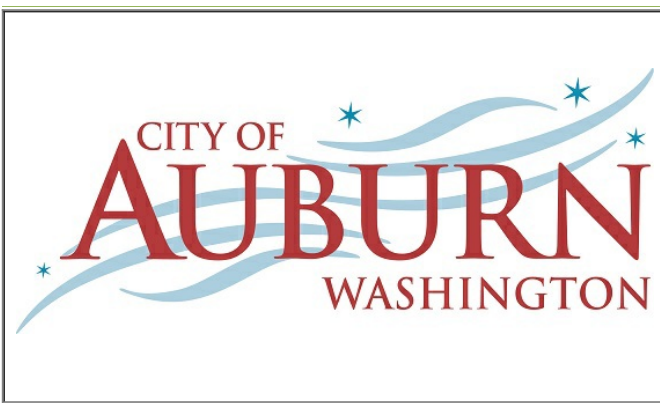


	City Council Study Session Muni Services SFA September 13, 2021 - 5:30 PM Virtual AGENDA Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

II. VIRTUAL PARTICIPATION LINK

A. Virtual Participation Link

The Auburn City Council Study Session scheduled for Monday, September 13, 2021 at 5:30 p.m. will be held virtually and telephonically. To attend the meeting virtually please click one of the below links, enter the meeting ID into the Zoom app, or call into the meeting at the phone number listed below.

Per Governor Inslee's Emergency Proclamation 20-05 and 20-28 et. seq. and City of Auburn Resolution No. 5581, City of Auburn has designated meeting locations as "virtual" for all Regular, Special and Study Session Meetings of the City Council and for the Committees, Boards and Commissions of the City.

The link to the Virtual Meeting or phone number to listen to the Council Meeting is:

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://us06web.zoom.us/j/83075161711>

Or One tap mobile:

+12532158782,,83075161711# US (Tacoma)

Or join by phone:

253 215 8782

877 853 5257 (Toll Free)

Webinar ID: 830 7516 1711

International numbers available: <https://us06web.zoom.us/j/kp4e2UqmD>

B. Roll Call

III. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

A. Inclusive Auburn – Diversity, Equity, and Inclusion Consulting (Martinson) (30 Minutes)

IV. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Ordinance No. 6831 (Tate) (15 Minutes)

An Ordinance amending Chapter 2.98 of the Auburn City Code to modifying the funding allocation of the Business Improvement Area (BIA) and to rename the Business Improvement Area Committee

B. Ordinance No. 6833 (Comeau) (5 Minutes)

An Ordinance amending Section 3.12.030 of the Auburn City Code regarding the opening of Public Works Contract Bids

V. MUNICIPAL SERVICES DISCUSSION ITEMS

A. PAC Update (O'Neil) (30 Minutes)

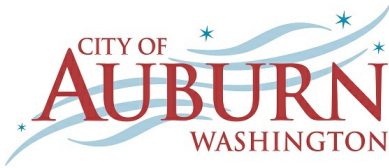
B. 2021 Fireworks Update (O'Neil) (30 Minutes)

VI. OTHER DISCUSSION ITEMS

VII. NEW BUSINESS

VIII. 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:

Inclusive Auburn – Diversity, Equity, and Inclusion Consulting
(Martinson) (30 Minutes)

Date:

September 8, 2021

Department:

Human Resources

Attachments:

[DEI Consultant Presentation](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background for Motion:****Background Summary:**

Presentation to highlight the work of DEI in alignment with the City of Auburn's Mission, Vision, Core Values, and Resolution 5427.

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

Candis Martinson

Meeting Date: September 13, 2021

Item Number:

CITY OF AUBURN

INCLUSIVE AUBURN – DIVERSITY, EQUITY, AND
INCLUSION CONSULTING



UNDERSTANDING THE SCOPE OF WORK

Address and further the work of DEI in alignment with the City of Auburn's Mission, Vision, Core Values, and Resolution 5427

- Gap Analysis/Audit
- Provide skills building that support inclusive and equitable practices that are relevant to the operations of each workgroup
- Accountability measures that promote a safe and respectful workplace
- Recommendations for next steps

APPROACH TO WORK

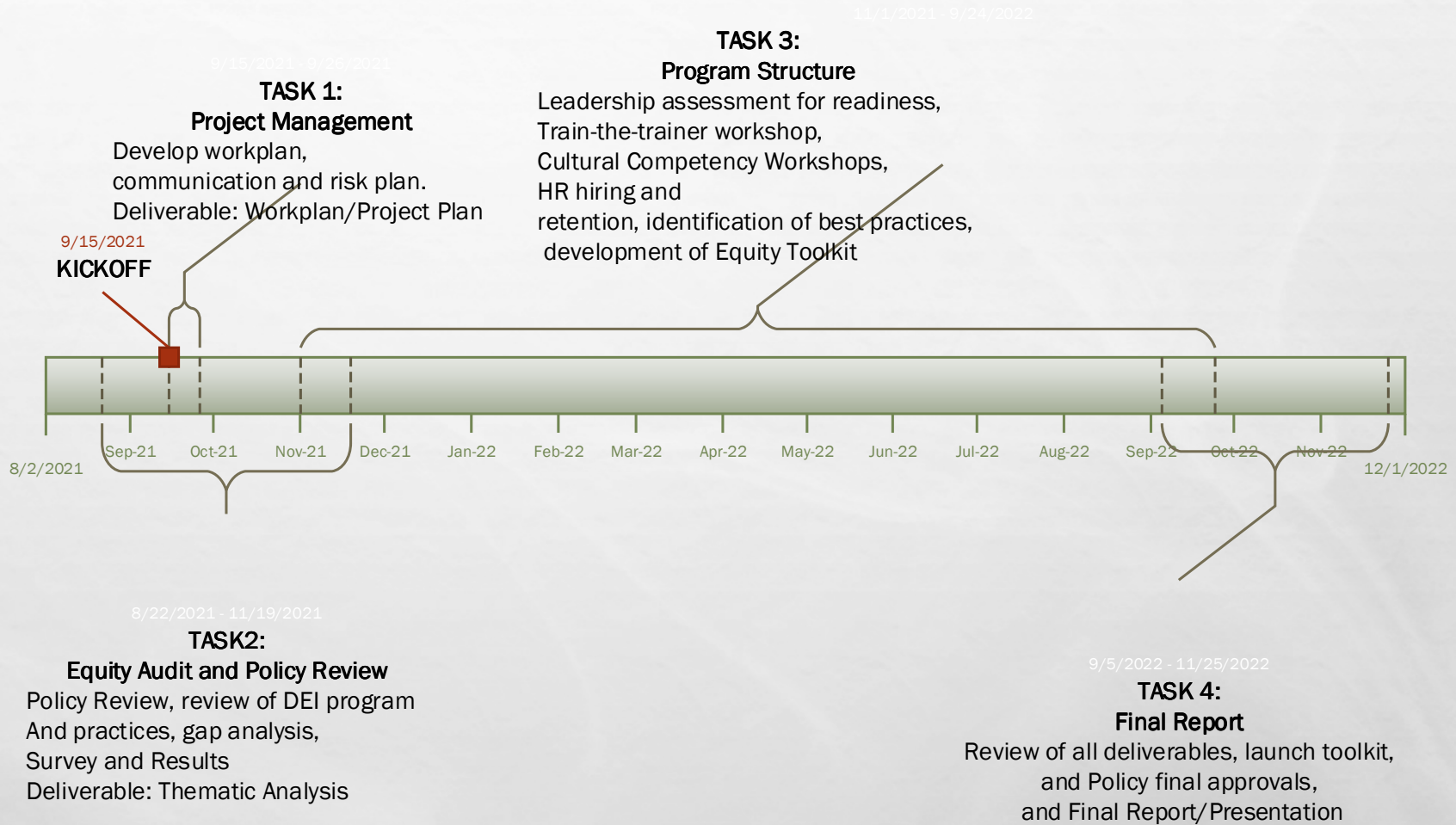
TASK 1: Detailed workplan, communication and risk management, status reports, billing

