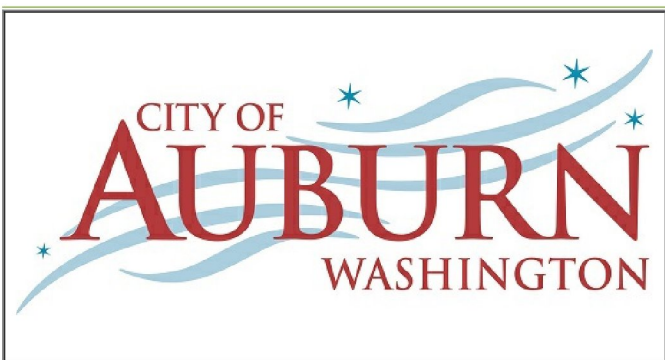


	City Council Meeting June 5, 2023 - 7:00 PM City Hall Council Chambers AGENDA Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

II. LAND ACKNOWLEDGMENT

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 June 5, 2023 at 7:00 p.m. will be held in person and virtually.

Virtual Participation Link:

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

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

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

Telephone: 253 205 0468

Toll Free: 888 475 4499

Zoom: <https://us06web.zoom.us/j/81609955686>

A. Pledge of Allegiance

IV. Roll Call

V. ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS

A. Juneteenth

Mayor Backus to proclaim June 19, 2023 as "Juneteenth" in the City of Auburn

B. LGBTQIA+ Pride Month

Mayor Backus to proclaim June 2023 as "LGBTQIA+ Pride Month" in the City of

VI. APPOINTMENTS

A. Planning Commission

City Council to approve the appointments of William Stewart, Aaron VanderPol, and Lynn Walters to the Planning Commission for a three year term expiring December 31, 2025

(RECOMMENDED ACTION: Move to approve the appointments of William Stewart, Aaron VanderPol, and Lynn Walters to the Planning Commission, for a three year term to expire December 31, 2025.)

VII. AGENDA MODIFICATIONS

VIII. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. Public Hearings

1. Public Hearing for Right-of-Way Vacation No. VAC22-0003 (Gaub)

City Council to conduct a Public Hearing to consider Right-of-Way Vacation No. VAC22-0003

2. Public Hearing for Ordinance No. 6908 (Gaub)

City Council to conduct a Public Hearing to consider Ordinance No. 6908 enacting a street payback requirement related to City Project CP2022 Garden Avenue Realignment

B. Audience Participation

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

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

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

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

Please fax written comments to:
Attn: Shawn Campbell, City Clerk
Fax number: 253-804-3116

Email written comments to:
publiccomment@auburnwa.gov

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

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

IX. COUNCIL AD HOC COMMITTEE REPORTS

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

1. Finance Ad Hoc Committee (Chair Baldwin)
2. Mayoral Benefits and Leave Compensation Review Ad Hoc Committee (Chair Baldwin)

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 April 24, 2023, May 8, 2023, and May 22, 2023 City Council Study Session Meetings
- B. Minutes of the May 1, 2023, Regular City Council Meeting
- C. Minutes of the May 18, 2023 and May 19, 2023, Special City Council Meetings
- D. Claims Vouchers (Thomas)
Claims voucher list dated May 15, 2023 which includes voucher number 471821 through 472002, in the amount of \$3,403,786.25 and five wire transfers in the amount of \$77,622.92

Claims voucher list dated June 5, 2023 which includes voucher number 472003 through 472109, in the amount of \$2,205,594.81 and five wire transfers in the amount of \$1,379,404.61

Claims voucher list dated June 5, 2023 which includes voucher number 472110 through 472192, in the amount of \$1,946,728.79 and zero wire transfers in the amount of \$0.00

- E. Payroll Voucher (Thomas)
Payroll check numbers 539489 through 539492 in the amount of \$82,166.72 electronic deposit transmissions in the amount of \$2,667,459.88 for a grand total of \$2,749,626.60 for the period covering April 27, 2023 to May 10, 2023

Payroll check numbers 539493 through 539493 in the amount of \$619,159.00 electronic deposit transmissions in the amount of \$2,411,285.48 also a special payroll for Police Commissioned Comp Payout with electronic deposit transmission in the amount of \$32,478.62 for a grand total of \$3,062,923.10 for the period covering May 11, 2023 to May 31, 2023

- F. Setting the date for a Public Hearing for the 2024-2029 Transportation Improvement Program (Gaub)
City Council to set the date for a Public Hearing for the 2024-2029 Transportation Improvement Plan

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

XI. UNFINISHED BUSINESS

XII. NEW BUSINESS

XIII. ORDINANCES

- A. Ordinance No. 6902 (Tate)

An Ordinance relating to Building Codes, and Amending Chapter 15.08A, Sections 15.07.010, 15.07.020, 15.07.030, 15.07.040, 15.07.080, 15.07.090, 15.07.100, 15.07.140, 15.07.150, 15.020.010, 15.20.030, 15.20.050, 15.32.010, 15.32.050, 15.36A.011, 15.36A.091, 15.74.040 and 15.74.050, Repealing Chapters 15.04, 15.06, and 15.48 of the Auburn City Code

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6902.)

- B. Ordinance No. 6905 (Gaub)

An Ordinance Vacating Unopened City Right-of-Way located within a portion of 116th Avenue SE that lies North of SE 304th Street, within the City of Auburn, Washington

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6905.)

- C. Ordinance No. 6906 (Council)

An Ordinance amending Section 2.08.020 of the Auburn City Code related to the purpose of the City's Independent Salary Commission

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6906.)

- D. Ordinance No. 6907 (Council)

An Ordinance relating to the Salary and Employment Benefits of the City Mayor Position, amending Auburn City Code Sections 2.03.020, 2.63.120 and 2.63.160, and providing (in a Non-Codified Section) Employment Benefit Payment Terms for the Current City Mayor

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6907.)

- E. Ordinance No. 6908 (Gaub)

An Ordinance enacting a Street Payback Requirement for Parcel No. 3339400655 related to City Project CP2022 Garden Avenue, providing for Severability, and establishing an Effective Date

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6908.)

F. Ordinance No. 6909 (Gaub)

An Ordinance relating to restrictions and limitations of Public Right-of-Way use and revising Chapter 10.28 of the Auburn City Code

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6909.)

XIV. RESOLUTIONS

A. Resolution No. 5710 (Thomas)

A Resolution relating to the Auburn Food Bank's Day Center and Night Shelter Operations and authorizing the Mayor to negotiate, administer, and execute an Agreement with the Auburn Food Bank

(RECOMMENDED ACTION: Move to approve Resolution No. 5710.)

B. Resolution No. 5716 (Tate)

A Resolution approving the South King Housing and Homelessness 2024 Work Plan and 2024 Operating Budget

(RECOMMENDED ACTION: Move to approve Resolution No. 5716.)

C. Resolution No. 5717 (Comeau/Caillier)

A Resolution authorizing the City to enter an Agreement with King County Library System (KCLS) for City Law Enforcement Services on KCLS Property

(RECOMMENDED ACTION: Move to approve Resolution No. 5717.)

D. Resolution No. 5721 (Council)

A Resolution amending the City Council Rules of Procedure

(RECOMMENDED ACTION: Move to approve Resolution No. 5721.)

XV. MAYOR AND COUNCILMEMBER REPORTS

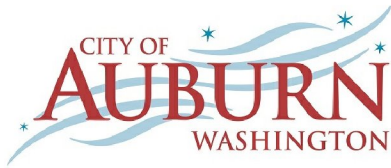
At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. **From the Council**

B. **From the Mayor**

XVI. ADJOURNMENT

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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Hearing for Right-of-Way Vacation No. VAC22-0003
(Gaub)

Date:

April 18, 2023

Department:

Public Works

Attachments:

No Attachments Available

Budget Impact:

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

Administrative Recommendation:

City Council to hold a public hearing in consideration of Right-of-Way Vacation No. VAC22-0003. See Ordinance No. 6905 for further action on this item.

Background for Motion:**Background Summary:**

Per Auburn City Code Chapter 12.48 a public hearing shall be held to consider the proposed Right-of-Way Vacation for VAC22-0003 for unopened right-of-way located within a portion of 116th Avenue SE that lies north of SE 304th Street.

The date of the public hearing was set by Resolution No. 5706 on May 1, 2023.

Reviewed by Council Committees:

Councilmember: Brown

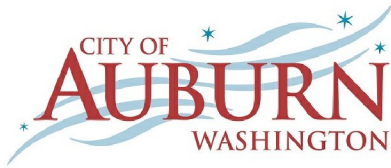
Staff:

Gaub

Meeting Date: June 5, 2023

Item Number:

PH.1



AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Hearing for Ordinance No. 6908 (Gaub)

Date:

May 23, 2023

Department:

Public Works

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to hold a public hearing in consideration of Ordinance No. 6908. See Ordinance No. 6908 for information and further action on this item.

Background for Motion:**Background Summary:**

Per Auburn City Code Chapter 3.25.050 a public hearing shall be held to consider Ordinance No. 6908 that would enact a street payback requirement for Parcel No. 3339400655 related to City Project CP2022 Garden Avenue Realignment.

The date of the public hearing was set by City Council consent on May 1, 2023. Notice of the public hearing was sent to the owners of Parcel No. 3339400655 on May 2, 2023.

Reviewed by Council Committees:

Councilmember: Brown

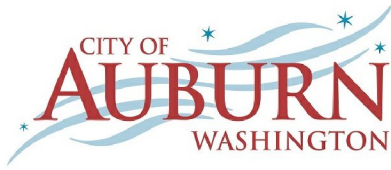
Staff:

Gaub

Meeting Date: June 5, 2023

Item Number:

PH.2



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the April 24, 2023, May 8, 2023, and May 22, 2023
City Council Study Session Meetings

Date:

May 31, 2023

Department:

City Council

Attachments:

[04-24-2023 Minutes](#)

[05-08-2023 Minutes](#)

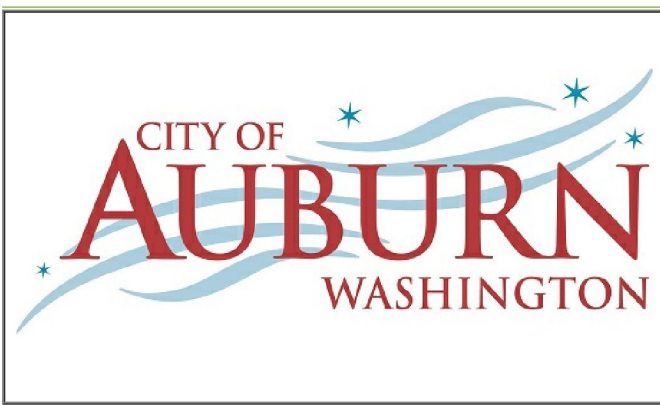
[05-22-2023 Minutes](#)

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

Meeting Date: June 5, 2023

Staff:

Item Number: CA.A

	City Council Study Session Community Wellness Special Focus Area April 24, 2023 - 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

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, Cheryl Rakes, and Yolanda Trout-Manuel. Councilmember Robyn Mulenga was excused.

Department directors and staff members present include: Senior City Staff Attorney Doug Ruth, Assistant Police Chief Samuel Betz, Director of Equity and Inclusion Brenda Goodson-Moore, Assistant Director of Community Development Jason Krum, Assistant Director of Engineering Services Jacob Sweeting, Airport Manager Tim Mensonides, Real Estate Manager Josh Arndt, Director of Innovation and Technology David Travis, and City Clerk Shawn Campbell.

III. AGENDA MODIFICATIONS

There were no modifications to the agenda.

IV. ANNOUNCEMENTS REPORTS AND PRESENTATIONS

There were no Announcements, Reports or Presentations.

V. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Auburn Municipal Airport Advisory Board Annual Update (Gaub) (15 Minutes)

Manager Mensonides and Airport Board Chair Andrea Prasse provided Council with the 2022 Airport Board Accomplishment including the purchase of property from King County and Metro Park and Ride, hanger mural, removal of restrictions on instrument approach, Presidential visit,

update to the Airport Rules and Regulations, and having a onsite maintenance faculty. They reviewed the 2023 Airport Board Work Plan including hangar developments, middle ramp development, 2023 Airport Marketing Focus, Airport Expansion Areas, and Viable Instrument Approach. They also reviewed the 2023 Runway Project.

