. Exhibit 4 is a non-exhaustive list of expenditures that qualify as Opioid Remediation. Further, the Washington Abatement Amount shall and must be used by the State and Participating Local Governments as provided for in the Distributors Settlement.
9. The State and the Participating Local Governments agree to divide the Washington Abatement Amount as follows:
 - A. Fifty percent (50%) to the State of Washington (“State Share”).
 - B. Fifty percent (50%) to the Participating Local Governments (“LG Share”).
10. The LG Share shall be distributed pursuant to the MOU attached hereto as Exhibit 3 as amended and modified in this Allocation Agreement.
11. For purposes of this Allocation Agreement only, the MOU is modified as follows and any contrary provisions in the MOU are struck:
 - A. The MOU is amended to add new Section E.6, which provides as follows:

A Local Government may elect in its discretion to execute the MOU for purposes of this Allocation Agreement only. If a Local Governments executes the MOU for purposes of this Allocation Agreement only, then the MOU will only bind such Local Government and be effective with respect to this Allocation Agreement and the Distributors Settlement, and not any other Settlement as that term is defined in Section A.14 of the MOU. To execute the MOU for purposes of this Allocation Agreement only, the Local Government may either (a) check the applicable box on its signature page of this Allocation Agreement that is returned or (b) add language below its signature lines in the MOU that is returned indicating that the Local Government is executing or has

executed the MOU only for purposes of the Allocation Agreement Governing the Allocation of Funds Paid by the Settling Opioid Distributors in Washington State.

- B. Exhibit A of the MOU is replaced by Exhibit E of the Global Settlement, which is attached as Exhibit 4 to this Agreement.
- C. The definition of “Litigating Local Governments” in Section A.4 of the MOU shall mean Local Governments that filed suit against one or more of the Settling Defendants prior to May 3, 2022. The Litigating Local Governments are listed on Exhibit B of the Distributors Settlement, and are referred to as Litigating Subdivisions in the Distributors Settlement.
- D. The definition of “National Settlement Agreement” in Section A.6 of the MOU shall mean the Global Settlement.
- E. The definition of “Settlement” in Section A.14 of the MOU shall mean the Distributors Settlement.
- F. The MOU is amended to add new Section C.4.g.vii, which provides as follows:

“If a Participating Local Government receiving a direct payment (a) uses Opioid Funds other than as provided for in the Distributors Settlement, (b) does not comply with conditions for receiving direct payments under the MOU, or (c) does not promptly submit necessary reporting and compliance information to its Regional Opioid Abatement Counsel (“Regional OAC”) as defined at Section C.4.h of the MOU, then the Regional OAC may suspend direct payments to the Participating Local Government after notice, an opportunity to cure, and sufficient due process. If direct payments to Participating Local Government are suspended, the payments shall be treated as if the Participating Local Government is foregoing their allocation of Opioid Funds pursuant to Section C.4.d and C.4.j.iii of the MOU. In the event of a suspension, the Regional OAC shall give prompt notice to the suspended Participating Local Government and the Settlement Fund Administrator specifying the reasons for the suspension, the process for reinstatement, the factors that will be considered for reinstatement, and the due process that will be provided. A suspended Participating Local Government may apply to the Regional OAC to be reinstated for direct payments no earlier than five years after the suspension.”

- G. Consistent with how attorney fee funds for outside counsel for Participating Local Subdivisions are being administered in most states across the country, the Government Fee Fund (“GFF”) set forth in the

MOU shall be overseen by the MDL Fee Panel (David R. Cohen, Randi S. Ellis and Hon. David R. Herndon (ret.)). The Fee Panel will preside over allocation and disbursement of attorney's fees in a manner consistent with the *Motion to Appoint the Fee Panel to Allocate and Disburse Attorney's Fees Provided for in State Back-Stop Agreements* and the *Order Appointing the Fee Panel to Allocate and Disburse Attorney's Fees Provided for in State Back-Stop Agreements*, Case No. 1:17-md-02804-DAP Doc #: 4543 (June 17, 2022).

- H. The GFF set forth in the MOU shall be funded by the LG Share of the Washington Abatement Amount only. To the extent the common benefit tax is not already payable by the Settling Distributors as contemplated by Section D.8 of the MOU, the GFF shall be used to pay Litigating Local Government contingency fee agreements and any common benefit tax referred to in Section D of the MOU, which shall be paid on a pro rata basis to eligible law firms as determined by the Fee Panel.
- I. To fund the GFF, fifteen percent (15%) of the LG Share shall be deposited in the GFF from each LG Share settlement payment until the Litigating Subdivisions contingency fee agreements and common benefit tax (if any) referred to in Section D of the MOU are satisfied. Under no circumstances will any Non-Litigating Primary Subdivision or Litigating Local Government be required to contribute to the GFF more than 15% of the portion of the LG Share allocated to such Non-Litigating Primary Subdivision or Litigating Local Government. In addition, under no circumstances will any portion of the LG Share allocated to a Litigating Local Government be used to pay the contingency fees or litigation expenses of counsel for some other Litigating Local Government.
- J. The maximum amount of any Litigating Local Government contingency fee agreement (from the Contingency Fee Fund pursuant to Section II. D in Exhibit R the Global Settlement) payable to a law firm permitted for compensation shall be fifteen percent (15%) of the portion of the LG Share paid to the Litigating Local Government that retained that firm (i.e., if City X filed suit with outside counsel on a contingency fee contract and City X receives \$1,000,000 from the Distributors Settlement, then the maximum that the firm can receive is \$150,000 for fees.) The firms also shall be paid documented expenses due under their contingency fee agreements that have been paid by the law firm attributable to that Litigating Local Government. Consistent with the Distributors Settlement and Exhibit R of the Global Settlement, amounts due to Participating Litigating Subdivisions' attorneys under this Allocation Agreement shall not impact (i) costs paid by the subdivisions to their attorneys pursuant to a State Back-Stop agreement, (ii) fees paid to subdivision attorneys from the Common Benefit Fund for common benefit work performed by the attorneys pursuant to Section II.C of Exhibit R of the Global Settlement, or (iii) costs paid to subdivision attorneys from the MDL Expense Fund

for expenses incurred by the attorneys pursuant to Section II.E of the Global Settlement.