TASK 2: City staff electronic survey, interviews, and audit of policy and practices

TASK 3: Implementation based on audit and gap analysis, skills building workshops, DEI racial equity decision tools, chartering DEI the team, and strategic plan



TIMELINE



DELIVERABLES: TASK I Project Management and Communication

- Detailed workplan: includes risk management, communication/coordination agreements, and operational content formats/standards.
- Status reports, workplan updates, billing



DELIVERABLES: TASK 2 Equity Audit and Policy / Process Review

- Relating Demographic Profile's to Service levels
- Audit of policies
- City staff survey and interviews
- Key Community Partner Interviews
- Thematic of Survey and Outreach



DELIVERABLES: TASK ELEMENT 3 Program Structure

- Pre-assessment Readiness with Leadership (Directors, Managers, and Supervisors)
- Train the Trainer and champions of the program
- Cultural Competency skills-building and employee engagement
- Identifying and Recommending Best Practices
- Developing and implementing an Equity Impact Toolkit



DELIVERABLES: TASK 4 Final Report

- Engage with Council
- DEI Strategic Plan
- Audit Findings and Recommendations
- Toolkit Launch
- Approve revised/recommended policies
- Final Report



Questions?

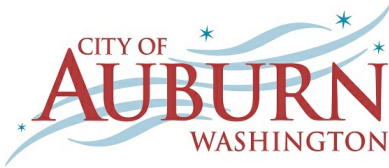
DEMARCHE CONSULTING GROUP

www.demarcheconsulting.com

info@demarcheconsulting.com

206 999 9786 P.O. Box 1081 Poulsbo, WA 98370





AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6831 (Tate) (15 Minutes)

Date:

September 2, 2021

Department:

Community Development

Attachments:

[Ordinance No. 6831](#)

[Exhibit A to Ordinance NO. 6831](#)

[Exhibit B to Ordinance NO. 6831](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Schedule Ordinance No. 6831 for action by City Council on September 20, 2021

Background for Motion:**Background Summary:**

The BIA district, committee, and rates were initially established in 1998. RCW 35.87A is the state law that authorizes a city or business community to establish a BIA and it sets forth the general scope and parameters for how rates are collected, how funds can be used within the BIA district, and the requirements for a "committee of ratepayers" to be formed who are responsible for guiding investments that are made using BIA funds.

Over the course of the last 30+ years businesses located within the BIA have paid an annual fee that is collected with application or renewal of a business's city business license. Rates have been used for a variety of purposes but always within the parameters set forth in RCW 35.87A.

Ordinance 6831 seeks to shift how the BIA is funded. The reasons for proposing this shift are described below however, it is equally important to describe what Ordinance 6831 does not do.

Ordinance 6831 does not change the geographic boundary of the BIA. It does not change the purpose of the BIA and how funds are to be invested within the geographic boundary of the BIA. Funds that are overseen by the committee are to be invested will continue to be spent in the same manner. And it does not change the structure of the committee, their terms, membership requirements, and method of appointment.

The fundamental purpose of Ordinance 6831 is to change the method in which the BIA is funded. Instead of collecting an annual fee from businesses within the BIA boundary, Ordinance would eliminate the annual fee and replace it with an annual funding commitment that is carved out of Business and Occupation Taxes. Recall that City Council adopted Ordinance 6814 on May 17, 2021 which establishes a citywide B&O Tax and that collection of B&O Taxes will commence in 2022. The following bullet points identify the rationale behind this approach:

1. Ordinance 6814 (establishing the B&O Tax under Auburn City Code Chapter 3.53) already allows for BIA fees that are paid by a business to be deducted from their taxes. This was included in Ordinance 6814 in order to avoid a scenario where a business is paying both the B&O Tax and the BIA Rate.
2. Despite the above referenced B&O tax deduction, the business owner still has the experience of paying two fees. The business owner is still likely to perceive that they are paying both fees and being double charged.
3. Also, the bottom line amount of money that is collected by the City will be exactly the same. For example, a business calculates it's B&O tax to be \$5,000 and their BIA rate is \$500. Therefore, the business owner can deduct the \$500 BIA fee from the \$5,000 B&O tax payment so that they only pay \$4,500 in B&O taxes. However, in the end the City is collecting \$5,000 whether one way or another which means there is no financial benefit to keep the BIA fee in place since the City collects the same amount of money under either scenario. In fact, eliminating the BIA fee in favor of relying on the B&O tax is actually simpler for the business owner since they won't be required to think about two separate payments that they must make and to have their accountant address the BIA tax deduction when filing B&O taxes.
4. There are significant internal complications for keeping the BIA and B&O tax in place. These complications will cost a relatively significant amount of money to overcome. For example:
 - a. The BIA fee and the B&O tax require two separate software systems. These systems will need to communicate with each other. This type of software integration will cost between \$50,000 and \$100,000 to build out. And there may be ongoing annual costs to maintain this integration.
 - b. Many businesses will pay their B&O taxes on a quarterly basis; others will pay annually. The BIA is paid annually in one lump sum. The software integration described above becomes more complicated if the B&O system needs to go "find" the BIA fee that was paid in a different software system and then determine if it is supposed to divide the BIA fee into quarters (for quarterly filers) or to pull the full annual BIA fee into the B&O deduction.
 - c. BIA fees are paid with business license renewals in November and December. B&O taxes are potentially paid quarterly which makes the first payment due in April of a given year. The method for deducting the BIA fee will become more complicated when having to determine if the BIA deduction applies to fees paid last year, or fees that are anticipate to be paid this year (e.g. on April 15, 2022 is the deduction for the BIA fee paid on December 1, 2021 or the anticipated fee that will be due on December 1, 2022).
5. Another benefit is that the City currently expends a relatively significant amount of time to pursue business license renewals that are delinquent. Some of these include businesses within the BIA who have not paid their BIA payment. Since the BIA Board relies upon payment of fees in order to fund the projects that they support, the BIA is limited in its ability if BIA fees have not been paid. A codified budget commitment from B&O taxes that are collected across the entire city will overcome this dynamic.

Reviewed by Council Committees:

Councilmember: Stearns

Staff: Tate

Meeting Date: September 13, 2021

Item Number:

ORDINANCE NO. 6831

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING CHAPTER 2.98 OF THE AUBURN CITY CODE TO MODIFY THE FUNDING ALLOCATION OF THE BUSINESS IMPROVEMENT AREA AND TO RENAME THE BUSINESS IMPROVEMENT AREA COMMITTEE.

WHEREAS, the City passed Ordinance 6814 adopting a Business and Occupation Tax (B&O Tax) on May 17, 2021; and

WHEREAS, the B&O Tax provides a funding resource for the Business Improvement Area (BIA) and renders the separate BIA fee assessment and tax credit in ACC 3.53.120(B) duplicative and unnecessary at this time; and

WHEREAS, there will be substantial costs and staff time to develop and implement measures to address software integration between the two separate systems that support BIA payments and B&O tax payments; and

WHEREAS, the necessary costs and time commitments would not result in additional revenues; and

WHEREAS, it is less expensive, simpler and more transparent to eliminate the BIA rate than it would be to expend the resources to address software integration; and

WHEREAS, on August 19, 2021 the BIA Committee of Ratepayers adopted Resolution 2021-01 (Exhibit B) which is a recommendation to the Auburn City Council to replace the BIA rate with funding from the B&O Tax; and

WHEREAS, modifications to Chapter 2.98 of the ACC remove references to the BIA fee assessment, reflects the funding through the B&O Tax, and renames the Auburn Committee of the Rate Payers as the BIA Committee; and

WHEREAS, the Auburn City Council continues to support the long standing purpose, function and structure of the Committee and only seeks to change the method in which these efforts are funded; and

WHEREAS, Chapter 2.98 of the ACC and the operation of the BIA Committee will remain consistent with Chapter 35.87A RCW.

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

Section 1. **Amendments to Chapter 2.98 of the Auburn City Code.** Sections 2.98.010, 2.98.020, and 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 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.

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: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____

ORDINANCE 6831

EXHIBIT A

Chapter 2.98

AUBURN BUSINESS IMPROVEMENT AREA

Sections:

- 2.98.010 Business improvement area created.
- 2.98.020 ~~Special assessment of businesses within BIA boundary~~ Funding allocation.
- 2.98.030 Purpose of BIA and ~~special assessment~~ expenditures.
- 2.98.040 ~~Committee of rate payers~~ BIA committee created.
- 2.98.050 Membership.
- 2.98.060 Appointment.
- 2.98.070 Officers – Meetings.
- 2.98.080 Compensation.
- 2.98.090 Role and responsibilities of the committee.
- 2.98.100 Annual reports of progress.

2.98.010 Business improvement area created.

A. There is created, pursuant to Chapter 35.87A RCW, a parking and business improvement area (BIA) with a boundary as follows:

Beginning at the intersection of Auburn Way North and 5th Street NE; thence eastward along the alley lying between and paralleling 6th Street NE and Park AV, for a distance of 200 feet from the centerline of Auburn Way North; thence south, paralleling Auburn Way North and at a distance of 200 feet from the centerline of Auburn Way North, to 1st Street NE; thence eastward along 1st Street NE to “E” Street NE; thence southward along “E” Street NE to East Main Street; thence eastward along Main Street to “F” Street SE; thence southward along “F” Street SE to 2nd Street SE; thence westward along 2nd Street SE to the mid-block point between “D” Street SE and Auburn Way South; thence southward to the Burlington Northern Railroad tracks; thence westward along the Burlington Northern Railroad tracks to “A” Street SE; thence northward along “A” Street SE to 3rd Street SE; thence westward along 3rd Street SE and SW to the Burlington Northern Railroad tracks; thence northward along the Burlington Northern Railroad tracks to 1st Street SW projected; thence westward along 1st Street SW to “D” Street SW; thence northward along “D” Street SW and NW for a distance of 200 feet from the centerline of West Main Street; thence eastward, paralleling Main Street and at a distance of 200 feet from the centerline of West Main Street, to the Burlington Northern Railroad tracks; thence northward along the Burlington Northern Railroad tracks to 3rd Street NW; thence eastward along 3rd Street NW and NE to “B” Street NE; thence northward along “B” Street NE for a distance of 200 feet from the centerline of 3rd Street NE; thence eastward, paralleling 3rd Street NE and at a distance of 200 feet from

the centerline of 3rd Street NE, to the alley running in a north/south direction and lying east of “B” Street NE and west of Auburn AV; thence northward along the alley to 5th Street NE; thence eastward along 5th Street NE to Auburn Way North, which is the beginning point (when a street or alley is named, the area boundary is the centerline of the right-of-way).

B. Businesses within the BIA may be subject to special assessments that are authorized by RCW 35.87A.010. (Ord. 6658 § 1, 2017.)

2.98.020 ~~Special assessment of businesses within BIA boundary~~Funding allocation.