Council discussed the fencing and trespassing, airport economic development, bird strikes, downtime of the runway during maintenance, and Airport Day.

B. Building Code Overview (Tate) (30 Minutes)

Staff to present an overview of the origin of the International, State, and Local Building Codes and associated amendments. Staff will also provide background on local administration and enforcement responsibilities

Assistant Director Krum provided Council with the Building Code overview. He reviewed the Building and Permit Center background and qualifications held by staff, permit exemptions, the plan review process, occupancy classifications, inspections, the role of the Valley Regional Fire Authority, Legacy Building codes, the implementation of the International Building Code, the steps for updating the International Building Code, updates to the Washington State Building Code, and updates to the City of Auburn Building Code. Assistant Director Krum provided Council with the estimated timeline for updates to the City's Building Code.

Council discussed the amount of changes to the Code over the years, delay of updates due to COVID, permitting effecting temporary structures, requirements to update buildings, and timeframe for permitting.

VI. COMMUNITY WELLNESS DISCUSSION ITEMS

A. King County Regional Homelessness Authority Five Year Plan Update (Tate) (20 Minutes)

A presentation by King County Regional Homelessness Authority staff providing an update to their work on the Five Year Plan and South King County Subregional Implementation Planning

Councilmember Trout-Manual chaired this section of the meeting.

Abby Anderson from King County Reginal Homelessness Authority (KCRHA) presented to Council on the Five Year Plan. She provided Council with a brief history of the KCRHA, the role of KCRHA, and the progress of the program to date. She shared the development of the Five Year Plan, the scope and scale of the issue, who is experiencing homelessness, deaths of people experiencing homelessness, the current state of service provider organizations, the network of homelessness services, system to system connections, and the ideal system plan. She reviewed the overall goal of the Five Year Plan, the metrics of success, the activities of the plan, and prioritization of the activities. She shared the

implementation plan including, the activities tailored to the sub-region, the subject matter working groups, key components of the sub-regional plans, and the requests for feedback.

Council discussed the progress KCRHA has made, distribution of homelessness vouchers, the local hotel for housing, factors attributable to the deaths of people experiencing homelessness, race and ethnicity, the location of housing, working with professionals to ensure the proper housing is available for the situation, how someone can experience homelessness, the work of the Ombuds Office, ways to expand services to include individuals experiencing homelessness back into the community, and education into the community.

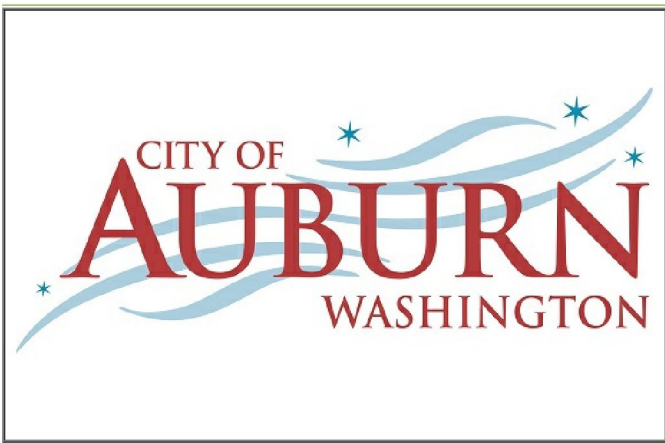
VII. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:04 p.m.

APPROVED this 5th day of June, 2023.

JAMES JEYARAJ, DEPUTY MAYOR Shawn Campbell, City Clerk

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

	City Council Study Session Finance, Technology and Economic Development Special Focus Area May 8, 2023 - 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

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, Cheryl Rakes, and Yolanda Trout-Manuel.

Department directors and staff members present include: City Attorney Kendra Comeau, Senior Staff City Attorney Harry Boesche, Chief of Police Mark Caillier, Utility Billing Services Manager Joan Nelson, Director of Community Development Jeff Tate, Economic Development Manager Jenn Francis, and City Clerk Shawn Campbell.

III. AGENDA MODIFICATIONS

The King County Solid Waste RE+ Presentation was removed from the agenda.

A. Executive Session

Deputy Mayor Jeyaraj adjourned into an executive session at 5:33 p.m. per RCW 42.30.110(1)(i) to discuss Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency for 30 minutes. City Attorney Comeau, Special Appointed Legal Council Charlotte Archer, and Director Martinson were required to attend. There was no action after the executive session.

Deputy Mayor reconvened the meeting at 6:03 p.m.

IV. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

A. Waste Management 2022 Annual Report Presentation (Thomas) (20 Minutes)

Manager Nelson and Laura Mouser provided Council with an overview of the 2022 Waste Management Annual Report. Ms. Mouser reviewed the community activities Waste Management participates in. They discussed the Waste Management Litter Crew accomplishments, the Recycle Corps Intern Program, Waste Management Educational and Outreach with commercial customers, the Recycle Right Collection Events, amounts of garbage collected, recycling and compost collected in 2022, investments to the Waste Management Recycle Center, and Recycling Center virtual tours.

Council discussed the paid internship program, the amount of garbage collected, the virtual tours, the rules about plastic in recycling, the current Waste Management contract, and commercial composting,

V. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Changing a Land Use Law (Tate) (20 Minutes)

An overview of what it takes to change a Land Use Law

Director Tate provided Council with an overview of what it takes to change Local Land Use Laws. He reviewed what a land use regulation consists of, the Federal and State laws that govern the Land Use laws, the process for changing a Land Use law, and samples of a change to the Code.

Council discussed the Comprehensive Plan updates, vacant buildings, river temperatures, and low impact development.

VI. FINANCE, TECHNOLOGY AND ECONOMIC DEVELOPMENT DISCUSSION ITEMS

A. Economic Development Update - 1st Quarter 2023 (Tate) (15 Minutes)

An update on Economic Development Division activity

This portion of the meeting was Chaired by Councilmember Baldwin.

Manager Francis provided Council with an overview of the Economic Development First Quarter Update including an overview of the department, the Auburn Area Chamber of Commerce, marketing campaigns, business connect events, the Downtown Auburn Cooperative and a BIA update, downtown engagement, the Comprehensive Plan Update, business outreach meetings, tourism, Green River College Small Business Center, Good Neighbor Agreement meetings, presentation to the Women's Council of Realtors, preparation for 2023 Civics Academy, and upcoming topics for second quarter.

Council discussed the costs of the marketing campaigns, what brings people to Auburn from the marketing campaigns, vendors for tracking, and

metrics of economic activity.

B. Ordinance No. 6906 (Council)

An Ordinance amending Section 2.08.020 of the Auburn City Code related to the purpose of the City's Independent Salary Commission

Councilmember Baldwin provided a brief history of the process of the ad hoc committee. She provided Council with a overview of the changes proposed by Ordinance No. 6906.

Council discussed the Salary Commission's historical roll with benefits.

Deputy Mayor moved to suspend the Council Rules of Procedure, Rule No. 2.2C and Councilmember Baldwin seconded.

MOTION CARRIED UNANIMOUSLY. 7-0

Deputy Mayor moved to move Ordinance No. 6906 forward to the May 15, 2023, Council Meeting for a vote and Councilmember Baldwin seconded.

MOTION CARRIED UNANIMOUSLY. 7-0

Council Discussed the reason for making the updates to the Code.

City Clerk Campbell informed Council Section 3 of the Council Rules of Procedure states: The City Clerk shall then prepare a proposed agenda according to the order of business, for approval by the Mayor, or their designee. She added Mayor Backus has not approved any items being placed on the Council agenda for the May 15, 2023, Council Meeting. If the Council brings this item forward for action on May 15, 2023, the item will not be published on the Council Agenda in advance due to the Mayor's directive. This directive does not prevent the Council from proceeding with this motion tonight.

C. Ordinance No. 6907 Option A (Council)

An Ordinance relating to the Salary and Employment Benefits of the City Mayor Position, amending Auburn City Code Sections 2.03.020, 2.63.120 and 2.63.160, and providing (in a non-codified section) Employment Benefit Payment Terms for the current City Mayor

Councilmember Baldwin provided Council with the background for Ordinance No. 6907 option A and option B she reviewed the differences between the two options.

Council discussed the accumulation rates, current accumulation of Mayor Backus at this time, and vacation payouts, when the Mayor would be able to receive the payouts, history of the Code updates, implementation at the end of the current Mayor's term, relationships between the Mayor and Council, ensuring a fair and equitable outcome to both the taxpayer and the current Mayor, and ensuring respectful treatment.

Deputy Mayor moved to suspend the Council Rules of Procedure, Rule No. 2.2C and Councilmember Baldwin seconded.

MOTION CARRIED UNANIMOUSLY. 7-0

Deputy Mayor moved to move Ordinance No. 6907 Option B forward to the May 15, 2023, Council Meeting for a vote and Councilmember Trout-Manuel seconded.

MOTION CARRIED UNANIMOUSLY. 6-1. Councilmember Brown opposed.

City Clerk Campbell informed Council Section 3 of the Council Rules of Procedure states: The City Clerk shall then prepare a proposed agenda according to the order of business, for approval by the Mayor, or their designee. She added Mayor Backus has not approved any items being placed on the Council agenda for the May 15, 2023, Council Meeting. If the Council brings this item forward for action on May 15, 2023, the item will not be published on the Council Agenda in advance due to the Mayor's directive. This directive does not prevent the Council from proceeding with this motion tonight.

D. Ordinance No. 6907 Option B (Council)

An Ordinance relating to the Salary and Employment Benefits of the City Mayor Position, amending Auburn City Code Sections 2.03.020, 2.63.120 and 2.63.160, and providing (in a non-codified section) Employment Benefit Payment Terms for the current City Mayor

See Ordinance No. 6907 Option A.

E. Audience Participation

Virginia Haugen 2503 R ST SE Auburn 99001

Ms. Haugen expressed her concerns regarding the action taken.

VII. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:07 p.m.

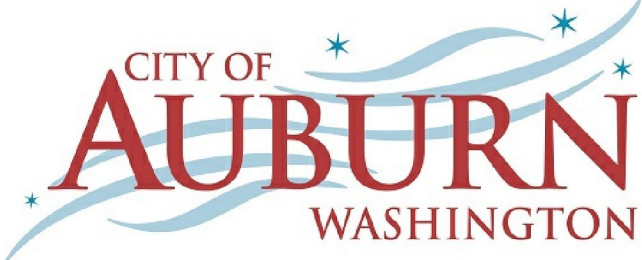
APPROVED this 5th day of June, 2023.

JAMES JEYARAJ, DEPUTY MAYOR

Shawn Campbell, City Clerk

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

at the City Clerk's Office.

	City Council Study Session PWCD SFA May 22, 2023 - 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

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, and Cheryl Rakes. Councilmember Yolonda Trout-Manuel was excused.

Department directors and staff members present included: City Attorney Kendra Comeau, Senior City Staff Attorney Harry Boesche, Chief of Police Mark Caillier, Director of Public Works Ingrid Gaub, Assistant Director of Community Development Jason Krum, Director of Human Resources and Risk Management Candis Martinson, Right-of-Way Specialist Amber Olds, Assistant Director of Engineering Services Jacob Sweeting, Utility Engineering Manager Ryan Vondrak, Sewer Utility Engineer Robert Elwell, Director of Equity and Inclusion Brenda Goodson-Moore, Director of Innovation and Technology David Travis, Business Systems Analyst Chrissy Malave, and City Clerk Shawn Campbell.

III. AGENDA MODIFICATIONS

An updated version of the Council Rules of Procedure was provided to all Councilmembers.

A. Executive Session

Deputy Mayor Jeyaraj adjourned into an executive session at 5:31 p.m. per RCW 42.30.110(1)(i) to discuss Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency for 30 minutes. City Attorney Comeau, Senior City Staff Attorney Boesche, Special Appointed Legal

Council Charlotte Archer, and Director Martinson were required to attend. There was no action after the executive session.