- K. Under no circumstances may counsel receive more for its work on behalf of a Litigating Local Government than it would under its contingency agreement with that Litigating Local Government. To the extent a law firm was retained by a Litigating Local Government on a contingency fee agreement that provides for compensation at a rate that is less than fifteen percent (15%) of that Litigating Local Government's recovery, the maximum amount payable to that law firm referred to in Section D.3 of the MOU shall be the percentage set forth in that contingency fee agreement.
 - L. For the avoidance of doubt, both payments from the GFF and the payment to the Participating Litigating Local Governments' attorneys for fees and costs referred to in Paragraph 6 of this Allocation Agreement and Section V.B.2 Distributors Settlement shall be included when calculating whether the aforementioned fifteen percent (15%) maximum percentage (or less if the provisions of Paragraph 10.K of this Allocation Agreement apply) of any Litigating Local Government contingency fee agreement referred to above has been met.
 - M. To the extent there are any excess funds in the GFF, the Fee Panel and the Settlement Administrator shall facilitate the return of those funds to the Participating Local Governments as provided for in Section D.6 of the MOU.
- 12. In connection with the execution and administration of this Allocation Agreement, the State and the Participating Local Governments agree to abide by the Public Records Act, RCW 42.56 *eq seq.*
 - 13. All Participating Local Governments, Regional OACs, and the State shall maintain all non-transitory records related to this Allocation Agreement as well as the receipt and expenditure of the funds from the Distributors Settlement for no less than five (5) years.
 - 14. If any party to this Allocation Agreement believes that a Participating Local Government, Regional OAC, the State, an entity, or individual involved in the receipt, distribution, or administration of the funds from the Distributors Settlement has violated any applicable ethics codes or rules, a complaint shall be lodged with the appropriate forum for handling such matters, with a copy of the complaint promptly sent to the Washington Attorney General, Complex Litigation Division, Division Chief, 800 Fifth Avenue, Suite 2000, Seattle, Washington 98104.
 - 15. To the extent (i) a region utilizes a pre-existing regional body to establish its Opioid Abatement Council pursuant to the Section 4.h of the MOU, and (ii) that

pre-existing regional body is subject to the requirements of the Community Behavioral Health Services Act, RCW 71.24 *et seq.*, the State and the Participating Local Governments agree that the Opioid Funds paid by the Settling Distributors are subject to the requirements of the MOU and this Allocation Agreement.

16. Upon request by the Settling Distributors, the Participating Local Governments must comply with the Tax Cooperation and Reporting provisions of the Distributors Settlement and the Global Settlement.
17. Venue for any legal action related to this Allocation Agreement (separate and apart from the MOU, the Distributors Settlement, or the Global Settlement) shall be in King County, Washington.
18. Each party represents that all procedures necessary to authorize such party's execution of this Allocation Agreement have been performed and that such person signing for such party has been authorized to execute this Allocation Agreement.

FOR THE STATE OF WASHINGTON:

ROBERT W. FERGUSON
Attorney General

JEFFREY G. RUPERT
Division Chief

Date: _____

FOR THE PARTICIPATING LOCAL GOVERNMENT:

Name of Participating Local Government: _____

Authorized signature: _____

Name: _____

Title: _____

Date: _____

A Local Government may elect in its discretion to execute the MOU for purposes of this Allocation Agreement only by checking this box (see Paragraph 10.A of this Allocation Agreement):

☐ Local Government is executing the MOU in the form attached hereto as Exhibit 3, but which is further amended and modified as set forth in this Allocation Agreement, only for purposes of this Allocation Agreement.

ONE WASHINGTON MEMORANDUM OF UNDERSTANDING BETWEEN WASHINGTON MUNICIPALITIES

Whereas, the people of the State of Washington and its communities have been harmed by entities within the Pharmaceutical Supply Chain who manufacture, distribute, and dispense prescription opioids;

Whereas, certain Local Governments, through their elected representatives and counsel, are engaged in litigation seeking to hold these entities within the Pharmaceutical Supply Chain of prescription opioids accountable for the damage they have caused to the Local Governments;

Whereas, Local Governments and elected officials share a common desire to abate and alleviate the impacts of harms caused by these entities within the Pharmaceutical Supply Chain throughout the State of Washington, and strive to ensure that principals of equity and equitable service delivery are factors considered in the allocation and use of Opioid Funds; and

Whereas, certain Local Governments engaged in litigation and the other cities and counties in Washington desire to agree on a form of allocation for Opioid Funds they receive from entities within the Pharmaceutical Supply Chain.

Now therefore, the Local Governments enter into this Memorandum of Understanding (“MOU”) relating to the allocation and use of the proceeds of Settlements described.

A. Definitions

As used in this MOU:

1. “Allocation Regions” are the same geographic areas as the existing nine (9) Washington State Accountable Community of Health (ACH) Regions and have the purpose described in Section C below.
2. “Approved Purpose(s)” shall mean the strategies specified and set forth in the Opioid Abatement Strategies attached as Exhibit A.
3. “Effective Date” shall mean the date on which a court of competent jurisdiction enters the first Settlement by order or consent decree. The Parties anticipate that more than one Settlement will be administered according to the terms of this MOU, but that the first entered Settlement will trigger allocation of Opioid Funds in accordance with Section B herein, and the formation of the Opioid Abatement Councils in Section C.
4. “Litigating Local Government(s)” shall mean Local Governments that filed suit against any Pharmaceutical Supply Chain Participant pertaining to the Opioid epidemic prior to September 1, 2020.

5. “Local Government(s)” shall mean all counties, cities, and towns within the geographic boundaries of the State of Washington.