A. To finance the activities authorized in ACC 2.98.030, ~~there is levied and shall be collected an annual special assessment upon the businesses in the area, determined as follows: a minimum of \$90,000 per year shall be allocated to the BIA that is collected from Business and Occupation taxes established in Chapter 3.53 ACC. The final budget allocation shall be determined through the formal city budget process.~~

~~1. All businesses operating within the BIA boundary shall pay a special assessment equal to the usable square footage, excluding any basement space, owned or occupied by said business multiplied by a factor of \$0.15.~~

~~2. No business shall be assessed less than \$150.00 nor more than \$1,500 per year.~~

B. ~~No special assessments shall be levied upon or collected from:~~The BIA committee may recommend to the Auburn City Council collection of special assessments that are allowed under Chapter 35.87A RCW.

~~1. Organizations to which a charitable contribution may be made under the United States Internal Revenue Code, 26 U.S.C. 170, with five or fewer full-time employees.~~

~~2. Governmental agencies and offices.~~

~~3. Businesses that occupy or use any leasable area within the geographic boundary of the BIA for a period of less than 20 days per year.~~

~~4. Businesses that are owned by, or are a subsidiary or affiliate of, another business entity that is subject to the special assessment, and are located wholly within the assessed business.~~

~~5. Businesses authorized by Chapter 18.60 ACC.~~

~~6. Businesses operating within a city-sponsored business incubator or business accelerator.~~

~~7. Businesses not required to obtain a business license under ACC Title 5.~~

~~C. Special assessments for businesses that own, but do not occupy, any leasable area shall be reduced by a pro rata amount based on the square footage leased by any other assessed business.~~

~~D. New businesses commencing within the BIA area shall pay an initial annual assessment that is prorated based on the time remaining in the year.~~ (Ord. 6658 § 1, 2017.)

2.98.030 Purpose of BIA and ~~special assessment~~ expenditures.

A. The purpose of the BIA is to aid in general economic development and neighborhood revitalization within the BIA boundary, and to facilitate the cooperation of merchants, businesses, and residential property owners for the benefit of trade, economic vitality, and livability.

B. Assessment expenditures are limited to the following purposes:

1. The acquisition, construction or maintenance of parking facilities for the benefit of the neighborhood within the BIA boundary;
2. Decoration of any place within the BIA boundary;
3. Sponsorship or promotion of public events which are to take place on, or in, public places within the BIA boundary;
4. Furnishing of music in any public place within the BIA boundary;
5. Providing professional management, planning, and promotion for the neighborhood within the BIA boundary;
6. Providing maintenance and security for common, public spaces within the BIA boundary; or
7. Providing transportation services for the benefit of the neighborhood within the BIA boundary. (Ord. 6658 § 1, 2017.)

2.98.040 ~~Committee of rate payers~~BIA committee created.

There is created an advisory committee to be known as the ~~committee of rate payers~~BIA (the committee). The purpose of the committee is to serve in an advisory capacity to the city council. (Ord. 6658 § 1, 2017.)

2.98.050 Membership.

- A. There shall be not more than seven members of the committee who shall be appointed by the mayor and confirmed by the city council, and who shall serve at the pleasure of the city council; provided, that the mayor may appoint up to four additional members to serve as alternates in the event of a committee member's absence.
- B. The members shall be owners or operators of businesses located within the BIA boundary and shall be selected to represent the variety of business types and geographic locations included within the BIA boundary. (Ord. 6658 § 1, 2017.)

2.98.060 Appointment.

- A. Committee members shall be appointed to a three-year term.
- B. Upon the resignation of a committee member, removal by the city council, or expiration of a committee member's term, the committee shall make recommendations to the city council and the city council shall make an appointment to fill the vacancy.
- C. The committee, upon four unexcused absences, may recommend the removal of any committee member to the city council. (Ord. 6658 § 1, 2017.)

2.98.070 Officers – Meetings.

- A. At the first regular meeting of each year, the committee members shall elect a chairperson and vice-chairperson from among the members of the committee.
- B. It shall be the duty of the chairperson to preside over all meetings of the committee. The vice-chairperson shall preside at all meetings where the chairperson is absent.
- C. Minutes shall be kept and meeting agendas prepared in coordination between members of the committee and staff members. A majority of the members of the committee shall constitute a quorum for the transaction of business, and a majority vote of those present shall be necessary to make recommendations to the city council.
- D. All committee meetings shall be staffed by city of Auburn personnel to support and assist the committee.

E. All committee meetings shall be conducted in accordance with the committee's adopted rules for the transaction of business, and Robert's Rules of Order or any other meeting procedures or guidelines authorized by the city of Auburn shall be used for any subject not addressed within the committee's adopted rules of procedure. (Ord. 6658 § 1, 2017.)

2.98.080 Compensation.

The members of the committee shall serve without compensation except for reasonable travel expenses associated with the performance of the committee member's duties. (Ord. 6658 § 1, 2017.)

2.98.090 Role and responsibilities of the committee.

A. The committee shall, by resolution, fix the time and place within the city for regular meetings, and hold additional meetings as the chairperson or a majority of the committee deems necessary.

B. The committee shall adopt rules for the transaction of business and keep a record of its resolutions, transactions, findings, and determinations. These records shall be public and open to inspection.

C. The committee shall consider proposals for economic development and neighborhood revitalization projects and programs consistent with the purposes listed in ACC 2.98.030, provide for public input and submit comments in a timely manner to the mayor and city council, including an analysis of the extent to which the committee's recommendations will improve economic development or downtown revitalization. (Ord. 6658 § 1, 2017.)

2.98.100 Annual reports of progress.

The committee chairperson and/or vice-chairperson shall annually provide to the city council a report on progress made in carrying out the committee's responsibilities. Additional reports may be submitted when deemed appropriate by the committee or when requested by the city council. (Ord. 6658 § 1, 2017.)