Deputy Mayor extended the executive session by an additional 15 minutes.

Deputy Mayor reconvened the meeting at 6:16 p.m.

IV. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

- A. Drug law update related to Second Engrossed Second Substitute Senate Bill 5536 signed by the Governor on May 16, 2023 (Comeau) (10 Minutes)

City Attorney Comeau and Senior City Staff Attorney Boesche provided Council with an update on Senate Bill 5536 including the history for the controlled substances laws, possession of a controlled substance is a gross misdemeanor, public use of controlled substances, drug paraphernalia, public health programs, drug treatment provision, and pretrial diversion programs.

Council discussed consequences of not complying with pretrial diversion, public health programs providing drug testing equipment, and types of smoking equipment.

V. AGENDA ITEMS FOR COUNCIL DISCUSSION

- A. Ordinance No. 6906 (Council)

An Ordinance amending Section 2.08.020 of the Auburn City Code related to the purpose of the City's Independent Salary Commission

Councilmember Baldwin provided a brief description of the Independent Salary Commission's role and purpose of the proposed Ordinance. She noted a desire to preserve the recordings of the Independent Salary Commission meetings.

Deputy Mayor moved to suspend the Council Rules of Procedure, Rule No. 2.2C and Councilmember Baldwin seconded.

MOTION CARRIED UNANIMOUSLY. 5-1. Councilmember Brown opposed.

Deputy Mayor moved to move Ordinance No. 6906 forward to the June 5, 2023, Council Meeting for a vote and Councilmember Baldwin seconded.

MOTION CARRIED UNANIMOUSLY. 5-1. Councilmember Brown opposed.

- B. Ordinance No. 6907 (Council)

An Ordinance relating to the Salary and Employment Benefits of the City Mayor Position, amending Auburn City Code Sections 2.03.020, 2.63.120 and 2.63.160, and providing (in a non-codified section) Employment Benefit Payment Terms for the current City Mayor

Councilmember Baldwin provided a explanation of Ordinance No. 6907 including the changes to the Mayor leave accruals, payout caps, and the frozen banks of current Mayor.

Council discussed accrual rates for sick and vacation leave in the proposed Ordinance, comparison cities, and differences in accrual rates.

Deputy Mayor moved to suspend the Council Rules of Procedure, Rule No. 2.2C and Councilmember Baldwin seconded.

MOTION CARRIED UNANIMOUSLY. 6-0.

Deputy Mayor moved to move Ordinance No. 6907 forward to the June 5, 2023, Council Meeting for a vote and Councilmember Baldwin seconded.

MOTION CARRIED UNANIMOUSLY. 5-1. Councilmember Brown opposed.

Councilmember Baldwin asked Mayor Backus if she had any input on the proposed Ordinance. Mayor Backus stated she would provide the Council with her formal response in the future.

C. Resolution No. 5721 (Council)

A Resolution amending the City Council Rules of Procedure

Councilmember Baldwin provided Council with the proposed changes to the Council Rules of Procedure in Rule 3 and remote attendance at Council Meetings, and prohibitive use of cell phones in meetings.

Mayor Backus asked if it was from the ad hoc committee and stated if this was discussed by the ad hoc committee, it is outside the scope of the committee.

Deputy Mayor moved to suspend the Council Rules of Procedure, Rule No. 2.2C and Councilmember Baldwin seconded.

MOTION CARRIED UNANIMOUSLY. 6-0.

Deputy Mayor moved to move Resolution No. 5721 forward to the June 5, 2023, Council Meeting for a vote and Councilmember Baldwin seconded.

MOTION CARRIED UNANIMOUSLY. 6-0.

VI. PUBLIC WORKS AND COMMUNITY DEVELOPMENT DISCUSSION ITEMS

A. Ordinance No. 6902 (Tate) (30 Minutes)

An Ordinance relating to Building Codes, and amending Chapter 15.08A, Sections 15.07.010, 15.07.020, 15.07.030, 15.07.040, 15.07.080, 15.07.090, 15.07.100, 15.07.140, 15.07.150, 15.020.010, 15.20.030, 15.20.050, 15.32.010, 15.32.050,

15.36A.011, 15.36A.091, 15.74.040 and 15.74.050, repealing Chapters 15.04, 15.06, and 15.48 of the Auburn City Code

Assistant Director Krum and Building Inspector Singh provided Council with an overview of the Building Code Update including changes to codes for puzzle rooms, 3-D printed construction, shipping containers, significant changes to the Fire Code, electrical vehicle infrastructure, Energy Code updates, wildland urban interface. They reviewed the changes with the Code by insignificant changes, organizational changes, existing adopted code, and the substantial changes.

Council discussed who the new updates apply to, and the types of code updates that increase housing costs.

B. Ordinance No. 6905 (Gaub) (5 Minutes)

An Ordinance vacating unopened City Right-of-Way located within a portion of 116th Avenue SE that lies North of SE 304th Street, within the City of Auburn, Washington

Right-of-Way Specialist Olds provided Council with an overview of Ordinance No. 6905 including the location of the right-of-way vacation, concerns with the proposed right-of-way vacation, adjacent property owners to the proposed right-of-way vacation, and staff conditions for recommendations of the proposed right-of-way vacation.

C. Ordinance No. 6908 (Gaub) (10 Minutes)

An Ordinance enacting a Street Payback Requirement for Parcel No. 3339400655 related to City Project CP2022 Garden Avenue, providing for severability, and establishing an effective date

Assistant Director Sweeting provided Council with an overview of Ordinance No. 6908 including a background on the purpose of a City Street Payback Agreement, Garden Avenue Realignment Project location, the assessment area and amounts, and the benefited parcel.

Council discussed the proposed use of the property.

D. Ordinance No. 6909 (Gaub) (10 Minutes)

An Ordinance relating to restrictions and limitations of public Right-of-Way use and revising Chapter 10.28 of the Auburn City Code

Assistant Director Sweeting provided Council with an overview of Ordinance No. 6909 including the use restrictions of Auburn Way North and 30th St NE due to Safety and Security Concerns.

Council discussed the ways to monitor and enforcement the Ordinance.

E. Sanitary Sewer Comprehensive Plan Update – Policy Review (Gaub) (30 Minutes)

Manager Vondrak and Engineer Elwell provided Council with an overview of the Sanitary Sewer Comprehensive Plan Policy including what is considered a policy, the goals of the policies, an introduction of the sanitary

sewer utility system, the new sanitary sewer goals and categories, policy review, removed policies, new policies, combined and moved policies, and simplified policies.

Council discussed replacement targets prior to end of the useful life.

F. 2024-2029 Transportation Improvement Program Annual Update and 2024 Transportation Impact Fee Update (Gaub) (20 Minutes)

Engineer Webb provided Council with an overview of the 2024-2029 Transportation Improvement Program (TIP) including the requirements for updating the TIP, financially constrained funded, how the TIP is used, requirements for updating the TIP, projects proposed to be removed, projects proposed to be added, projects to be advances within the TIP, funding by project type and source, sustainable funding actions, 2024 Traffic Impact Fees, and the proposed next steps for action.

Council discussed the timing for projects.

G. Audience Participation

No one came forward to speak.

VII. ADJOURNMENT

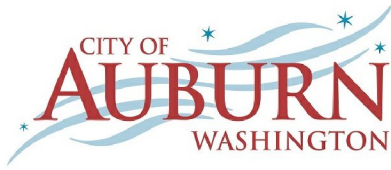
There being no further business to come before the Council, the meeting was adjourned at 8:43 p.m.

APPROVED this 5th day of June, 2023.

JAMES JEYARAJ, DEPUTY MAYOR

Shawn Campbell, City Clerk

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.aubumwa.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 May 1, 2023, Regular City Council Meeting

Date:

May 31, 2023

Department:

City Council

Attachments:

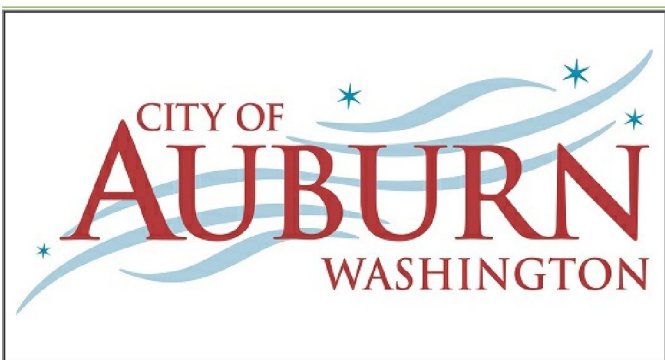
[05-01-2023 Minutes](#)

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

Meeting Date: June 5, 2023

Staff:

Item Number: CA.B

	City Council Meeting May 1, 2023 - 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 ACKNOWLEDGMENT

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, Larry Brown, Robyn Mulenga, Cheryl Rakes, and Yolonda Trout-Manuel.

Department directors and staff members present included: City Attorney Kendra Comeau, Chief of Police Mark Caillier, Assistant Director of Public Works Jacob Sweeting, Director of Equity and Inclusion Brenda Goodson-Moore, Director of Innovation and Technology David Travis, Executive Assistant to the Mayor Tamie Bothell, Business Systems Analyst Chrissy Malave, and City Clerk Shawn Campbell.

V. ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS

A. AWC Presentation

CEO, Deana Dawson to present Advanced CML Certificate to Mayor Backus

Deana Dawson, CEO of Association of Washington Cities (AWC), provided Council with a brief description of the AWC programs and roles. Ms. Dawson presented Mayor Nancy Backus the Advanced Certificate of Municipal Leadership.

B. Asian American, Native Hawaiian, and Pacific Islander Heritage

Month

Mayor Backus to proclaim May 2023 as "Asian American, Native Hawaiian, and Pacific Islander Heritage Month" in the City of Auburn

Mayor Backus proclaimed May 2023 as "Asian American, Native Hawaiian, and Pacific Islander Heritage Month" in the City of Auburn. Pastor Ofa Langi accepted the proclamation and thanked the Mayor and Council for recognizing Asian American, Native Hawaiian, and Pacific Islander Heritage Month.

C. Jewish American Heritage Month

Mayor Backus to proclaim May 2023 as "Jewish American Heritage Month" in the City of Auburn

Mayor Backus proclaimed May 2023 as "Jewish American Heritage Month" in the City of Auburn.

D. Mental Health Awareness Month

Mayor Backus to proclaim May 2023 as "Mental Health Awareness Month" in the City of Auburn

Mayor Backus proclaimed May 2023 as "Mental Health Awareness Month" in the City of Auburn.

E. National Day of Prayer

Mayor Backus to proclaim May 4, 2023 as "National Day of Prayer" in the City of Auburn

Mayor Backus proclaimed May 4, 2023 as "National Day of Prayer" in the City of Auburn. Pastor LaShund Lambert accepted the proclamation and thanked the Mayor and Council for recognition of the National Day of Prayer.

F. Nurses Month

Mayor Backus to proclaim May 2023 as "Nurses Month" in the City of Auburn

Mayor Backus proclaimed May 2023 as "Nurses Month" in the City of Auburn. Lucy Norris, Chief Nurse Executive with MultiCare Auburn Medical Center and Heather Thomasson, Clinical Director at Auburn Medical Center's Emergency Department, accepted the proclamation and thanked the Mayor and Council for acknowledging Nurses Month.

G. Affordable Housing Week

Mayor Backus to proclaim May 7, 2023 to May 13, 2023 as "Affordable Housing Week" in the City of Auburn

Mayor Backus proclaimed May 7, 2023 to May 13, 2023 as "Affordable Housing Week" in the City of Auburn. Cliff Cawthon, Master Builders Association, and Teena Ellison, Director of Housing Services from Compass Housing Alliance, accepted the proclamation they thanked the Mayor and Council for their support and recognition of Affordable Housing

Week.