6. “National Settlement Agreements” means the national opioid settlement agreements dated July 21, 2021 involving Johnson & Johnson, and distributors AmerisourceBergen, Cardinal Health and McKesson as well as their subsidiaries, affiliates, officers, and directors named in the National Settlement Agreements, including all amendments thereto.

7. “Opioid Funds” shall mean monetary amounts obtained through a Settlement as defined in this MOU.

8. “Opioid Abatement Council” shall have the meaning described in Section C below.

9. “Participating Local Government(s)” shall mean all counties, cities, and towns within the geographic boundaries of the State that have chosen to sign on to this MOU. The Participating Local Governments may be referred to separately in this MOU as “Participating Counties” and “Participating Cities and Towns” (or “Participating Cities or Towns,” as appropriate) or “Parties.”

10. “Pharmaceutical Supply Chain” shall mean the process and channels through which controlled substances are manufactured, marketed, promoted, distributed, and/or dispensed, including prescription opioids.

11. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, and/or dispensing of a prescription opioid, including any entity that has assisted in any of the above.

12. “Qualified Settlement Fund Account,” or “QSF Account,” shall mean an account set up as a qualified settlement fund, 468b fund, as authorized by Treasury Regulations 1.468B-1(c) (26 CFR §1.468B-1).

13. “Regional Agreements” shall mean the understanding reached by the Participating Local Counties and Cities within an Allocation Region governing the allocation, management, distribution of Opioid Funds within that Allocation Region.

14. “Settlement” shall mean the future negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant when that resolution has been jointly entered into by the Participating Local Governments. “Settlement” expressly does not include a plan of reorganization confirmed under Title 11 of the United States Code, irrespective of the extent to which Participating Local Governments vote in favor of or otherwise support such plan of reorganization.

15. “Trustee” shall mean an independent trustee who shall be responsible for the ministerial task of releasing Opioid Funds from a QSF account to Participating Local Governments as authorized herein and accounting for all payments into or out of the trust.

16. The “Washington State Accountable Communities of Health” or “ACH” shall mean the nine (9) regions described in Section C below.

B. Allocation of Settlement Proceeds for Approved Purposes

1. All Opioid Funds shall be held in a QSF and distributed by the Trustee, for the benefit of the Participating Local Governments, only in a manner consistent with this MOU. Distribution of Opioid Funds will be subject to the mechanisms for auditing and reporting set forth below to provide public accountability and transparency.

2. All Opioid Funds, regardless of allocation, shall be utilized pursuant to Approved Purposes as defined herein and set forth in Exhibit A. Compliance with this requirement shall be verified through reporting, as set out in this MOU.

3. The division of Opioid Funds shall first be allocated to Participating Counties based on the methodology utilized for the Negotiation Class in *In Re: National Prescription Opiate Litigation*, United States District Court for the Northern District of Ohio, Case No. 1:17-md-02804-DAP. The allocation model uses three equally weighted factors: (1) the amount of opioids shipped to the county; (2) the number of opioid deaths that occurred in that county; and (3) the number of people who suffer opioid use disorder in that county. The allocation percentages that result from application of this methodology are set forth in the “County Total” line item in Exhibit B. In the event any county does not participate in this MOU, that county’s percentage share shall be reallocated proportionally amongst the Participating Counties by applying this same methodology to only the Participating Counties.

4. Allocation and distribution of Opioid Funds within each Participating County will be based on regional agreements as described in Section C.

C. Regional Agreements

1. For the purpose of this MOU, the regional structure for decision-making related to opioid fund allocation will be based upon the nine (9) pre-defined Washington State Accountable Community of Health Regions (Allocation Regions). Reference to these pre-defined regions is solely for the purpose of

drawing geographic boundaries to facilitate regional agreements for use of Opioid Funds. The Allocation Regions are as follows:

- King County (Single County Region)
- Pierce County (Single County Region)
- Olympic Community of Health Region (Clallam, Jefferson, and Kitsap Counties)
- Cascade Pacific Action Alliance Region (Cowlitz, Grays Harbor, Lewis, Mason, Pacific, Thurston, Lewis, and Wahkiakum Counties)
- North Sound Region (Island, San Juan, Skagit, Snohomish, and Whatcom Counties)
- SouthWest Region (Clark, Klickitat, and Skamania Counties)
- Greater Columbia Region (Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla, Whitman, and Yakima Counties)
- Spokane Region (Adams, Ferry, Lincoln, Pend Oreille, Spokane, and Stevens Counties)
- North Central Region (Chelan, Douglas, Grant, and Okanogan Counties)

2. Opioid Funds will be allocated, distributed and managed within each Allocation Region, as determined by its Regional Agreement as set forth below. If an Allocation Region does not have a Regional Agreement enumerated in this MOU, and does not subsequently adopt a Regional Agreement per Section C.5, the default mechanism for allocation, distribution and management of Opioid Funds described in Section C.4.a will apply. Each Allocation Region must have an OAC whose composition and responsibilities shall be defined by Regional Agreement or as set forth in Section C.4.

3. King County's Regional Agreement is reflected in Exhibit C to this MOU.

4. All other Allocation Regions that have not specified a Regional Agreement for allocating, distributing and managing Opioid Funds, will apply the following default methodology:

- a. Opioid Funds shall be allocated within each Allocation Region by taking the allocation for a Participating County from Exhibit B and apportioning those funds between that Participating County and its Participating Cities and Towns. Exhibit B also sets forth the allocation to the Participating Counties and the Participating Cities or Towns within the Counties based on a default allocation formula. As set forth above in Section B.3, to determine the allocation to a county, this formula utilizes: (1) the amount of opioids shipped to the county; (2) the number of opioid deaths that occurred in that county; and (3) the number of people who suffer opioid use disorder in that county. To determine the allocation within a county, the formula utilizes historical federal data showing how the specific Counties and the Cities and Towns within the Counties have

made opioids epidemic-related expenditures in the past. This is the same methodology used in the National Settlement Agreements for county and intra-county allocations. A Participating County, and the Cities and Towns within it may enter into a separate intra-county allocation agreement to modify how the Opioid Funds are allocated amongst themselves, provided the modification is in writing and agreed to by all Participating Local Governments in the County. Such an agreement shall not modify any of the other terms or requirements of this MOU.