Exhibit B to Ordinance 6831

RESOLUTION NO. 2021-01

A RESOLUTION OF THE BUSINESS IMPROVEMENT AREA (BIA) BOARD RECOMMENDING THAT THE AUBURN CITY COUNCIL MODIFY CHAPTER 2.98 OF AUBURN CITY CODE TO ELIMINATE THE BIA RATE AND REPLACE FUNDING OF BIA ACTIVITIES COLLECTED BUSINESS AND OCCUPATION TAXES

WHEREAS, the Auburn City Council adopted Ordinance No. 4293 in 1988 which established the Business Improvement Area (BIA) and levied special assessments on certain businesses within the geographic boundary of the BIA; and,

WHEREAS, businesses within the BIA have been paying BIA rates for the last 33 years which have contributed to a number of investments in events and improvements that benefit downtown Auburn; and,

WHEREAS, the BIA Board wishes to see this work continue, wishes to see the BIA Board continue to its functions and roles, and wishes to see continued funding of BIA investments; and

WHEREAS, the Auburn City Council adopted Ordinance 6814 in 2021 which established a Business and Occupation (B&O) Tax. The B&O Tax includes a provision that allows a business owner to receive a tax credit for payment of BIA fees; and

WHEREAS, there are complications associated with applying the BIA tax credit that include (1) costly and complicated software integration between B&O tax software and business license software, (2) the perception that business owners are paying two taxes because they are making two separate payments, (3) a complication that BIA fees are paid at the end of the calendar year and B&O taxes are paid at the beginning of a different calendar year, (4) the complexity of dividing a one time lump sum BIA payment

into a quarterly B&O tax payment, and (5) for businesses that pay both a B&O tax and a BIA fee the total amount paid by a business is the same whether a tax credit is applied or the fee is removed which means that the preceding complications do not yield a different revenue outcome; and

WHEREAS, the time and cost associated with overcoming the complexities of applying the BIA tax credit meets or exceeds the revenue impact associated with eliminating the BIA rate/fee.

NOW, THEREFORE, THE BIA BOARD RECOMMENDS the following:

Section 1. The Auburn City Council amend Chapter 2.98 of the Auburn City Code to eliminate the BIA rate and fee.

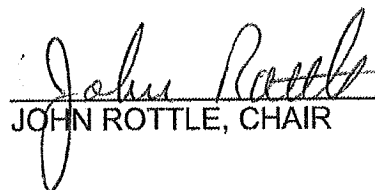
Section 2. The Auburn City Council maintain the functions and roles of the BIA and the BIA Board.

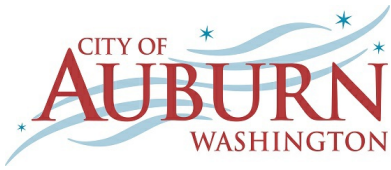
Section 3. The Auburn City Council maintain the annual funding commitment to the functions and roles of the BIA.

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

Dated and Signed this 19th day of August, 2021.

BUSINESS IMPROVEMENT AREA BOARD


JOHN ROTTLE, CHAIR



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6833 (Comeau) (5 Minutes)

Department:

Administration

Attachments:

[Ordinance No. 6833](#)

Date:

September 8, 2021

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background for Motion:**

For Discussion Only.

Background Summary:

To conform to current City practices that have been established during the COVID-19 pandemic and for other administrative reasons, ACC 3.12.030 should be revised to expand the City officials authorized to conduct bid openings and the manner in which received bids can be opened and read.

During the COVID-19 pandemic the City has conducted all bid openings virtually. This amendment will allow the City continue that practice and for the City Clerk to designate a staff member to open the bids.

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

Comeau

Meeting Date: September 13, 2021

Item Number:

ORDINANCE NO. 6833

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AMENDING SECTION 3.12.030
OF THE AUBURN CITY CODE REGARDING THE OPENING
OF PUBLIC WORKS CONTRACT BIDS

WHEREAS, Auburn City Code (ACC) section 3.12.030 establishes the City's procedure for opening and reading bids received in response to formally advertised public works contracts;

WHEREAS, to conform to current City practices that have been established during the COVID-19 pandemic and for other administrative reasons, ACC 3.12.030 should be revised to expand the City officials authorized to conduct bid openings and the manner in which received bids can be opened and read as required.

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

Section 1. Amendment to City Code. Section 3.12.030 of the Auburn City Code is amended to read as follows:

A. For contracts utilizing the formal advertisement process in ACC 3.12.020, the City Clerk or designee shall open and publicly read aloud bids received at the time, location and manner set forth in the contract advertisement. Unless otherwise prohibited by law, the opening and reading may be conducted virtually.

B. For contracts subject to ACC 3.12.020.E, the city engineer shall determine whether a public reading of received bids is required, and shall include the determination in the invitation to bidders or request for quote documents.

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

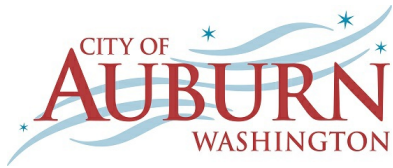
ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____



AGENDA BILL APPROVAL FORM

Agenda Subject:

2021 Fireworks Update (O'Neil) (30 Minutes)

Department:

Police

Attachments:

[2021 Fireworks Report](#)

Date:

September 8, 2021

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background for Motion:****Background Summary:**

Commander Sam Betz will present the 2021 Fireworks Report.

Reviewed by Council Committees:

Councilmember: Jeyaraj

Staff:

Chief O'Neil

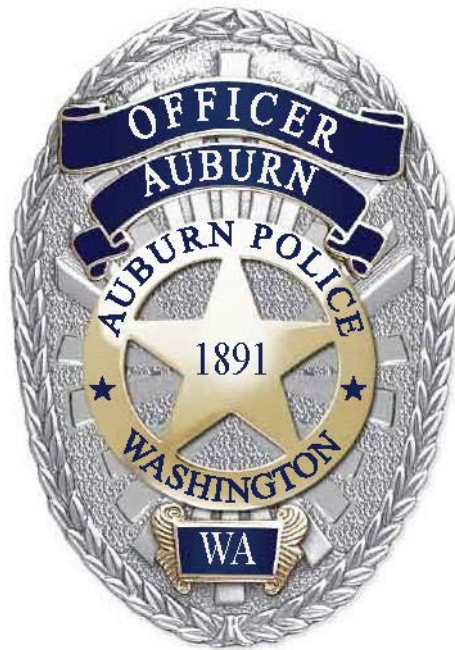
Meeting Date: September 13, 2021

Item Number:



AUBURN POLICE DEPARTMENT

2021 FIREWORKS REPORT





AUBURN POLICE DEPARTMENT

Background

In 2021, after an 18 month lockdown that prevented us from engaging with our community, the City of Auburn worked towards a goal of building positive community relationships rather than strict enforcement of fireworks code. Auburn PD attempted to continue a goal of “zero tolerance” when fireworks violations were committed on City property, to include City parks. If officers were able to establish probable cause for either possession or discharge of illegal fireworks, they were to cite the appropriate city code. If officers were unable to establish probable cause for a particular individual, and fireworks were present, the fireworks were to be confiscated for destruction. Officers were allowed to give verbal warnings on confiscation on the first offense when a fireworks code was cited and an infraction was issued. Officers were instructed to not engage in any situation that would potentially involve a use of force for a fireworks related offense where there was no immediate threat present.