H. National Police Week and Peace Officers Memorial Day

Mayor Backus to proclaim May 14, 2023 to May 20, 2023 as "National Police Week" and May 15, 2023 as "Peace Officers Memorial Day" in the City of Auburn

Mayor Backus proclaimed May 14, 2023 to May 20, 2023 as "National Police Week" and May 15, 2023 as "Peace Officers Memorial Day" in the City of Auburn. Mark Caillier, Chief of Police, accepted the proclamation he thanked the Mayor and Council for their support.

VI. **AGENDA MODIFICATIONS**

Discussion of placement of Ordinance No. 6906 and 6907 on future agendas added to unfinished business.

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.

James Hargis

Mr. Hargis expressed his concerns regarding illegal fireworks.

Jan Molinaro 1339 Griffin Enumclaw 98022

Mr. Molinaro, Mayor of Enumclaw and Sound Cities Association (SCA) President, thanked the City for being a member of SCA. He invited the Council to attend future networking events and encouraged Council to get involved in SCA.

Patrick Taylor 1812 4TH PL NE Auburn 98002

Mr. Taylor shared information about the special needs fishing derby that was put on by the City and the Noon Lions.

Carley Willis 1809 Howard Road Auburn 98002

Ms. Willis expressed concern regarding crime at her small business and concerns about law enforcement response.

Virginia Haugen 2503 R ST SE Auburn 98001

Ms. Haugen expressed concern with crime and homelessness.

David Chivis 17 S. Division Auburn 98001

Mr. Chivis expressed concern with drug use in the public.

Val Erickson 535 M ST NE Auburn 98002

Ms. Erickson expressed concern with safety in Auburn.

LaShund Lambert 29610 123rd PL SE Auburn 98092
Mr. Lambert, Chair of the Police Advisory Committee, expressed disappointment in the City's response to the crime in Auburn.

Jennifer Carrington 1118 Howard Road Auburn 98002
Ms. Carrington expressed concern with crime near her business.

B. Correspondence

There was no correspondence for Council to 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 Baldwin)

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

2. Mayoral Benefits and Leave Compensation Review Ad Hoc Committee (Chair Baldwin)

Councilmember Baldwin, Chair of the Mayoral Benefits and Leave Compensation Review ad hoc committee, provided an update that the committee has met and will continue to meet. The ad hoc committee intends to have both Ordinances placed on the May 8, 2023, Study Session Meeting.

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 April 10, 2023, City Council Study Session Meeting

B. Minutes of the April 17, 2023, Regular City Council Meeting

C. Minutes of the April 19, 2023, Special City Council Meeting

D. Claims Vouchers (Thomas)

Claims voucher list dated May 1, 2023 which includes voucher number 471688 through 471820, in the amount of \$2,836,424.45 and seven wire transfers in the amount of \$826,669.81

E. Payroll Voucher (Thomas)

Payroll check numbers 539486 through 539487 in the amount of \$628,270.79 electronic deposit transmissions in the amount of \$2,411,796.71 for a grand total of \$3,040,067.50 for the period covering April 13, 2023 to April 26, 2023

F. Setting the Date for a Public Hearing for Ordinance No. 6908 (Gaub)

City Council to set the date for a Public Hearing for Ordinance 6908 for Enacting Street Payback Requirement for City Project CP2022 Garden Avenue Realignment

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

MOTION CARRIED UNANIMOUSLY. 7-0

X. **UNFINISHED BUSINESS**

Mayor Backus explained the purpose of requesting the Ordinances be moved to a future agenda.

Councilmember Brown moved to schedule the discussion of Ordinance No. 6906 and 6907 to the May 22, 2023, Study Session Meeting. **No second was received, motion failed.**

XI. **NEW BUSINESS**

There was no new business.

XII. **RESOLUTIONS**

A. Resolution No. 5706 (Gaub)

A Resolution setting a Public Hearing to consider the Vacation of Unopened Right-Of-Way located within a portion of 116th Avenue SE that lies North of SE 304th Street, within the City of Auburn, Washington

Councilmember Brown moved and Councilmember Trout-Manuel seconded to approve Resolution No. 5706.

MOTION CARRIED UNANIMOUSLY. 7-0

B. Resolution No. 5714 (Gaub)

A Resolution authorizing the Mayor to execute and administer agreements accepting a grant from the Washington State Department of Transportation and Federal Highway Administration for the Lea Hill Road/104th Ave SE Roundabout Project

Councilmember Brown moved and Councilmember Trout-Manuel seconded to approve Resolution No. 5714.

MOTION CARRIED UNANIMOUSLY. 7-0

XIII. **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

Councilmember Baldwin reported she participated in a presentation with Community Court.

Councilmember Rakes reported she attended the Ribbon Cutting for Emerald City Fashion, the King County Elected Officials Reception on Recycling, the Elections 101 Class, and the Auburn Noon Lions Fishing Derby.

Councilmember Trout-Manuel reported she attended the National League of Cities (NLC) Human Development Meeting, Mayor's State of the City, NLC Hispanic Elected Local Officials (HELO) Board Meeting, Ribbon Cutting for Emerald City Fashion, King County Elected Officials Reception on Recycling, and the Auburn Noon Lions Fishing Derby.

B. From the Mayor

Mayor Backus reported she hosted the State of the City at the Muckleshoot Events Center, a mock City Council Meeting with Buena Vista Middle School Students, Clean Sweep, Sound Cities Association Meeting, Inclusive Auburn Advisory Team Meeting, Cities and Schools Meeting, Bring Your Child to Work Day, and the Auburn Noon Lions Fishing Derby. Mayor Backus informed the Council that Kent Hay has been promoted to Director of Anti-Homelessness.

XIV. ADJOURNMENT

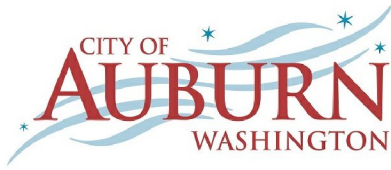
There being no further business to come before the Council, the meeting was adjourned at 8:34 p.m.

APPROVED this 5th day of June, 2023.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk

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AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the May 18, 2023 and May 19, 2023, Special City Council Meetings

Date:

May 31, 2023

Department:

City Council

Attachments:

[05-18-2023 Minutes](#)

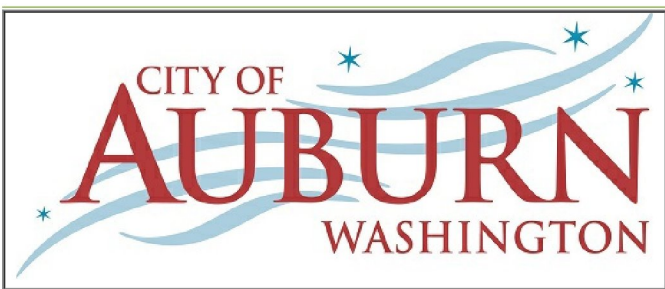
[05-19-2023 Minutes](#)

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

Meeting Date: June 5, 2023

Staff:

Item Number: CA.C

	Special City Council Meeting May 18, 2023 - 8:00 AM Green River College - 12401 SE 320th St. Auburn, WA 98092 (Mel Lindbloom Student - River Room) MINUTES
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I. **CALL TO ORDER**

Mayor Nancy Backus called the meeting to order at 8:34 a.m. at Green River College, 12401 SE 320th St. Auburn, WA 98092 in Salish Hall Classroom No. 257.

A. **PUBLIC PARTICIPATION**

1. Public Participation

The Special 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, Cheryl Rakes, and Yolonda Trout-Manuel.

Department directors and staff members present included: City Attorney Kendra Comeau, Chief of Police Mark Caillier, Director of Equity and Inclusion Brenda Goodson-Moore, Director of Parks, Arts and Recreation Daryl Faber, Director of Public Works Ingrid Gaub, Director of Human Resources & Risk Management Candis Martinson, Director of Administration Dana Hinman, Director of Community Development Jeff Tate, Director of Finance Jamie Thomas, Director of Innovation and Technology David Travis, Council Administrative Assistant Melissa Bailey, Communications Manager Jonathan Glover, IT Support Specialist Tristen Bennett, Business Systems Analyst Chrissy Malave, Deputy City Clerk Hannah Scholl, and City Clerk Shawn Campbell.

II. **DISCUSSION ITEMS**

A. Long Term Visioning for the City of Auburn

Mayor Backus provided Council and Directors with a brief history of past Council retreats and the purpose and goals of holding a retreat. She thanked Council and Directors for participating.

Deputy Mayor Jeyaraj thanked everyone for participating and introduced the retreat facilitator Kathryn Leslie who guided Council and Directors

through an exercise discussing what they enjoy about their jobs and the challenges they face.

Council and Directors discussed serving their community, citizens, growing needs, lack of resources, community engagement, longevity, and communication.

The majority of participants voted to have the recording was stopped at 9:30 a.m.

Rhonda Hilyer provided the participants training on Success Signals, commonly known as colors training. She reviewed peoples ability to listen and retain, signals and messages people send. She reviewed the traits of the various colors, and tools to use with people with different styles.

Mayor Backus recessed for lunch at 12:05 p.m.

Mayor Backus reconvened the meeting at 1:00 p.m.

Ms. Leslie discussed with the participants characteristics that work well in communication, agreements within communications and conflict, and acceptable norms that the participants agreed to.

Ms. Leslie asked each Councilmember to state why they ran for Auburn City Council and what they want Auburn to look like.

Council broke into groups to discuss the highlights of the norms and listening session.

III. ADJOURNMENT

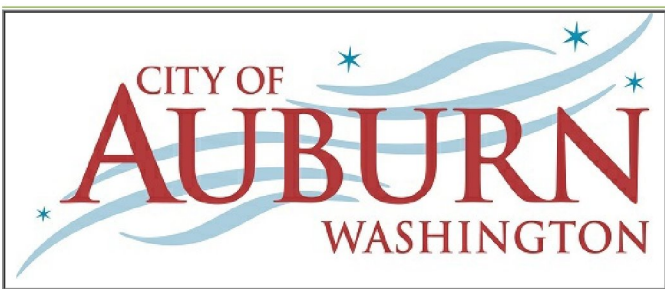
There being no further business to come before the Council, the meeting was adjourned at 5:00 p.m.

APPROVED this 5th day of June, 2023.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk

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	Special City Council Meeting May 19, 2023 - 8:00 AM Green River College - 12401 SE 320th St. Auburn, WA 98092 (Salish Hall Classroom No. 257) MINUTES
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I. **CALL TO ORDER**

Mayor Nancy Backus called the meeting to order at 8:30 a.m. at Green River College, 12401 SE 320th St. Auburn, WA 98092 in the Mel Lindbloom Student Union - River Room.

A. **PUBLIC PARTICIPATION**

1. Public Participation

The Special 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, and Cheryl Rakes. Councilmember Yolonda Trout-Manuel was excused.

Department directors and staff members present included: City Attorney Kendra Comeau, Chief of Police Mark Caillier, Director of Equity and Inclusion Brenda Goodson-Moore, Director of Parks, Arts and Recreation Daryl Faber, Director of Public Works Ingrid Gaub, Director of Human Resources & Risk Management Candis Martinson, Director of Administration Dana Hinman, Director of Community Development Jeff Tate, Director of Finance Jamie Thomas, Director of Innovation and Technology David Travis, Director of Anti-Homelessness Kent Hay, Council Administrative Assistant Melissa Bailey, Communications Manager Jonathan Glover, IT Support Specialist Tristen Bennett, Business Systems Analyst Chrissy Malave, and City Clerk Shawn Campbell.

II. **DISCUSSION ITEMS**

A. Council Rules of Procedure

Council discussed revision to the Council Rules of Procedure.

B. Goal Prioritization

Teams reported out on their combined goals including public safety, facilities, downtown revitalization, homelessness, affordable housing, revising Council Rules of Procedure, Staff providing information timely to Council, partnering with external partners, internship development, health

and climate equity, attaching new business, establishing Auburn's identity, neighborhoods, intentional development, crisis care centers diversity, and equity and inclusion.

The participants discussed the breakdown of the goals, including public safety, compensation packages, homelessness, and community engagement.

The participants closed with their feelings on the retreat.