b. 10% of the Opioid Funds received by the Region will be reserved, on an annual basis, for administrative costs related to the OAC. The OAC will provide an annual accounting for actual costs and any reserved funds that exceed actual costs will be reallocated to Participating Local Governments within the Region.

c. Cities and towns with a population of less than 10,000 shall be excluded from the allocation, with the exception of cities and towns that are Litigating Participating Local Governments. The portion of the Opioid Funds that would have been allocated to a city or town with a population of less than 10,000 that is not a Litigating Participating Local Government shall be redistributed to Participating Counties in the manner directed in C.4.a above.

d. Each Participating County, City, or Town may elect to have its share re-allocated to the OAC in which it is located. The OAC will then utilize this share for the benefit of Participating Local Governments within that Allocation Region, consistent with the Approved Purposes set forth in Exhibit A. A Participating Local Government's election to forego its allocation of Opioid Funds shall apply to all future allocations unless the Participating Local Government notifies its respective OAC otherwise. If a Participating Local Government elects to forego its allocation of the Opioid Funds, the Participating Local Government shall be excused from the reporting requirements set forth in this Agreement.

e. Participating Local Governments that receive a direct payment maintain full discretion over the use and distribution of their allocation of Opioid Funds, provided the Opioid Funds are used solely for Approved Purposes. Reasonable administrative costs for a Participating Local Government to administer its allocation of Opioid Funds shall not exceed actual costs or 10% of the Participating Local Government's allocation of Opioid Funds, whichever is less.

f. A Local Government that chooses not to become a Participating Local Government will not receive a direct allocation of Opioid Funds. The portion of the Opioid Funds that would have been allocated to a Local Government that is not a Participating Local Government shall be

redistributed to Participating Counties in the manner directed in C.4.a above.

g. As a condition of receiving a direct payment, each Participating Local Government that receives a direct payment agrees to undertake the following actions:

- i. Developing a methodology for obtaining proposals for use of Opioid Funds.
- ii. Ensuring there is opportunity for community-based input on priorities for Opioid Fund programs and services.
- iii. Receiving and reviewing proposals for use of Opioid Funds for Approved Purposes.
- iv. Approving or denying proposals for use of Opioid Funds for Approved Purposes.
- v. Receiving funds from the Trustee for approved proposals and distributing the Opioid Funds to the recipient.
- vi. Reporting to the OAC and making publicly available all decisions on Opioid Fund allocation applications, distributions and expenditures.

h. Prior to any distribution of Opioid Funds within the Allocation Region, The Participating Local Governments must establish an Opioid Abatement Council (OAC) to oversee Opioid Fund allocation, distribution, expenditures and dispute resolution. The OAC may be a preexisting regional body or may be a new body created for purposes of executing the obligations of this MOU.

i. The OAC for each Allocation Region shall be composed of representation from both Participating Counties and Participating Towns or Cities within the Region. The method of selecting members, and the terms for which they will serve will be determined by the Allocation Region's Participating Local Governments. All persons who serve on the OAC must have work or educational experience pertaining to one or more Approved Uses.

j. The Regional OAC will be responsible for the following actions:

- i. Overseeing distribution of Opioid Funds from Participating Local Governments to programs and services within the Allocation Region for Approved Purposes.

- ii. Annual review of expenditure reports from Participating Local Jurisdictions within the Allocation Region for compliance with Approved Purposes and the terms of this MOU and any Settlement.
- iii. In the case where Participating Local Governments chose to forego their allocation of Opioid Funds:
 - (i) Approving or denying proposals by Participating Local Governments or community groups to the OAC for use of Opioid Funds within the Allocation Region.
 - (ii) Directing the Trustee to distribute Opioid Funds for use by Participating Local Governments or community groups whose proposals are approved by the OAC.
 - (iii) Administrating and maintaining records of all OAC decisions and distributions of Opioid Funds.
- iv. Reporting and making publicly available all decisions on Opioid Fund allocation applications, distributions and expenditures by the OAC or directly by Participating Local Governments.
- v. Developing and maintaining a centralized public dashboard or other repository for the publication of expenditure data from any Participating Local Government that receives Opioid Funds, and for expenditures by the OAC in that Allocation Region, which it shall update at least annually.
- vi. If necessary, requiring and collecting additional outcome-related data from Participating Local Governments to evaluate the use of Opioid Funds, and all Participating Local Governments shall comply with such requirements.
- vii. Hearing complaints by Participating Local Governments within the Allocation Region regarding alleged failure to (1) use Opioid Funds for Approved Purposes or (2) comply with reporting requirements.

5. Participating Local Governments may agree and elect to share, pool, or collaborate with their respective allocation of Opioid Funds in any manner they choose by adopting a Regional Agreement, so long as such sharing, pooling, or collaboration is used for Approved Purposes and complies with the terms of this MOU and any Settlement.

6. Nothing in this MOU should alter or change any Participating Local Government's rights to pursue its own claim. Rather, the intent of this MOU is to join all parties who wish to be Participating Local Governments to agree upon an allocation formula for any Opioid Funds from any future binding Settlement with one or more Pharmaceutical Supply Chain Participants for all Local Governments in the State of Washington.

7. If any Participating Local Government disputes the amount it receives from its allocation of Opioid Funds, the Participating Local Government shall alert its respective OAC within sixty (60) days of discovering the information underlying the dispute. Failure to alert its OAC within this time frame shall not constitute a waiver of the Participating Local Government's right to seek recoupment of any deficiency in its allocation of Opioid Funds.

8. If any OAC concludes that a Participating Local Government's expenditure of its allocation of Opioid Funds did not comply with the Approved Purposes listed in Exhibit A, or the terms of this MOU, or that the Participating Local Government otherwise misused its allocation of Opioid Funds, the OAC may take remedial action against the alleged offending Participating Local Government. Such remedial action is left to the discretion of the OAC and may include withholding future Opioid Funds owed to the offending Participating Local Government or requiring the offending Participating Local Government to reimburse improperly expended Opioid Funds back to the OAC to be re-allocated to the remaining Participating Local Governments within that Region.