Objectives

Objectives from 2020 were continued in 2021.

1. Continue efforts to improve communication and collaborative efforts with representatives from the Muckleshoot Indian Tribe.

- Sonny Jerry was the Fireworks Commissioner in 2021. Sonny, along with Tribal Councilmember Mike Jerry, were the primary contacts for all issues related to fireworks at the stands and discharge area.
- A meeting with Muckleshoot Tribal attorney, Joshua Reich, Commander Sam Betz, Mike Jerry and KCSO Muckleshoot Chief Loi Dawkins occurred in early 2021 to discuss the 2021 fireworks season.
- The Tribe communicated well with the City, giving advance notice of when vendor displays would take place. The City was able to notify citizens of the event so they could plan accordingly. The notifications were completed by using the Auburn Police Department social media platform.
- The Tribe continued with the same hours of operation for the stands as 2020, the stands and discharge area were open until 2200 Sunday-Thursday and until 0000 on Friday and Saturday. The Tribe maintained the hours of operation on July 4th to 0200 on July 5th. The Tribe continued their agreement not to allow the discharge of fireworks at the stands after 0200 on July 5th.
- The Tribe did not notify the City of any restrictions at the stands related to COVID-19, but the sales of fireworks did start on June 11th, which was 8 days earlier than in 2020.

2. Continue with an active Officer presence and enforcement in the neighborhoods with proactive fireworks patrols and response to 911 complaints of fireworks.

- Fireworks emphasis patrols started this year on June 11th and ran through July 5th. The June 11th emphasis start date coincided with the opening date of the fireworks stands.
- APD maintained our deployment of 6 Officers and a Sergeant at the stands on July 4th.
- APD assigned one Sergeant and 6 officers to the north end of the city on July 4th between 1500 and 0100.



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- APD School Resource Officers were deployed to their assigned High Schools, and other middle/elementary schools in their assigned areas.
- APD Community Response Team members, bicycle officers and the Special Operations Sergeant were deployed on July 4th from 0600-1600. They were tasked with clearing out any folks who were camping in parks and ensuring compliance with community housing partners. CRT members also sent out a letter to community housing partners in the middle of June clarifying expectations and defining rules for July 4th activities.
- APD assigned one Sergeant and 6 officers to the south end of the city on July 4th between 1500 and 0100.
- APD assigned one Sergeant and 6 officers to the City Parks on July 4th between 1500 and 0100.
- APD Traffic Officers and the Traffic Sergeant were deployed from 0600-1600 on July 4th. The Traffic unit worked on multiple blocking collisions and helped with traffic flow.



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Results

During the 2021 fireworks emphasis (excluding July 4th), 12 officers worked a total of 156 hours between June 11th and July 5th. In 2020, 7 officers worked 63 hours between June 24th and July 5th. There were no shifts that went unfilled.

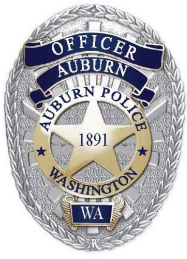
On July 4th, 18 Officers and three Sergeants were assigned to fireworks emphasis patrols throughout the city, an increase from 14 officers and two Sergeants in 2020. Officers worked as two man units, utilizing marked cars, increasing visibility to the citizens. The deployment was split into 6 officer elements, supervised by 1 Sergeant for effective command and control. Deployments were split into South End, North End and Parks.

Community Response Team Officers were deployed to clear out City parks and continue communicating with community housing resources.

Six officers and one Sergeant were deployed to the fireworks stands for crowd control and a police presence in the discharge area. Several thousand citizens patronized the stands throughout the day and evening. There were no significant injuries to patrons on the evening of July 4th. There was one brush fire near the discharge area that was believed to be related to fireworks.

There were no reported injuries to officers this year.

A request was made to APD to close the discharge area at approximately 10:00 P.M. after a brush fire occurred. Due to the possible fire dangers, the discharge area was shut down. But it still took about 2.5 hours to entirely shut down the discharge area and clear out the parking area.



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4TH OF JULY - SNAPSHOT

There were a total of 171 fireworks-related calls for service between 1100 hours on July 4th through 0800 hours on July 5th.

Calls by District:

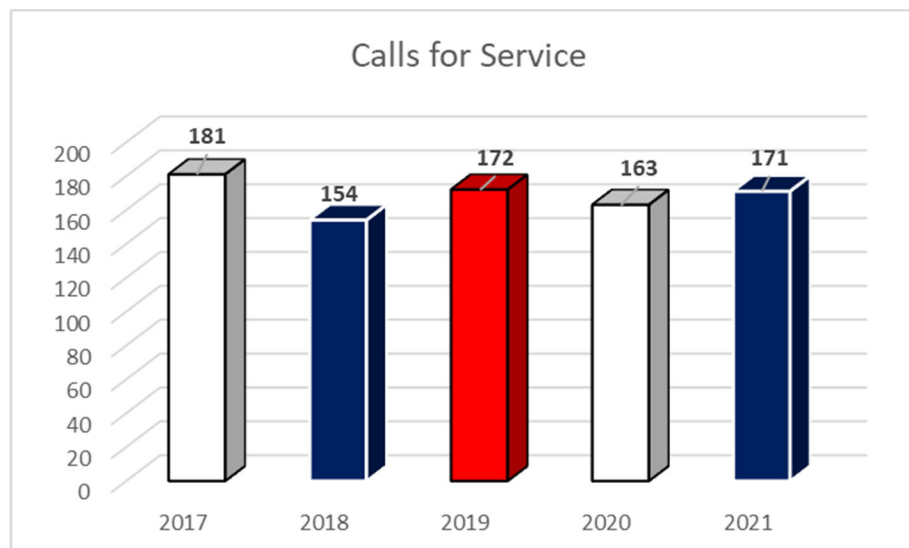
District 1 - 18
District 2 - 42
District 3 - 35
District 4 - 23
District 5 - 31
District 6 - 22

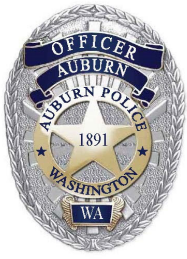
The calls by district numbers for the 4th of July show that District 2 was the busiest again this year.