III. **ADJOURNMENT**

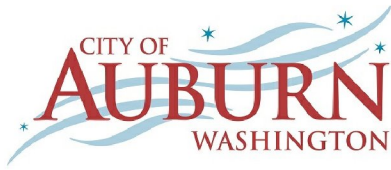
There being no further business to come before the Council, the meeting was adjourned at 12:53 p.m.

APPROVED this 5th day of June, 2023.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk

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AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Vouchers (Thomas)

Date:

May 23, 2023

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 May 15, 2023 which includes voucher number 471821 through 472002, in the amount of \$3,403,786.25 and five wire transfers in the amount of \$77,622.92.

Claims voucher list dated June 5, 2023 which includes voucher number 472003 through 472109, in the amount of \$2,205,594.81 and five wire transfers in the amount of \$1,379,404.61.

Claims voucher list dated June 5, 2023 which includes voucher number 472110 through 472192, in the amount of \$1,946,728.79 and zero wire transfers in the amount of \$0.00.

Reviewed by Council Committees:

Councilmember: Baldwin

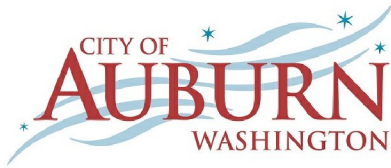
Staff:

Thomas

Meeting Date: June 5, 2023

Item Number:

CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Voucher (Thomas)

Date:

May 23, 2023

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background for Motion:**

Approve Payroll Vouchers.

Background Summary:

Payroll check numbers 539489 through 539492 in the amount of \$82,166.72 electronic deposit transmissions in the amount of \$2,667,459.88 for a grand total of \$2,749,626.60 for the period covering April 27, 2023 to May 10, 2023.

Payroll check numbers 539493 through 539493 in the amount of \$619,159.00 electronic deposit transmissions in the amount of \$2,411,285.48 also a special payroll for Police Commissioned Comp Payout with electronic deposit transmission in the amount of \$32,478.62 for a grand total of \$3,062,923.10 for the period covering May 11, 2023 to May 31, 2023.

Reviewed by Council Committees:

Councilmember: Baldwin

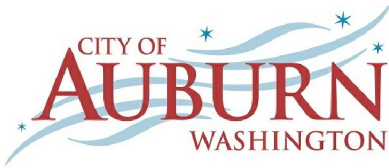
Staff:

Thomas

Meeting Date: June 5, 2023

Item Number:

CA.E



AGENDA BILL APPROVAL FORM

Agenda Subject:

Setting the date for a Public Hearing for the 2024-2029
Transportation Improvement Program (Gaub)

Date:

May 18, 2023

Department:

Public Works

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to set the date for a Public Hearing for the 2024-2029 Transportation Improvement Program as June 20, 2023, at 7:00 pm.

Background for Motion:**Background Summary:**

The City Council is asked to set a time and date for a public hearing to adopt the Six Year Transportation Improvement Program (TIP). The public hearing is proposed to be held on June 20, 2023 during the City Council Meeting.

The TIP is a multiyear planning tool and document for the development of transportation facilities within the City and does not represent a financial commitment by the City. Once the TIP is approved, projects are budgeted and funded through the City's biennial budget. The TIP sets priorities for the allocation of secured and unsecured funding, is a prerequisite of most grant programs, and identifies Transportation Benefit District projects. Staff also uses the TIP to coordinate future transportation projects with needed utility improvements. The projects and programs identified in the TIP that increase the capacity of the transportation system to address growth and development provide the basis for the City's transportation impact fee program. Projects must also be included in the TIP to be eligible for state and federal grant funding.

RCW 35.77.010 requires that the TIP is amended by June 30 each year.

A summary of the proposed changes was presented at City Council Study Session on May 22, 2023.

Reviewed by Council Committees:

Councilmember: Brown

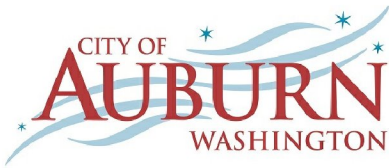
Staff:

Gaub

Meeting Date: June 5, 2023

Item Number:

CA.F



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6902 (Tate)

Date:

May 25, 2023

Department:

Community Development

Attachments:

[Ordinance No. 6902](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6902.

Background for Motion:

Ordinance 6902 amends Title 15 of the Auburn City Code to adopt the 2021 building and related construction codes along with local amendments to prepare Auburn City Code for the effective date of July 1, 2023 of the updated Washington State Building Code.

Background Summary:

The Washington State Building Code Council has adopted updated 2021 building codes and related standards and associated State amendments to be effective as of July 1, 2023. This is a recurring update that typically occurs every three (3) years in response to the publication of updated codes and standards by the International Code Council and associated organizations.

The Planning Commission held a public hearing on May 2, 2023 and provided recommendation to adopt amendments. No public comments were raised related to the proposed amendments. Staff presented a brief overview of significant updates to the International and State building codes as well as proposed updates to ACC Title 15 to City Council at the May 22, 2023 Study Session.

Adoption of Ordinance No. 6902 by City Council will ensure that adoption of the new codes and associated amendments occurs in conjunction with the effective date as adopted by the Washington State Legislature.

Reviewed by Council Committees:

Councilmember: Brown

Staff:

Tate

Meeting Date: June 5, 2023

Item Number:

ORD.A

ORDINANCE NO. 6902

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO BUILDING CODES, AND AMENDING CHAPTER 15.08A, SECTIONS 15.07.010, 15.07.020, 15.07.030, 15.07.040, 15.07.080, 15.07.090, 15.07.100, 15.07.140, 15.07.150, 15.020.010, 15.20.030, 15.20.050, 15.32.010, 15.32.050, 15.36A.011, 15.36A.091, 15.74.040 AND 15.74.050, REPEALING CHAPTERS 15.04, 15.06, AND 15.48 OF THE AUBURN CITY CODE

WHEREAS, the Auburn City Code includes a variety of chapters adopting various codes related to the building of structures; and

WHEREAS, the State of Washington promulgates some of these codes, updates them periodically, and requires, through RCW 19.27, that local jurisdictions adopt and implement the standard codes; and

WHEREAS, the State of Washington has promulgated updated codes and has approved them for adoption by local jurisdictions; and

WHEREAS, city staff and VRFA staff have reviewed the city's building-related codes, have identified amendments to update or supplemented these codes, and have identified desired amendments to the provisions of the State-adopted codes.

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

Section 1. Amendment to City Code. Section 15.07.010 of the Auburn City Code is amended to read as follows:

15.07.010 General.

A. *Title.* These regulations shall be known as the Construction Administrative Code of the city of Auburn.

B. *Purpose.* The provisions of this title shall be interpreted and applied as minimum requirements for safeguarding life, limb, health, property, and public welfare.

BC. *Scope.* The provisions of this chapter shall apply to the administration of the technical codes adopted in Chapter 15.06 ACC and by the state of Washington, and as listed:herein.

~~1.~~

~~a. 2018 International Building Code — Chapter 51-50 WAC;~~

~~b. 2018 International Residential Code — Chapter 51-51 WAC;~~

~~c. 2018 International Mechanical Code — Chapter 51-52 WAC;~~

~~d. 2018 International Fire Code — Chapter 51-54A WAC;~~

~~e. 2018 National Fuel Gas Code (NFPA 54) — Chapter 51-52 WAC;~~

~~f. 2018 Liquefied Petroleum Gas Code (NFPA 58) — Chapter 51-52 WAC;~~

~~g. 2018 International Fuel Gas Code — Chapter 51-52 WAC;~~

~~h. 2018 Uniform Plumbing Code — Chapter 51-56 WAC;~~

~~i. 2018 International Energy Conservation Code — Chapters 51-11C and 51-11R WAC;~~

~~j. 2018 International Property Maintenance Code;~~

~~k. 2018 International Swimming Pool and Spa Code;~~

~~l. 2018 International Existing Building Code;~~

~~m. 2018 International Green Construction Code;~~

~~n. 2014 Edition National Healthy Housing Standard.~~

12. Exceptions. The provisions of this code shall not apply to work located primarily in a public way, public utility towers and poles and hydraulic flood control structures.

23. ~~Definitions~~*Interpretation of terms.* ~~For the purpose of this chapter, certain terms, phrases, words and their derivatives shall have the meanings set forth in this subsection.~~ Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third International Dictionary of the English Language, Unabridged, latest edition, shall be considered as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine; provided, that any reference to "fire department" in this title or the codes adopted hereunder shall be understood to include the Valley Regional Fire Authority.

D. International codes and other standards adopted. The following codes and Washington Administrative Code (WAC) chapters are adopted by reference as set forth below. The codes and WAC chapters shall have the same force and effects as if they were set forth fully herein, provided that any amendments, deletions, and additions contained in the chapters of this title shall govern over the provisions of the respective adopted code. The building official shall file with the city clerk each code codified in this chapter.

1. International Building Code Adopted – Chapter 51-50 WAC. The 2021 International Building Code is adopted by reference with the amendments, deletions, and additions thereto as provided in Chapter 15.08A ACC, Building Code.

2. International Residential Code Adopted – Chapter 51-51 WAC. The 2021 International Residential Code is adopted by reference, excluding Chapter 11, "Energy Efficiency," Chapters 25 through 33, "Plumbing," and Chapters 34 through 43, "Electrical."

3. International Mechanical Code Adopted – Chapter 51-52 WAC. The 2021 International Mechanical Code is adopted by reference.

4. *International Fire Code Adopted – Chapter 51-54A.* The 2021 International Fire Code is adopted by reference with ~~the~~ amendments, deletions, and additions ~~thereto as~~ provided in Chapter 15.36A ACC, Fire Code.

5. *National Fuel Gas Code (NFPA 54) Adopted – Chapter 51-52 WAC.* The 2021 ANSI Z223.1/NFPA 54 National Fuel Gas Code is adopted by reference.

6. *Liquefied Petroleum Gas Code (NFPA 58) Adopted – Chapter 51-52 WAC.* The 2021 Liquefied Petroleum Gas Code is adopted by reference.

7. *International Fuel Gas Code Adopted – Chapter 51-52 WAC.* The 2021 International Fuel Gas Code is adopted by reference.

8. *Uniform Plumbing Code Adopted – Chapter 51-56 WAC.* The 2021 Uniform Plumbing Code is adopted by reference, including Chapter 12, “Fuel Piping,” Chapter 15, “Firestop Protection,” Appendix A, “Recommended Rules for Sizing the Water Supply System,” Appendix B, “Explanatory Notes on Combination Waste and Vent Systems,” Appendix C, “Alternate Plumbing Systems,” Appendix I, “Installation Standards,” and those ~~requirement~~portions of the Uniform Plumbing Code relating to venting and combustion air of fuel-fired appliances as found in Chapter 5 and those portions of the code addressing building sewers.

9. *International Energy Conservation Code Adopted – Chapters 51-11C and 51-11R WAC.* The 2021 International Energy Conservation Code, as published by the International Code Council, ~~and~~ as amended by the State Building Code Council in Chapters 51-11C and 51-11R WAC. The most current Washington State Energy Code as established under Chapter 19.27A RCW is adopted ~~by~~ reference.

10. *International Property Maintenance Code Adopted.* The 2021 International Property Maintenance Code, as published by the International Code Council, is adopted by reference with ~~the~~those amendments, deletions, exceptions and conditions ~~as~~ provided in Chapter 15.20 ACC.

K. *International Swimming Pool and Spa Code Adopted.* The 2021 International Swimming Pool and Spa Code, as published by the International Code Council,

excluding Chapter 4, “Public Swimming Pools,” Chapter 5, “Public Spas and Public Exercise Spas,” and Chapter 6, “Aquatic Recreation Facilities,” is adopted by reference.

L. *International Existing Building Code Adopted – Chapter 51-50.* The 2021 International Existing Building Code is adopted [by reference](#).

M. *International Green Construction Code Adopted.* The 2021 International Green Construction Code, as published by the International Code Council, is adopted by reference as an optional reference for developers who choose to utilize elements of the code for guidance.

N. *National Healthy Housing Standard Adopted.* The 2018 National Healthy Housing Standard, as published by the National Center for Healthy Housing, is adopted by reference as a guideline and expression of intent to assist interpretation of the codes adopted in this chapter.