9. All Participating Local Governments and OAC shall maintain all records related to the receipt and expenditure of Opioid Funds for no less than five (5) years and shall make such records available for review by any other Participating Local Government or OAC, or the public. Records requested by the public shall be produced in accordance with Washington's Public Records Act RCW 42.56.001 *et seq.* Records requested by another Participating Local Government or an OAC shall be produced within twenty-one (21) days of the date the record request was received. This requirement does not supplant any Participating Local Government or OAC's obligations under Washington's Public Records Act RCW 42.56.001 *et seq.*

D. Payment of Counsel and Litigation Expenses

1. The Litigating Local Governments have incurred attorneys' fees and litigation expenses relating to their prosecution of claims against the Pharmaceutical Supply Chain Participants, and this prosecution has inured to the benefit of all Participating Local Governments. Accordingly, a Washington

Government Fee Fund (“GFF”) shall be established that ensures that all Parties that receive Opioid Funds contribute to the payment of fees and expenses incurred to prosecute the claims against the Pharmaceutical Supply Chain Participants, regardless of whether they are litigating or non-litigating entities.

2. The amount of the GFF shall be based as follows: the funds to be deposited in the GFF shall be equal to 15% of the total cash value of the Opioid Funds.

3. The maximum percentage of any contingency fee agreement permitted for compensation shall be 15% of the portion of the Opioid Funds allocated to the Litigating Local Government that is a party to the contingency fee agreement, plus expenses attributable to that Litigating Local Government. Under no circumstances may counsel collect more for its work on behalf of a Litigating Local Government than it would under its contingency agreement with that Litigating Local Government.

4. Payments from the GFF shall be overseen by a committee (the “Opioid Fee and Expense Committee”) consisting of one representative of the following law firms: (a) Keller Rohrback L.L.P.; (b) Hagens Berman Sobol Shapiro LLP; (c) Goldfarb & Huck Roth Riojas, PLLC; and (d) Napoli Shkolnik PLLC. The role of the Opioid Fee and Expense Committee shall be limited to ensuring that the GFF is administered in accordance with this Section.

5. In the event that settling Pharmaceutical Supply Chain Participants do not pay the fees and expenses of the Participating Local Governments directly at the time settlement is achieved, payments to counsel for Participating Local Governments shall be made from the GFF over not more than three years, with 50% paid within 12 months of the date of Settlement and 25% paid in each subsequent year, or at the time the total Settlement amount is paid to the Trustee by the Defendants, whichever is sooner.

6. Any funds remaining in the GFF in excess of: (i) the amounts needed to cover Litigating Local Governments’ private counsel’s representation agreements, and (ii) the amounts needed to cover the common benefit tax discussed in Section C.8 below (if not paid directly by the Defendants in connection with future settlement(s), shall revert to the Participating Local Governments *pro rata* according to the percentages set forth in Exhibits B, to be used for Approved Purposes as set forth herein and in Exhibit A.

7. In the event that funds in the GFF are not sufficient to pay all fees and expenses owed under this Section, payments to counsel for all Litigating Local Governments shall be reduced on a *pro rata* basis. The Litigating Local Governments will not be responsible for any of these reduced amounts.

8. The Parties anticipate that any Opioid Funds they receive will be subject to a common benefit “tax” imposed by the court in *In Re: National Prescription Opiate Litigation*, United States District Court for the Northern District of Ohio, Case No. 1:17-md-02804-DAP (“Common Benefit Tax”). If this occurs, the Participating Local Governments shall first seek to have the settling defendants pay the Common Benefit Tax. If the settling defendants do not agree to pay the Common Benefit Tax, then the Common Benefit Tax shall be paid from the Opioid Funds and by both litigating and non-litigating Local Governments. This payment shall occur prior to allocation and distribution of funds to the Participating Local Governments. In the event that GFF is not fully exhausted to pay the Litigating Local Governments’ private counsel’s representation agreements, excess funds in the GFF shall be applied to pay the Common Benefit Tax (if any).

E. General Terms

1. If any Participating Local Government believes another Participating Local Government, not including the Regional Abatement Advisory Councils, violated the terms of this MOU, the alleging Participating Local Government may seek to enforce the terms of this MOU in the court in which any applicable Settlement(s) was entered, provided the alleging Participating Local Government first provides the alleged offending Participating Local Government notice of the alleged violation(s) and a reasonable opportunity to cure the alleged violation(s). In such an enforcement action, any alleging Participating Local Government or alleged offending Participating Local Government may be represented by their respective public entity in accordance with Washington law.

2. Nothing in this MOU shall be interpreted to waive the right of any Participating Local Government to seek judicial relief for conduct occurring outside the scope of this MOU that violates any Washington law. In such an action, the alleged offending Participating Local Government, including the Regional Abatement Advisory Councils, may be represented by their respective public entities in accordance with Washington law. In the event of a conflict, any Participating Local Government, including the Regional Abatement Advisory Councils and its Members, may seek outside representation to defend itself against such an action.

3. Venue for any legal action related to this MOU shall be in the court in which the Participating Local Government is located or in accordance with the court rules on venue in that jurisdiction. This provision is not intended to expand the court rules on venue.

4. This MOU may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The Participating Local Governments approve the use of electronic signatures for execution of this MOU. All use of electronic signatures

shall be governed by the Uniform Electronic Transactions Act, C.R.S. §§ 24-71.3-101, *et seq.* The Parties agree not to deny the legal effect or enforceability of the MOU solely because it is in electronic form or because an electronic record was used in its formation. The Participating Local Government agree not to object to the admissibility of the MOU in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the grounds that it is an electronic record or electronic signature or that it is not in its original form or is not an original.

5. Each Participating Local Government represents that all procedures necessary to authorize such Participating Local Government's execution of this MOU have been performed and that the person signing for such Party has been authorized to execute the MOU.