4TH OF JULY - OVER THE YEARS

Fireworks calls for activity between 1100 on 7/4 through 0800 on 7/5 for the past five years.

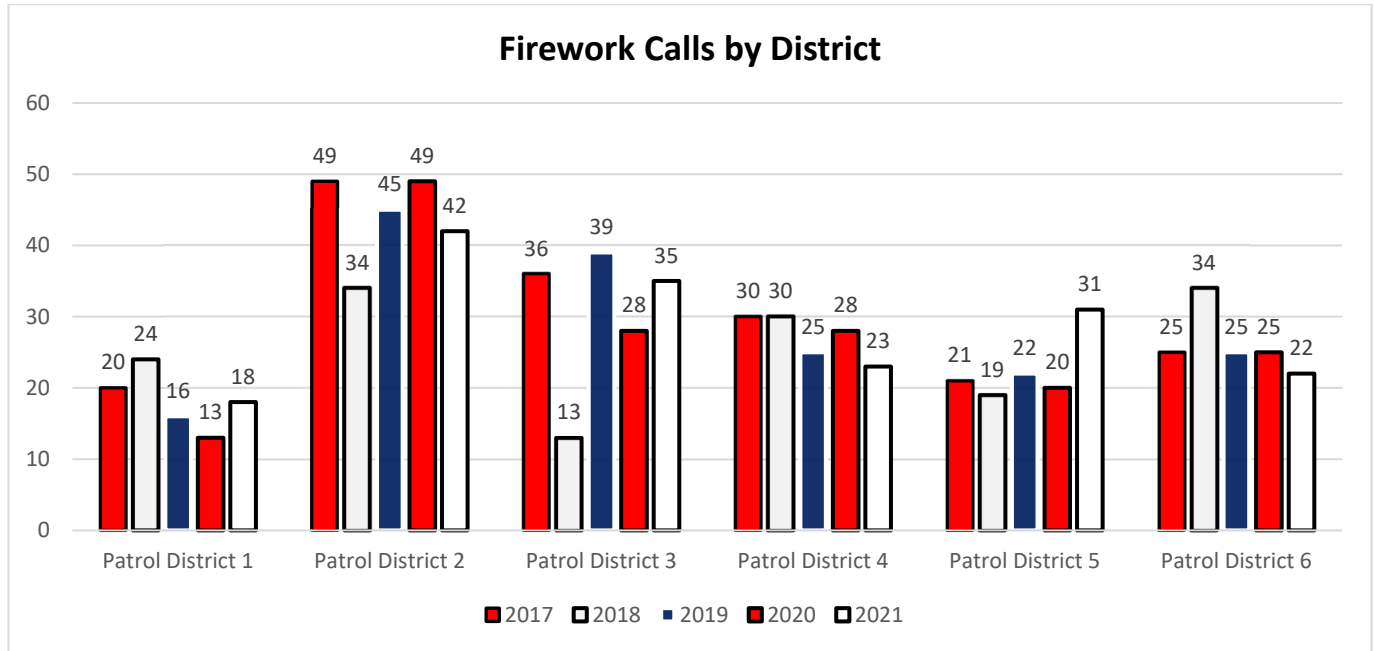
	2017	2018	2019	2020	2021
Calls for Service	181	154	172	163	171





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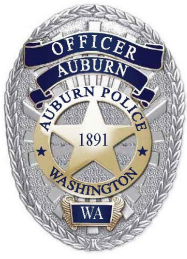
4TH OF JULY CALLS BY DISTRICT – OVER THE YEARS



CALLS FOR SERVICE – OTHER VALLEY AGENCIES

This chart shows Auburn in comparison to other valley cities. The numbers below represent fireworks-related calls for service from 1100 on 7/4 to 0800 on 7/5.

	1100 on 7/4/2020 to 0800 on 7/5/2020
Kent	231
Renton	192
Auburn	171
Federal Way	159
Tukwila	46



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FIREWORK SEASON – OVER THE YEARS

Calls for service, cases, and arrests over the past five years are captured below.