Section 2. Amendment to City Code. Section 15.07.020 of the Auburn City

Code is amended to read as follows:

15.07.020 Conflicts between codes and [code](#) applicability.

A. *General.* In case of conflict between codes referenced in ACC [15.07.010](#), where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the hierarchy of the codes named in Chapter [19.27](#) RCW shall govern. Otherwise, the most restrictive provision shall govern, or where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. In the case of a conflict between the International Green Construction Code and the city of Auburn [engineering](#) design standards, surface water management manual, or construction standards, the city of Auburn standards shall govern.

B. *Other Laws.* The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

C. *Application of References.* References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

D. *Referenced Codes and Standards – Conflict with Chapter.* The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

~~E. *Partial Invalidity.* In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.~~

~~FE. *Conflicting Ordinances.* All ordinances or parts of ordinances in conflict with this title are repealed, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to taking effect of this title.~~

Section 3. Amendment to City Code. Section 15.07.030 of the Auburn City

Code is amended to read as follows:

15.07.030 ~~Enforcement~~Constitutionality or invalidity.

~~If any section, subsection, clause or phrase of this title is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portion of this title.~~

~~A. *Enforcement Agency.* The department of community development is designated as the agency responsible for enforcement of building codes, and the official in charge thereof shall be known as the building official, and Section 103 of Chapter 1 of the 2018 International Building Code is amended consistent therewith.~~

~~B. *Venue.* Unless specifically directed or assigned otherwise, violations of or failures to comply with any of the codes referenced by this chapter shall be prosecutable in the court of limited jurisdiction authorized to hear cases of the city.~~

~~C. *Penalties by Class and Category of Offenses.* Unless a different city penalty is specifically provided for a violation of or failure to comply with any of the codes adopted by the chapters of this title, violations of and failures to comply with the requirements of the codes adopted by this chapter shall constitute offenses of the same description, class and category of offense as are indicated in the adopted code. The penalty for any such offense identified or identifiable as a misdemeanor for which no penalty is specifically provided shall be punishable by imprisonment in the appropriate city or county jail for a period of up to 90 days and a fine of up to \$1,000, or by both such fine and imprisonment. The penalty for any such offense identified or identifiable as a gross misdemeanor for which no penalty is specifically provided shall be punishable by imprisonment in the appropriate city or county jail for a period of up to one year and a fine of up to \$5,000, or by both such fine and imprisonment. The penalty for any such offense identified or identifiable as an infraction for which no penalty is specifically provided shall be punishable in accordance with AGC 1.25.050.~~

~~D. *Nonexclusive Remedy.* The penalty provisions hereof are in addition to other enforcement and remedy provisions of the codes adopted by the chapters of this title.~~

Section 4. Amendment to City Code. Section 15.07.040 of the Auburn City Code is amended to read as follows:

15.07.040 ~~Duties and powers of code officials~~Forms and notices.

~~*Repealed by Ord. 6310.* All forms and notices for the administration of the State Building Code Act shall be furnished by the city.~~

Section 5. Amendment to City Code. Section 15.07.080 of the Auburn City Code is amended to read as follows:

15.07.080 Fees.

A. *Work Performed without a Permit.* An investigation fee, in addition to the permit fee, may be collected. The investigation fee shall be ~~equal to either the amount assessed in accordance with the currently adopted city of Auburn fee schedule~~ of the permit fee required by this code or the cost of the labor to perform the investigation. The payment

of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

B. Plan Review Fees.

1. When submittal documents are required by ACC [15.07.050](#), a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The building official and/or the fire code official may have the option to charge a deposit in lieu of the full plan review fee, if the full amount is not known at the time. Any plan review deposit shall be applied toward the total plan review fee owed. The plan review fee shall be imposed based on the fee schedule that is in effect at the time the building permit application is determined to be complete and is payable prior to commencement of city review. The permit fee shall be imposed based on the fee schedule that is in effect at the time the building permit application is determined to be complete and is payable prior to issuance of the permit. The plan review fee shall be a separate fee from the permit fees specified in this section and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in IBC Section 107.3.4.2, an additional plan review fee shall be charged at the rate shown in the fee code established by the jurisdiction.

2. *Stock Plan Program.* When plans are submitted under the “stock plan program,” a plan review fee, that is established in the adopted fee schedule, shall be paid at the time the permit application is determined to be complete and is payable prior to commencement of city review. Valuations used to compute the permit fees shall include all options submitted with a registered plan. When a registered plan consists of a number of plan options that can produce any number of similar but different buildings, the building official may charge plan review fees based on each different building configuration. The plan review fees specified in this subsection are separate fees from the permit fees specified in the fee schedule, and are in addition to the permit fees.

C. Refunds.

1. *Application Fee Before Permit Issuance.* The building official may authorize refunding of not more than the full amount of the application or plan review fee paid,

less the current rate of the additional resubmittal fee adopted by the city of Auburn fee schedule in effect at the time of request when an application for a permit for which such fee has been paid is withdrawn or canceled before any plan reviewing is done. The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee no later than 180 days after the date of application.

2. *Permit Fee Before Permit Issuance.* The building official may authorize refunding of not more than the full amount of the permit fee paid, less the current rate of the additional resubmittal fee adopted by the city of Auburn fee schedule in effect at the time of request when an application for a permit for which such fee has been paid is withdrawn or canceled prior to issuance. The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee no later than 180 days after the date of payment.

3. *Permit Fee After Permit Issuance.* The building official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected. When no work has been done under a permit issued in accordance with this code, the building official may authorize refunding of not more than the full amount of the permit fee paid, less the current rate of the additional resubmittal fee adopted by the city of Auburn fee schedule; except that no refunds will be processed for permits 180 days from date of issuance where no work has been done.

Section 6. Amendment to City Code. Section 15.07.090 of the Auburn City

Code is amended to read as follows:

The city will conduct inspections as prescribed in the latest adopted copy of the International Building Code with the exceptions as noted below:

A. *IMC/UPC/IFGC/NEC Rough-In Inspection.* Rough-in mechanical, gas piping, plumbing and electrical shall be inspected when the rough-in work is complete and under test. No connections to primary utilities shall be made until the rough-in work is inspected and approved.

B. *Energy Efficiency Inspection – Envelope.*

1. *Wall Insulation Inspection.* To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.
2. *Glazing Inspection.* To be made after glazing materials are installed in the building.
3. *Exterior Roofing Insulation.* To be made after the installation of the roof insulation, but before concealment.
4. *Slab/Floor Insulation.* To be made after the installation of the slab/floor insulation, but before concealment.

C. *Special Inspections.* In addition to the inspections specified above, the building official is authorized to make or require special inspections above the requirements as stated in Chapter 17 of the ~~2018~~ International Building Code for any type of work related to the technical codes by an approved agency at no cost to the jurisdiction.

Section 7. Amendment to City Code. Section 15.07.100 of the Auburn City Code is amended to read as follows:

A. *Use and Occupancy.* No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion of the building or structure shall be made until the building official has issued a certificate of occupancy as provided for in this section. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of this jurisdiction.

B. *Exception.* Certificates of occupancy are not required for work exempt from permits under Section 105.2 of the ~~2018~~ International Building Code and International Residential Code or for R-3 and U occupancies.

C. The building official is authorized under ACC [12.66.080](#) to evaluate the condition of public improvements that service and/or are adjacent to the lot upon which the building has been constructed. For development projects that require public improvements and the improvements remain incomplete or when the building activity has damaged

adjacent public sidewalks, landscaping, streets or utilities the building official is authorized to withhold certificate of occupancy until the facilities are corrected and completed. The building official with the city engineer's approval may accept a bond or other financial security to guarantee repair or completion of required public improvements under special circumstances as determined by the city.

D. Section 111 of Chapter 1 of the ~~2018~~ International Building Code and International Residential Code is hereby amended consistent therewith.

Section 8. Amendment to City Code. Section 15.07.140 of the Auburn City Code is amended to read as follows:

15.07.140 ~~Violations.~~Enforcement.

~~*Repealed by Ord. 6310-A. Administration and enforcement. The Washington State Building Code Act provides for the administration and enforcement of this title by the city within its corporate limits.*~~

~~*B. Enforcement Agency. The department of community development is designated as the agency responsible for enforcement of building codes, and the official in charge thereof shall be known as the building official, and Section 103 of Chapter 1 of the International Building Code is amended consistent therewith.*~~

~~*C. The building official is authorized to promulgate such rules, policies and/or procedures as deemed necessary to carry out the intent of this title and provide for the efficient operation of the permit process as it may be administered by the building official and staff. In so doing, the building official may, from time to time, and notwithstanding other provisions of this title:*~~

~~*1. Record with the county recorder's office notices of building permit and/or land use compliance related activity regarding a specific site, which, after reasonable efforts in working with a property owner, is not brought into conformance with the provisions of this title, or notices and orders as called for under the dangerous buildings code; and/or*~~

2. Call upon the Auburn police chief to assist in the enforcement of this title. The chief or designee is authorized to issue criminal citations for violations of this title when criminal sanctions are appropriate under the Auburn City Code.

D. Venue. Unless specifically directed or assigned otherwise, violations of or failures to comply with any of the codes referenced by this chapter shall be prosecutable in the court of limited jurisdiction authorized to hear cases of the city.

E. Penalties.

1. It is a violation of city code for any person or entity to fail to comply with any provision of the technical codes adopted by reference in this chapter. Unless a different city penalty is specifically provided, for a violation of or failure to comply with any of the codes adopted by the chapters of this title, violations of and failures to comply with the requirements of the codes adopted by this chapter shall constitute offenses of the same description, class and category of offense as are indicated in the adopted technical code. If a technical code does not specify an offense, or subjects a violator of the code to "penalties prescribed by law," a violation of any provision of a technical code shall constitute either (a) a misdemeanor, or (b) a civil infraction and/or civil penalty punishable in accordance with Chapter 1.25 ACC.

2. The penalty for any such offense identified or identifiable as a misdemeanor for which no penalty is specifically provided shall be punishable by imprisonment in the appropriate city or county jail for a period of up to 90 days and a fine of up to \$1,000, or by both such fine and imprisonment. The penalty for any such offense identified or identifiable as a gross misdemeanor for which no penalty is specifically provided shall be punishable by imprisonment in the appropriate city or county jail for a period of up to one year and a fine of up to \$5,000, or by both such fine and imprisonment. The penalty for any such offense identified or identifiable as an infraction or civil penalty for which no penalty is specifically provided shall be punishable in accordance with Chapter ACC 1.25.050.

3. In determining the appropriate penalty, the building official shall consider the seriousness of the offense, whether it poses a risk to public safety, the violator's effort to achieve compliance, and the opportunities for alternative enforcement.

F. *Nonexclusive Remedy.* The penalty provisions hereof are in addition to other enforcement and remedy provisions of the codes adopted by the chapters of this title.

Section 9. Amendment to City Code. Section 15.08A.011 of the Auburn City Code is amended to read as follows:

15.08A.011 Adoption of International Building Code.

The ~~2018~~ International Building Code, as adopted in Chapter 15.07 ACC and hereafter amended by the State Building Code Council, and included in Chapter 51-50 WAC, is adopted as the building code of the city; provided, that the amendments, deletions and additions thereto as provided in this chapter shall govern over the published provisions of the International Building Code.

Section 10. New Section to City Code. A new section, 15.08A.025, "Section 105.2 amended – Work exempt from permit" is added to Chapter 15.08A to read as follows:

International Building Code Section 105.2 is amended to read as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 200 square feet.

2. Fences not over 7 feet high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated *swimming pools* accessory to a Group R-3 occupancy that are less than 24 inches deep, are not greater than 5,000 gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings, slides and other exterior playground equipment.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall, do not require additional support and do not project beyond a property boundary.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
14. Work located primarily within public right-of-way.

15. Like-for-like (same size) window replacement for structures where no alteration of structural members is required and window U-value meets requirements of the energy code.