[Remainder of Page Intentionally Left Blank – Signature Pages Follow]

This One Washington Memorandum of Understanding Between Washington Municipalities is signed this _____ day of _____, 2022 by:

Name & Title _____

On behalf of _____

EXHIBIT A

OPIOID ABATEMENT STRATEGIES

PART ONE: TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions, co-usage, and/or co-addiction through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.
2. Support and reimburse services that include the full American Society of Addiction Medicine (ASAM) continuum of care for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including but not limited to:
 - a. Medication-Assisted Treatment (MAT);
 - b. Abstinence-based treatment;
 - c. Treatment, recovery, or other services provided by states, subdivisions, community health centers; non-for-profit providers; or for-profit providers;
 - d. Treatment by providers that focus on OUD treatment as well as treatment by providers that offer OUD treatment along with treatment for other SUD/MH conditions, co-usage, and/or co-addiction; or
 - e. Evidence-informed residential services programs, as noted below.
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (OTPs) to assure evidence-based, evidence-informed, or promising practices such as adequate methadone dosing.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction and for persons who have experienced an opioid overdose.
6. Support treatment of mental health trauma resulting from the traumatic experiences of the opioid user (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose

or overdose fatality), and training of health care personnel to identify and address such trauma.

7. Support detoxification (detox) and withdrawal management services for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including medical detox, referral to treatment, or connections to other services or supports.
8. Support training on MAT for health care providers, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
10. Provide fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.
12. Support the dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.
13. Support the development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in treatment for and recovery from OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Provide the full continuum of care of recovery services for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including supportive housing, residential treatment, medical detox services, peer support services and counseling, community navigators, case management, and connections to community-based services.
2. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

3. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including supportive housing, recovery housing, housing assistance programs, or training for housing providers.
4. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
5. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
6. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
7. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
8. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to manage the opioid user in the family.
9. Provide training and development of procedures for government staff to appropriately interact and provide social and other services to current and recovering opioid users, including reducing stigma.
10. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.

**C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED
(CONNECTIONS TO CARE)**

Provide connections to care for people who have – or are at risk of developing – OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Support Screening, Brief Intervention and Referral to Treatment (SBIRT) programs to reduce the transition from use to disorders.
3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.

4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Support training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
6. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, or persons who have experienced an opioid overdose, into community treatment or recovery services through a bridge clinic or similar approach.
7. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction or persons that have experienced an opioid overdose.
8. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
9. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction or to persons who have experienced an opioid overdose.
10. Provide funding for peer navigators, recovery coaches, care coordinators, or care managers that offer assistance to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction or to persons who have experienced on opioid overdose.
11. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
12. Develop and support best practices on addressing OUD in the workplace.
13. Support assistance programs for health care providers with OUD.
14. Engage non-profits and the faith community as a system to support outreach for treatment.
15. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
16. Create or support intake and call centers to facilitate education and access to treatment, prevention, and recovery services for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

17. Develop or support a National Treatment Availability Clearinghouse – a multistate/nationally accessible database whereby health care providers can list locations for currently available in-patient and out-patient OUD treatment services that are accessible on a real-time basis by persons who seek treatment.

D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction who are involved – or are at risk of becoming involved – in the criminal justice system through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Support pre-arrest or post-arrest diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including established strategies such as:
 - a. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (PAARI);
 - b. Active outreach strategies such as the Drug Abuse Response Team (DART) model;
 - c. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
 - d. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (LEAD) model;
 - e. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative;
 - f. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise and to reduce perceived barriers associated with law enforcement 911 responses; or
 - g. County prosecution diversion programs, including diversion officer salary, only for counties with a population of 50,000 or less. Any diversion services in matters involving opioids must include drug testing, monitoring, or treatment.
2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, but only if these courts provide referrals to evidence-informed treatment, including MAT.

4. Provide evidence-informed treatment, including MAT, recovery support, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction who are leaving jail or prison have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal-justice-involved persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, case management, or other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, and the needs of their families, including babies with neonatal abstinence syndrome, through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Support evidence-based, evidence-informed, or promising treatment, including MAT, recovery services and supports, and prevention services for pregnant women – or women who could become pregnant – who have OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Provide training for obstetricians or other healthcare personnel that work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
3. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.
4. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.

5. Offer enhanced family supports and home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including but not limited to parent skills training.
6. Support for Children's Services – Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
2. Academic counter-detailing to educate prescribers on appropriate opioid prescribing.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Support enhancements or improvements to Prescription Drug Monitoring Programs (PDMPs), including but not limited to improvements that:
 - a. Increase the number of prescribers using PDMPs;
 - b. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs or by improving the interface that prescribers use to access PDMP data, or both; or
 - c. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD.
6. Development and implementation of a national PDMP – Fund development of a multistate/national PDMP that permits information sharing while providing appropriate safeguards on sharing of private health information, including but not limited to:
 - a. Integration of PDMP data with electronic health records, overdose episodes, and decision support tools for health care providers relating to OUD.

- b. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database.
- 7. Increase electronic prescribing to prevent diversion or forgery.
- 8. Educate Dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

- 1. Corrective advertising or affirmative public education campaigns based on evidence.
- 2. Public education relating to drug disposal.
- 3. Drug take-back disposal or destruction programs.
- 4. Fund community anti-drug coalitions that engage in drug prevention efforts.
- 5. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction – including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).
- 6. Engage non-profits and faith-based communities as systems to support prevention.
- 7. Support evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
- 8. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
- 9. Support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
- 10. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
- 11. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses or other school staff, to

address mental health needs in young people that (when not properly addressed) increase the risk of opioid or other drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Increase availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, opioid users, families and friends of opioid users, schools, community navigators and outreach workers, drug offenders upon release from jail/prison, or other members of the general public.
2. Provision by public health entities of free naloxone to anyone in the community, including but not limited to provision of intra-nasal naloxone in settings where other options are not available or allowed.
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, and other members of the general public.
4. Enable school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expand, improve, or develop data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.
7. Public education relating to immunity and Good Samaritan laws.
8. Educate first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
10. Support mobile units that offer or provide referrals to treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
11. Provide training in treatment and recovery strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
12. Support screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items C8, D1 through D7, H1, H3, and H8, support the following:

1. Current and future law enforcement expenditures relating to the opioid epidemic.
2. Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, and coordination to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Community regional planning to identify goals for reducing harms related to the opioid epidemic, to identify areas and populations with the greatest needs for treatment intervention services, or to support other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
2. A government dashboard to track key opioid-related indicators and supports as identified through collaborative community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to in various items above, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Invest in infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, or implement other

strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.
4. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
5. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g. Hawaii HOPE and Dakota 24/7).
6. Research on expanded modalities such as prescription methadone that can expand access to MAT.