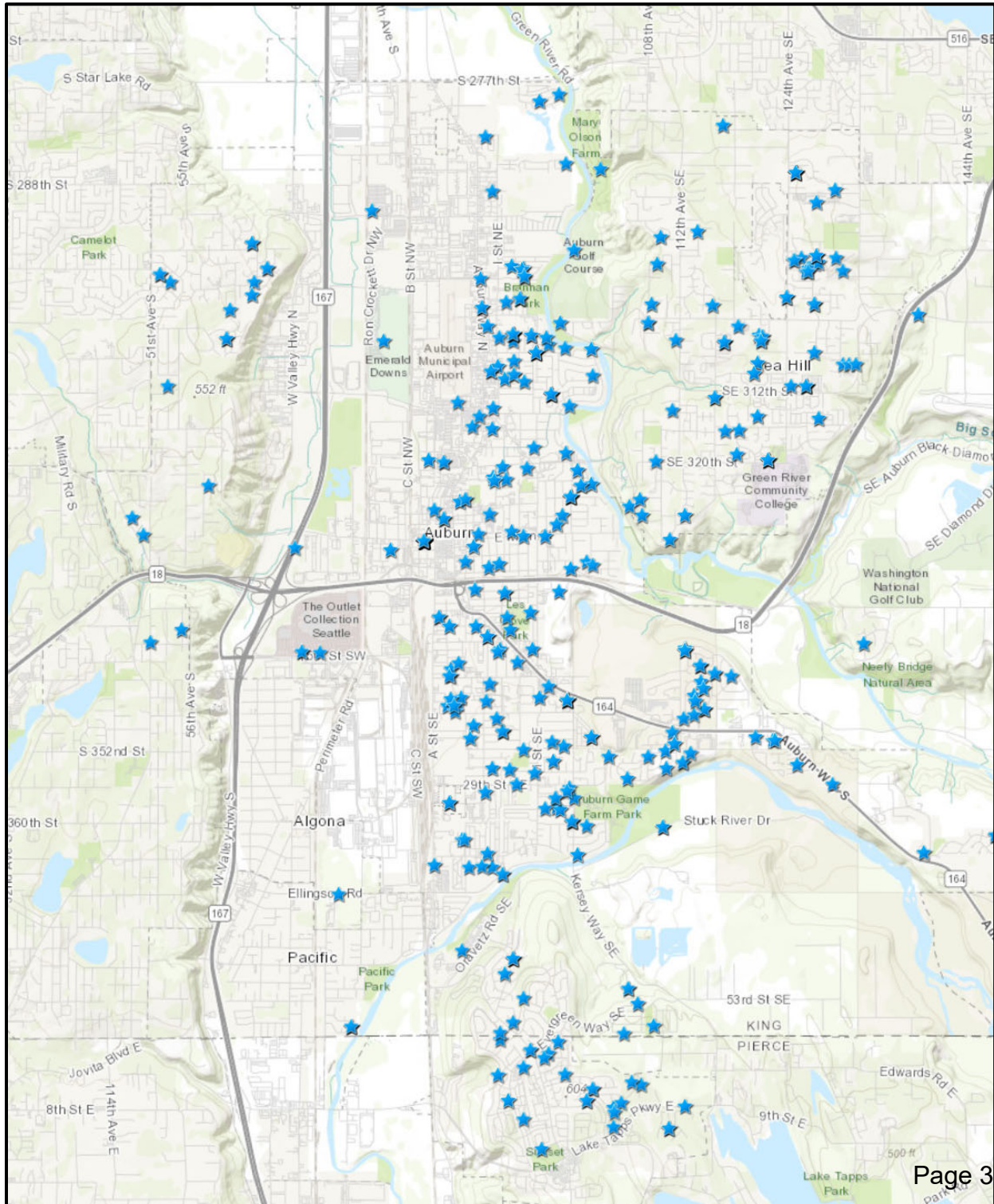
	6/1/2017 to 7/5/2017	6/1/2018 to 7/5/2018	6/1/2019 to 7/5/2019	6/1/2020 to 7/5/2020	6/1/2021 to 7/5/2021
Fireworks Calls for Service	392	288	390	511	386
Cases Written	4	7	6	5	1
Arrests Made	2	8	6	0	0
Infractions	0	0	0	11	2

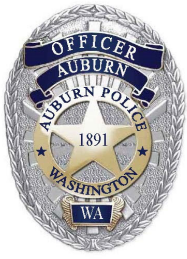
	6/1/2021 to 7/5/2021
Patrol District 1	36
Patrol District 2	86
Patrol District 3	80
Patrol District 4	58
Patrol District 5	55
Patrol District 6	71
TOTAL	386



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MAP





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Confiscated Fireworks

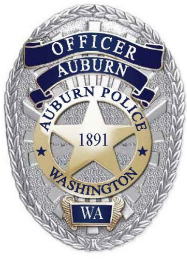
Very few fireworks were confiscated in 2021. The mission focus was on positive community interaction and creating positive relationships between the community and the police department. During one incident, an officer did confiscate a few mortars from a community member. The Officer asked for the community members identification to initiate an infraction for fireworks possession. The community member became enraged and refused to provide identification. The Officer chose to disengage with the community member rather than possibly engage in a confrontation that could result in physical force being used for a fireworks violation.

Community Contacts

The focus of the fireworks deployment for 2021 was positive citizen interaction and cultivating a positive relationship with the community. Members of Auburn PD were given the order to document citizen contacts during the course of their duties on July 4th. There were approximately 1500 citizens contacted throughout the day and night on July 4th by members of the Auburn Police Department. These were estimates calculated by Sergeants supervising units from Patrol, Traffic, Community Response and Fireworks Emphasis units. In addition to fireworks calls, members of Auburn PD responded to traffic collision, felony domestic violence incidents, a brush fire and numerous other calls for service.

The members of Auburn PD that were assigned to the stands area did a tremendous job of walking around and interacting with community members. I have observed one positive interaction posted by a community member on a Tik Tok account. Auburn PD members handed out around 1000 Auburn PD stickers at the stands.

Members of Auburn PD working emphasis patrols between June 11th – July 5th, had about 500 community contacts during that period.



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Lessons Learned

For 2021, the department again focused on areas that had the highest volume of firework complaints in the past and shifted emphasis enforcement to those areas as needed.

For the fifth year in a row, VRFA shared our SpecOps channel, facilitating communications between police and fire.

Cooperation with the Tribe was again excellent. Tribal representatives for the stands were in constant communication with the police department. Tribal Councilmember Mike Jerry was a consistent point of contact for Auburn PD.

An emphasis was placed on patrolling the parks, which reduced the amount of firework debris left behind.

There was an emphasis placed on education leading up to the 4th. Much of this was facilitated by new Public Information Officer, Kolby Crossley. There were several social media posts made regarding legal and illegal fireworks. This should not only continue in 2022, but be increased.

The traffic on Auburn Way South was backed up for most of the afternoon and evening due to the left turn lane into the stands/discharge area. Working with City engineers to keep the left turn arrow on longer will potentially increase traffic flow and mitigate the impact to the community. Scott Nutter was consulted late in the evening and was very helpful. In 2022, Auburn PD Traffic Unit members will work 1500-0100 to assist with traffic flow.

Auburn schools were almost completely left alone by community members with fireworks. This was a change from 2020 and Auburn PD School Resource Officers will continue to work on July 4th.

The City parks were still a popular area for citizens to congregate and discharge fireworks. At one point, parks enforcement units encountered 150-200 people at Issac Evans Park and Les Gove park. Most of the community members were cooperative, but some community members were very disruptive and refused to follow commands by Police. Patience and negotiations were used to gain compliance with those community members. For 2022, Auburn PD will work with parks to add more signage to the parks in addition to gaining access to keys, and training, for activating City park watering systems to activate sprinklers as a tool to dissuade citizens from accessing the parks after dark.

This was a unique year due to the continuing COVID-19 pandemic and because of recent events related to law enforcement and citizens. There was a concern that due to current anti-Police sentiment by some citizens, confiscating fireworks could potentially lead to an unnecessary use of force situation between Auburn Officers and citizens of Auburn. Gladly, Auburn Police Officers working fireworks shifts on July 4th did not have to respond to any citizens resistance while enforcing State law and City Code. The number of firework calls were consistent with previous years despite the fact that we focused on community interactions instead of enforcement.

No official complaints were received as a result of the conduct by members of Auburn PD on July 4th.