16. Single-story construction job shacks that are placed at a permitted job site during construction. Job shacks shall be removed upon final approval of construction, or may be required to be removed if associated permit expires or is suspended or cancelled. A job shack is a portable structure for which the primary purpose is to house equipment and supplies, and which may serve as a temporary office during construction in support of the associated construction activity.

17. Flag and light poles on private property that do not exceed 20 feet in height.

18. Like-for-like removal and replacement of residential and commercial roofing materials where no additional load is applied and no alteration of structural members is required.

Gas:

1. Portable heating appliance.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.

2. Portable ventilation equipment.

3. Portable cooling unit.

4. Steam, hot or chilled water piping with any heating or cooling equipment regulated by this code.

5. Replacement of any part that does not alter its approval or make it unsafe.

6. Portable evaporative cooler.

7. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.

Plumbing:

1. The clearing of stoppages or stopping and repairing of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this chapter and the technical codes.

2. Reinstallation or replacement of fixtures and/or valves that have accessible connections to rough-in plumbing, except a permit is required for the replacement of a water heater and reinstallation or replacement of any fixture or valve within a commercial kitchen.

Section 11. Amendment to City Code. Section **15.08A.041** of the Auburn City

Code is amended to read as follows:

Section 516 added – Recyclable materials and solid waste storage.

A new Section 516 and Table No. 5-F are added to Chapter 5 of the International Building Code to read as follows:

A. Recyclable Materials and Solid Waste Storage.

1. For the purpose of this section, the following definition shall apply: Recycled Materials means those solid wastes that are separated for recycling or reuse, such as papers, metals and glass.

2. Except for Group R-3 and Group U Occupancies, Aall new buildings shall provide space in accordance with Table No. 5-F for the storage of recycled materials and solid waste; EXCEPTION: Group R, Division 3 and Group U Occupancies. For occupancy types that, in the discretion of the building official, are dissimilar to the ones listed in Table No. 5-F, the building official may approve an alternative area

requirement if requested. The request shall be submitted for review as an alternative design in accordance with Chapter 1, Section 104.11 of the International Building Code and shall include supporting justification for the alternative floor area amounts.

3. The storage area shall be designed to meet the needs of the occupancy, efficiency of pick-up, and shall be available to occupants and haulers.

4. Storage and Handling of Recyclables and Solid Waste shall comply with the ~~2018 Edition of the~~ International Fire Code, Chapter 3, Section 304.

TABLE NO. 5-F – RECYCLABLE MATERIALS AND SOLID WASTE STORAGE
AREA REQUIREMENT

OCCUPANCY	AREA REQUIREMENTS
OFFICE	2 SF Per 1,000 SF of Gross Floor Area
RETAIL	5 SF Per 1,000 SF of Gross Floor Area
WHOLESALE	3 SF per 1,000 SF of Gross Floor Area
WAREHOUSE	3 SF per 1,000 SF of Gross Floor Area
INDUSTRIAL	3 SF Per 1,000 SF of Gross Floor Area
EDUCATIONAL	2 SF per 1,000 SF of Gross Floor Area
INSTITUTIONAL	2 SF Per 1,000 SF of Gross Floor Area

OCCUPANCY	AREA REQUIREMENTS
RESIDENTIAL	Min. 12 SF Plus 1.5 SF Per Unit; One Collection Area Per 30 Units located within 200 feet

Section 12. New Section to City Code. A new section, 15.08A.065, “Section

3202 amended – Encroachments,” is added to Chapter 15.08A to read as follows:

International Building Code Section 3202 is amended to read as follows:

3202.1 Encroachments below grade. Encroachments below grade shall comply with Section 3202.1.1 through 3202.1.3.

3202.1.1 Structural Support. Any permanent part of a building erected below grade that is necessary for structural support of the building or structure shall not project beyond the lot lines.

3202.1.2 Vaults and other enclosed spaces. The construction and utilization of vaults and other enclosed spaces below grade shall be subject to the terms and conditions of the applicable governing authority.

3202.1.3 Areaways. Areaways shall be protected by grates, guards or other approved means.

3202.2 Encroachments above grade and below 10 feet in height. Encroachments into the public right-of-way above grade and below 10 feet in height shall be prohibited. Doors and windows shall not open or project into the public right-of-way.

3202.3 Encroachments 10 feet or more above grade. Encroachments 10 feet or more above grade shall comply with Sections 3202.3.1 through 3202.3.4. The encroachments listed below shall not be considered permanent structures and shall be authorized pursuant to a right-of-way use permit issued in accordance with ACC 12.60.

3202.3.1 Awnings, canopies, marquees and signs. Awnings, canopies, marquees and signs shall be constructed so as to support applicable loads as specified in Chapter 16. Awnings, canopies, marquees and signs with less than 15 feet of clearance above the sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building. Stanchions or columns that support awnings, canopies, marquees and signs shall be subject to city of Auburn Engineering Design Standard requirements.

3202.3.2 Windows, balconies, architectural features and mechanical equipment. Where the vertical clearance above grade to projecting windows, balconies, architectural features or mechanical equipment is more than 10 feet, 1 inch of encroachment is permitted for each additional 1 inch of clearance above 10 feet, but the maximum encroachment shall be 4 feet.

3202.3.3 Encroachments 15 feet or more above grade. Encroachments 15 feet or more above grade shall not be limited. Such encroachments shall not be considered permanent structures and shall be authorized pursuant to a right-of-way use permit issued in accordance with ACC 12.60.

3202.3.4 Pedestrian walkways. The installation of a pedestrian walkway over a public right-of-way shall be subject to the approval of the city engineer. The vertical clearance from the public right-of-way to the lowest part of a pedestrian walkway shall be not less than 15 feet and the height determined by the city engineer to be needed to accommodate current and anticipated future use of the public right-of-way (including construction and re-construction of utilities).

Section 13. Amendment to City Code. Section 15.20.010 of the Auburn City Code is amended to read as follows:

The International Property Maintenance Code adopted in Chapter 15.~~06-07~~ ACC shall be on file in the office of the city clerk. The code as amended in this chapter shall govern over the published provisions of that code. Where the International Property Maintenance Code references the code official, that shall refer to and be construed to mean the building official as used in the city code. Unless the context clearly indicates otherwise, the terms “code official” and “building official” shall be synonymous.

Section 14. Amendment to City Code. Section 15.20.030 of the Auburn City Code is amended to read as follows:

Sections 103.1 and 103.5 of the International Property Maintenance Code are amended to read as follows:

103.1 Department of property maintenance inspection. The department of community development ~~and public works~~ is responsible for implementation and enforcement of the International Property Maintenance Code.

103.5 Fees. The fees for activities and services performed by the city in carrying out its responsibilities under this code, including hearings conducted by the hearing examiner, shall be as indicated in the city of Auburn fee schedule.

Section 15. Amendment to City Code. Section 15.20.050 of the Auburn City Code is amended to read as follows:

International Property Maintenance Code Section 110.1 is amended to read as follows:

Section 110.1 General. The code official shall order the owner or owner’s authorized agent of any premises upon which is located any structure, which in

the code official's ~~or owner's authorized agent~~ judgment ~~after review~~ is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two (2) years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Unless the code official determines that other measures are appropriate based on the circumstances, boarding the building up for future repair shall comply with appendix A and the structure shall not remain boarded beyond thirty (30) days, except where a non-opaque material is used that provides the same level of security as provided by the requirements of Appendix A, the boarding may remain in place for no more than one year. Timeframe extensions may be approved by the code official.

Section 16. Amendment to City Code. Section 15.32.010 of the Auburn City Code is amended to read as follows:

In addition to the provisions of the ~~2015~~-International Building Code, Appendix H, "Signs," there is adopted by reference and incorporated in this chapter by this reference Chapter 18.56 ACC entitled Signs.

Section 17. Amendment to City Code. Section 15.32.050 of the Auburn City Code is amended to read as follows:

The appeal and appeal procedures contained in Chapter ~~15.08~~15.07 ACC and any future amendments thereto are adopted by reference and incorporated in this chapter.

Section 18. Amendment to City Code. Section 15.36A.011 of the Auburn City Code is amended to read as follows:

The ~~2018 Edition of the~~ International Fire Code ~~as adopted in Chapter 15.07 ACC, as published by the International Code Council, and as adopted and amended by the State Building Code Council in Chapter 51-54A WAC,~~ including Appendix D, “Fire Apparatus Access Roads,” Appendix E, “Hazard Categories,” Appendix H, “Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions,” and Appendix L, “Requirements for Fire Fighter Air Replenishment,” is adopted by reference pursuant to Chapter 15.07 ACC with the amendments, additions, and deletions provided in this chapter. This chapter shall be controlling within the jurisdiction of the city. The manufacture, storage, handling, sale, and use of fireworks shall be governed by Chapter 70.77 RCW and by Chapter 212-17 WAC and Chapter 8.24 ACC, Fireworks, consistent with Chapter 212-17 WAC.

Section 19. Amendment to City Code. Section 15.36A.091 of the Auburn City Code is amended to read as follows:

A. International Fire Code Chapter 9 is amended to read as follows:

907.1.3 Equipment. Equipment systems and their components shall be listed and approved for the purposes for which they were installed. All new systems shall be addressable. Each device shall have its own address and annunciate individual device addresses at a UL Central Station.

907.1.4 Approved Fire Alarm and Detection Systems. In addition to any requirement of 907.2 or 907.3, all new buildings exceeding 5,000 square feet gross floor area shall be required to provide an approved automatic fire detection and alarm system. For existing buildings, additions increasing the total area to greater than 5,000 square feet or alterations or repairs exceeding 5,000 square feet shall be required to provide an approved automatic fire detection and alarm system for the entire associated fire area as required for new construction. Fire walls shall not be considered to separate a building to enable deletion of the required fire detection system.

EXCEPTIONS:

1. Group “U” Occupancies.

2. One and Two Family residences.

907.5.2.3.1 Employee Work Areas. Visible alarm notification appliances shall be provided in employee work areas.

B. For purposes of this chapter, a “fire wall,” “fire barrier,” or “horizontal assembly” shall not be considered to separate a building so as to avoid the required automatic fire alarm and detection system. A building shall have a minimum distance of five feet from any point of the building to any point of another building and from the property line in order to be considered a separate building.

Section 20. Amendment to City Code. Section 15.74.020 of the Auburn City Code is amended to read as follows:

This chapter shall regulate all land disturbing activities and the removal of trees, shrubs, and/or ground cover. All land disturbing activities are subject to the provisions of Chapter 13.48 ACC and the city of Auburn Engineering Design Standards. Land disturbing activities proposed within critical areas and/or land subject to shoreline management jurisdiction shall be subject to Chapters 16.10 and 16.08 ACC, respectively, and the procedural requirements of this chapter.

Section 21. Amendment to City Code. Section 15.74.030 of the Auburn City Code is amended to read as follows:

For the purpose of this chapter, the following words shall have the following meanings:

- A. “Accelerated erosion” means erosion much more rapid than normal or geologic erosion, primarily as a result of the influence of the activities of humans or, in some cases, of the animals or natural catastrophes that expose bare surfaces (e.g., fires).
- B. “Clearing” means the destruction and removal of vegetation by manual, mechanical, or chemical methods.

C. "Filling" means the act of transporting or placing (by any manner or mechanism) fill material from, to, or on any soil surface, natural vegetative covering of soil surface, or fill material (including temporary stockpiling of fill material).

D. "Grading" means any excavating, filling, clearing, or re-contouring of the ground surface or combination thereof.

E. "Ground cover" means small plants such as salal, ferns, mosses, grasses or other types of vegetation which normally cover the ground, including trees less than six inches in diameter measured at 24 inches above ground level, which renders the surface of the soil stable against accelerated erosion.

F. "Impervious surface" means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface area which causes water to run off in greater quantities or at an increased rate of flow from the flow under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purpose of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

G. "Land disturbing activity" means any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered land disturbing activity. Vegetation maintenance practices are not considered land disturbing activity.

H. "Permanent structure" means any buildings which are immovable including homes, garages, barns, storage buildings, or a driveway not wider than 20 feet which is the exclusive route of ingress and egress to an immovable garage or carport.

I. “Pre-loading” means the placement of material with the intent to surcharge and compress subsurface soils for a limited amount of time.