EXHIBIT B

EXHIBIT B

County	Local Government	% Allocation
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Adams County

Adams County	0.1638732475%
Hatton	
Lind	
Othello	
Ritzville	
Washtucna	
County Total:	0.1638732475%

Asotin County

Asotin County	0.4694498386%
Asotin	
Clarkston	
County Total:	0.4694498386%

Benton County

Benton County	1.4848831892%
Benton City	
Kennewick	0.5415650564%
Prosser	
Richland	0.4756779517%
West Richland	0.0459360490%
County Total:	2.5480622463%

Chelan County

Chelan County	0.7434914485%
Cashmere	
Chelan	
Entiat	
Leavenworth	
Wenatchee	0.2968333494%
County Total:	1.0403247979%

Clallam County

Clallam County	1.3076983401%
Forks	
Port Angeles	0.4598370527%
Sequim	
County Total:	1.7675353928%

EXHIBIT B

County	Local Government	% Allocation
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Clark County

Clark County	4.5149775326%
Battle Ground	0.1384729857%
Camas	0.2691592724%
La Center	
Ridgefield	
Vancouver	1.7306605325%
Washougal	0.1279328220%
Woodland***	
Yacolt	
County Total:	6.7812031452%

Columbia County

Columbia County	0.0561699537%
Dayton	
Starbuck	
County Total:	0.0561699537%

Cowlitz County

Cowlitz County	1.7226945990%
Castle Rock	
Kalama	
Kelso	0.1331145270%
Longview	0.6162736905%
Woodland***	
County Total:	2.4720828165%

Douglas County

Douglas County	0.3932175175%
Bridgeport	
Coulee Dam***	
East Wenatchee	0.0799810865%
Mansfield	
Rock Island	
Waterville	
County Total:	0.4731986040%

Ferry County

Ferry County	0.1153487994%
Republic	
County Total:	0.1153487994%

EXHIBIT B

County	Local Government	% Allocation
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Franklin County

Franklin County	0.3361237144%
Connell	
Kahlotus	
Mesa	
Pasco	0.4278056066%
County Total:	0.7639293210%

Garfield County

Garfield County	0.0321982209%
Pomeroy	
County Total:	0.0321982209%

Grant County

Grant County	0.9932572167%
Coulee City	
Coulee Dam***	
Electric City	
Ephrata	
George	
Grand Coulee	
Hartline	
Krupp	
Mattawa	
Moses Lake	0.2078293909%
Quincy	
Royal City	
Soap Lake	
Warden	
Wilson Creek	
County Total:	1.2010866076%

EXHIBIT B

County	Local Government	% Allocation
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Grays Harbor County

Grays Harbor County	0.9992429138%
Aberdeen	0.2491525333%
Cosmopolis	
Elma	
Hoquiam	
McCleary	
Montesano	
Oakville	
Ocean Shores	
Westport	
County Total:	1.2483954471%

Island County

Island County	0.6820422610%
Coupeville	
Langley	
Oak Harbor	0.2511550431%
County Total:	0.9331973041%

Jefferson County

Jefferson County	0.4417137380%
Port Townsend	
County Total:	0.4417137380%

EXHIBIT B

County	Local Government	% Allocation
<u>King County</u>		
	King County	13.9743722662%
	Algona	
	Auburn***	0.2622774917%
	Beaux Arts Village	
	Bellevue	1.1300592573%
	Black Diamond	
	Bothell***	0.1821602716%
	Burien	0.0270962921%
	Carnation	
	Clyde Hill	
	Covington	0.0118134406%
	Des Moines	0.1179764526%
	Duvall	
	Enumclaw***	0.0537768326%
	Federal Way	0.3061452240%
	Hunts Point	
	Issaquah	0.1876240107%
	Kenmore	0.0204441024%
	Kent	0.5377397676%
	Kirkland	0.5453525246%
	Lake Forest Park	0.0525439124%
	Maple Valley	0.0093761587%
	Medina	
	Mercer Island	0.1751797481%
	Milton***	
	Newcastle	0.0033117880%
	Normandy Park	
	North Bend	
	Pacific***	
	Redmond	0.4839486007%
	Renton	0.7652626920%
	Sammamish	0.0224369090%
	SeaTac	0.1481551278%
	Seattle	6.6032403816%
	Shoreline	0.0435834501%
	Skykomish	
	Snoqualmie	0.0649164481%
	Tukwila	0.3032205739%
	Woodinville	0.0185516364%
	Yarrow Point	
	County Total:	26.0505653608%

EXHIBIT B

County	Local Government	% Allocation
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Kitsap County

Kitsap County	2.6294133668%
Bainbridge Island	0.1364686014%
Bremerton	0.6193374389%
Port Orchard	0.1009497162%
Poulsbo	0.0773748246%
County Total:	3.5635439479%

Kittitas County

Kittitas County	0.3855704683%
Cle Elum	
Ellensburg	0.0955824915%
Kittitas	
Roslyn	
South Cle Elum	
County Total:	0.4811529598%

Klickitat County

Klickitat County	0.2211673457%
Bingen	
Goldendale	
White Salmon	
County Total:	0.2211673457%

Lewis County

Lewis County	1.0777377479%
Centralia	0.1909990353%
Chehalis	
Morton	
Mossyrock	
Napavine	
Pe Ell	
Toledo	
Vader	
Winlock	
County Total:	1.2687367832%

EXHIBIT B

County	Local Government	% Allocation
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Lincoln County

Lincoln County	0.1712669645%
Almira	
Creston	
Davenport	
Harrington	
Odessa	
Reardan	
Sprague	
Wilbur	
County Total:	0.1712669645%

Mason County

Mason County	0.8089918012%
Shelton	0.1239179888%
County Total:	0.9329097900%

Okanogan County

Okanogan County	0.6145043345%
Brewster	
Conconully	
Coulee Dam***	
Elmer City	
Nespelem	
Okanogan	
Omak	
Oroville	
Pateros	
Riverside	
Tonasket	
Twisp	
Winthrop	
County Total:	0.6145043345%

Pacific County

Pacific County	0.4895416466%
Ilwaco	
Long Beach	
Raymond	
South Bend	
County Total:	0.4895416466%

EXHIBIT B

County	Local Government	% Allocation
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Pend Oreille County

Pend Oreille County	0.2566374940%
Cusick	
Ione	
Metaline	
Metaline Falls	
Newport	
County Total:	0.2566374940%

Pierce County

Pierce County	7.2310164020%
Auburn***	0.0628522112%
Bonney Lake	0.1190773864%
Buckley	
Carbonado	
DuPont	
Eatonville	
Edgewood	0.0048016791%
Enumclaw***	0.0000000000%
Fife	0.1955185481%
Fircrest	
Gig Harbor	0.0859963345%
Lakewood	0.5253640894%
Milton***	
Orting	
Pacific***	
Puyallup	0.3845704814%
Roy	
Ruston	
South Prairie	
Steilacoom	
Sumner	0.1083157569%
Tacoma	3.2816374617%
University Place	0.0353733363%
Wilkeson	
County Total:	12.0345236870%

San Juan County

San Juan County	0.2101495171%
Friday Harbor	
County Total:	0.2101495171%

EXHIBIT B

County	Local Government	% Allocation
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Skagit County

Skagit County	1.0526023961%
Anacortes	0.1774962906%
Burlington	0.1146861661%
Concrete	
Hamilton	
La Conner	
Lyman	
Mount Vernon	0.2801063665%
Sedro-Woolley	0.0661146351%
County Total:	1.6910058544%

Skamania County

Skamania County	0.1631931925%
North Bonneville	
Stevenson	
County Total:	0.1631931925%

Snohomish County

Snohomish County	6.9054415622%
Arlington	0.2620524080%
Bothell***	0.2654558588%
Brier	
Darrington	
Edmonds	0.3058936009%
Everett	1.9258363241%
Gold Bar	
Granite Falls	
Index	
Lake Stevens	0.1385202891%
Lynnwood	0.7704629214%
Marysville	0.3945067827%
Mill Creek	0.1227939546%
Monroe	0.1771621898%
Mountlake Terrace	0.2108935805%
Mukilteo	0.2561790702%
Snohomish	0.0861097964%
Stanwood	
Sultan	
Woodway	
County Total:	11.8213083387%

EXHIBIT B

County	Local Government	% Allocation
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Spokane County

Spokane County	5.5623859292%
Airway Heights	
Cheney	0.1238454349%
Deer Park	
Fairfield	
Latah	
Liberty Lake	0.0389636519%
Medical Lake	
Millwood	
Rockford	
Spangle	
Spokane	3.0872078287%
Spokane Valley	0.0684217500%
Waverly	
County Total:	8.8808245947%

Stevens County

Stevens County	0.7479240179%
Chewelah	
Colville	
Kettle Falls	
Marcus	
Northport	
Springdale	
County Total:	0.7479240179%

Thurston County

Thurston County	2.3258492094%
Bucoda	
Lacey	0.2348627221%
Olympia	0.6039423385%
Rainier	
Tenino	
Tumwater	0.2065982350%
Yelm	
County Total:	3.3712525050%

Wahkiakum County

Wahkiakum County	0.0596582197%
Cathlamet	
County Total:	0.0596582197%

EXHIBIT B

County	Local Government	% Allocation
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Walla Walla County

Walla Walla County	0.5543870294%
College Place	
Prescott	
Waitsburg	
Walla Walla	0.3140768654%
County Total:	0.8684638948%

Whatcom County

Whatcom County	1.3452637306%
Bellingham	0.8978614577%
Blaine	
Everson	
Ferndale	0.0646101891%
Lynden	0.0827115612%
Nooksack	
Sumas	
County Total:	2.3904469386%

Whitman County

Whitman County	0.2626805837%
Albion	
Colfax	
Colton	
Endicott	
Farmington	
Garfield	
LaCrosse	
Lamont	
Malden	
Oakesdale	
Palouse	
Pullman	0.2214837491%
Rosalia	
St. John	
Tekoa	
Uniontown	
County Total:	0.4841643328%

EXHIBIT B

County	Local Government	% Allocation
<u>Yakima County</u>		
	Yakima County	1.9388392959%
	Grandview	0.0530606109%
	Granger	
	Harrah	
	Mabton	
	Moxee	
	Naches	
	Selah	
	Sunnyside	0.1213478384%
	Tieton	
	Toppenish	
	Union Gap	
	Wapato	
	Yakima	0.6060410539%
	Zillah	
	County Total:	2.7192887991%

Exhibit C

KING COUNTY REGIONAL AGREEMENT

King County intends to explore coordination with its cities and towns to facilitate a Regional Agreement for Opioid Fund allocation. Should some cities and towns choose not to participate in a Regional Agreement, this shall not preclude coordinated allocation for programs and services between the County and those cities and towns who elect to pursue a Regional Agreement. As contemplated in C.5 of the MOU, any Regional Agreement shall comply with the terms of the MOU and any Settlement. If no Regional Agreement is achieved, the default methodology for allocation in C.4 of the MOU shall apply.