J. “Permit” means official document issued by the city that authorizes a specified scope of work. Document may be in the form of discrete permit approval documents or as plans approved in conjunction with associated public Facility extension (FAC) or capital project.

JK. “Sedimentation” means the process by which solid particulate matter is transported by water off the site of the land disturbing activity and settles onto land or the bed of a creek, stream, river, wetland, pond, lake, or other water body.

KL. “Stockpiling” means the placement of material with the intent to remove at a later time.

LM. “Tree” means any self-supporting perennial woody plant characterized by natural growth of one main stem or trunk with a definite crown, and maturing at a height of at least six feet above the ground.

MN. “Shrubs” means any living terrestrial plant or vegetation other than a tree or ground cover on land.

NO. “Significant tree” means a healthy evergreen tree, six inches or more in diameter measured four feet above grade, or a healthy deciduous tree four inches or more in diameter measured four feet above grade.

OP. “Underdeveloped property” means any parcel which under the city’s zoning code may be further subdivided to allow further development, or is not already developed to the fullest zoning potential.

PQ. “Undeveloped property” means any parcel which has not been altered from its natural state by grading or filling or by construction of private structures or public infrastructure that allows further development.

Section 22. Amendment to City Code. Section 15.74.040 of the Auburn City

Code is amended to read as follows:

A. *Application.* Any owner or authorized agent who intends to clear, fill, or grade any property within the city, except those specifically exempted in ACC [15.74.050](#), shall first make an application to the city and obtain the required permit for the work. Applications shall be prepared by a licensed professional civil engineer and shall conform to the city's design standards per Chapter [12.04](#) ACC. The city engineer shall have the authority to accept an application not prepared by a licensed professional engineer if the city engineer determines the scope of the project is such that a detailed set of plans is not required. An application for a clearing, filling, and grading permit shall be applied for and, where possible, processed concurrently with any other necessary permits or approvals. In addition, the city engineer may require off-site improvements prior to issuing any grading, filling or clearing permits when such improvements are required to mitigate the impacts of the proposed improvements.

B. *Approval.* The city engineer, or designee, shall have the authority to approve, modify, approve with conditions, or deny the permit in accordance with the intended purposes of ACC [15.74.010](#). The city engineer shall also have the authority to determine the time frame when the land disturbing activity shall commence, when the project is to be completed, designated haul routes, seasonal and weather restrictions, and hours of operation.

C. *Performance Guarantee.* When the city engineer determines that steps must be taken to protect other property or the public right-of-way, then the applicant shall provide the city an assignment of funds or an irrevocable letter of credit or other similar security satisfactory to the city engineer, to ensure land disturbing activities are constructed and maintained in conformance with the approved construction drawings, standards, and any environmental requirements and that the impacts of the activities, including hauling impacts, are mitigated. The amount and duration of the financial guarantee will be determined by the city engineer, when required, and it shall be no less than \$2,000 per acre. The financial guarantee shall be accompanied by an agreement granting the city and its agents the right to enter the property and perform work to mitigate and/or control impacts from such land disturbing activities utilizing the above-described satisfactory security. The agreement shall also hold the city harmless from all claims and expenses, including attorneys' fees.

D. *Fees.* Fees shall be assessed in accordance with the city's fee schedule.

E. *Term.* Work on grading, filling, or land clearing permits must begin within 180 days from the date of issuance of the permit. If work has not begun prior to this date, the permit shall expire and a new permit will be required prior to commencing any grading, filling, or clearing activities, and will be subject to city standards in effect at the time of the new permit. A six-month period of inactivity on the grading, filling or clearing work shall constitute expiration of the permit and a new permit will be required prior to recommencing grading, filling or clearing activities and will be subject to city standards in effect at the time of the new permit unless the applicant can demonstrate justification for the delay to the satisfaction of the city engineer. Work to maintain winterization requirements shall not be considered inactivity.

F. *Inspection.* Construction or work for which a permit is required shall be subject to inspection by the city engineer, or designee, and such construction or work shall remain accessible for inspection purposes until approved by the city engineer or designee.

G. *Revocation of Permits.* Failure of the property owner and/or permittee to comply with any or all of the provisions of this chapter or any or all provisions of a land clearing, filling, or grading permit may cause the city engineer to revoke the permit. If the permit is revoked, all operations shall cease until such time that the noncompliance is corrected.

H. Where applicable, the property owner is responsible for obtaining the appropriate permits from the city when the public right-of-way is used to clear, stockpile, or load products and/or debris resulting from any land disturbing activity.

I. *Penalties.* Any violation of the requirements of this chapter or the conditions of a land clearing, filling, and grading permit shall be enforced pursuant to the provisions of Chapter [1.25](#) ACC; provided, that the penalty for such violation shall be \$500.00, and each day, location and/or incident shall constitute a separate civil infraction. Additionally, each violator (each individual participating in a violation) shall constitute separate violations; provided, that if a violation involves more than 30,000 cubic yards of grading or fill work or more than 15 acres of land clearing, it shall constitute a misdemeanor punishable by up to a \$1,000 fine or up to 90 days in jail or both.

Any person who clears or disturbs property without first securing a permit pursuant to this chapter shall be subject to the penalties of this section and may be required to restore the site to the satisfaction of the city engineer. In addition all activity on the property shall cease until such time that a permit has been issued and there shall be no issuance of any other permit or approval until such time that a land clearing or filling and grading permit has been approved.

J. *Appeals.* Any person aggrieved by the decision of the city engineer may, within 10 business days of the city engineer's written decision, appeal the decision to the hearing examiner who shall conduct a public hearing pursuant to ACC [18.70.040](#).

Section 23. Amendment to City Code. Section 15.74.050 of the Auburn City Code is amended to read as follows:

A. The following are exempt from the requirements of this chapter:

1. Removal of dead or diseased trees, shrubs, or ground cover.
2. Clearing and grading associated with continuous agricultural uses, excluding timber cutting not otherwise exempted.
3. Clearing and grading not to exceed 6,999 square feet of area within individual lots, for the purpose of the construction of a single-family home or duplex, provided a building permit has been issued by the city prior to commencing the clearing and grading activities and construction of the structure starts within 90 days of commencing clearing and grading activities.
4. The removal of up to six trees per lot within any 12-month period, or for lots greater than one acre, up to six trees per acre within any 12-month period, with fractional acres of one-half acre or more considered to be a whole acre.
5. Clearing and grading for the construction and maintenance of public facilities as approved by the city engineer to include water, sanitary sewer, streets, highways, storm drainage and related facilities.

6. Clearing and grading of areas temporarily used for activities associated with the construction of water, sanitary sewer, streets, highways, storm drainage and related facilities. Such areas shall be restored to the original condition or as approved by the city engineer upon construction completion. This exemption does not apply to critical areas, critical area buffers, vegetated areas that would be difficult to restore to the original condition, or areas that disturb over 1-acre. Temporary use is limited to no more than 180-days unless otherwise authorized through a city issued temporary use permit or an extension granted by the city engineer.

67. Removal of trees, shrubs, and ground cover in emergency situations involving immediate danger to life or property.

78. Routine landscape maintenance and minor repair.

89. Removal of trees and vegetation consistent with an approved surface mining permit.

910. Removal of a tree from property zoned residential that endangers a permanent structure by being closer to the structure than the distance from the base of the tree to its top, regardless of whether the tree is located on the same property as the structure.

110. Upon approval of the city engineer or designee, clearing and grading not to exceed 500 cubic yards consisting of excavations of less than five feet in vertical depth and/or fills less than eight inches of vertical depth.

124. Upon approval of the city engineer or designee, the temporary stockpiling of less than 500 cubic yards, combined, of topsoils, crushed rock, sawdust, mulch, bark, chips, or similar materials on a lot, tract, or parcel of land for a period not to exceed 12 months; provided, that the stockpile has adequate coverage to prevent erosion.

132. Upon approval of the city engineer or designee, the temporary stockpiling of organic or inorganic materials used in an approved construction project, provided the use, location, duration, and extent of the stockpile were disclosed through the

environmental or development review process. In no case shall a temporary stockpile remain beyond a 24-month period.

143. New plus replaced hard surfaces which have a surface area less than 2,000 square feet.

154. Emergency temporary sandbagging, diking, ditching, filling or similar work during or after periods of extreme weather conditions when done to protect life or property, provided such measures do not adversely impact adjacent properties or public facilities.

B. An exemption from clearing, filling, and grading permit requirements does not exempt a property owner from the policies, criteria, and standards contained in this chapter or other applicable local, state, or federal regulations or permit requirements.

C. The property owner is responsible to ensure that clearing of any trees that are within striking distance of a structure or have the potential to cause damage to others is performed by a licensed and bonded contractor.

Section 24. Repealing City Code. Chapters 15.04, 15.06, and 15.48 of the Auburn City Code are repealed.

Section 25. Constitutionality and Invalidity. If any section, subsection sentence, clause, phrase or portion of this Ordinance, is for any reason held invalid or unconstitutional by any Court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 26. Implementation. The Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 27. Effective Date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law, on the effective date of October 29, 2023, or in the event of delay of implementation, the effective date as determined by the Washington State Building Code Council, whichever date is latest.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

ATTEST:

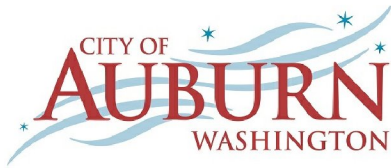
NANCY BACKUS, Mayor

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

Published: _____



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6905 (Gaub)

Date:

April 18, 2023

Department:

Public Works

Attachments:

[Ordinance No. 6905](#)

[Exhibit A Legal Description](#)

[Exhibit B Survey Depiction](#)

[Staff Report](#)

[Vicinity Map](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6905.

Background for Motion:

Ordinance No. 6905 vacates unopened right-of-way located within a portion of 116th Avenue SE that lies north of SE 304th Street, subject to conditions outlined in the Ordinance.

Background Summary:

Chad Guptil has applied to the City for vacation of unopened right-of-way located within a portion of 116th Avenue SE that lies north of SE 304th Street. The applicant owns the adjacent parcel #7867000009 to the east and has applied for the vacation to resolve building encroachment and maintenance issues that were created when the house was built in 1960 prior to his family's ownership of the parcel. A portion of the west side of the house is currently located within the unopened right-of-way of 116th Avenue SE.

The proposed vacation area became right-of-way in 1906 when it was dedicated as a roadway with the Plat of The Sound Trustee's Third Addition. The area was annexed into the Auburn City Limits on January 1, 2008.

The application has been reviewed by City staff and utility purveyors who have an interest in this right-of-way. Through this review City staff has determined that the right-of-way is not necessary to meet the needs of the City and could be vacated with conditions.

Ordinance No. 6905, if adopted by City Council approves Right-of-Way Vacation No. VAC22-0003 and vacates the right-of-way subject to conditions outlined in the Ordinance.

Reviewed by Council Committees:

Councilmember: Brown

Staff:

Gaub

Meeting Date: June 5, 2023

Item Number:

ORD.B

ORDINANCE NO. 6905

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, VACATING UNOPENED CITY RIGHT-OF-WAY LOCATED WITHIN A PORTION OF 116TH AVENUE SE THAT LIES NORTH OF SE 304TH STREET, WITHIN THE CITY OF AUBURN, WASHINGTON

WHEREAS, the City received a petition signed by at least two-thirds (2/3) of the owners of property abutting unopened right-of-way located within a portion of 116th Avenue SE that lies north of SE 304th Street. The petition requested the City to vacate its interest in this right-of-way; and,

WHEREAS, as required by RCW 35.79.010 and Chapter 12.48 of the Auburn City Code, the City held a timely noticed public hearing in connection with the possible vacation. The hearing took place at the Auburn City Council Chambers on June 5, 2023; and,

WHEREAS, the City Council has considered all matters presented at the public hearing on the proposed vacation, and has determined that subject to the conditions set forth in Section 1 of this Ordinance, vacation of this right-of-way is appropriate and in the City's best interests.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as a non-codified ordinance as follows:

Section 1. Vacation of City right-of-way. The unopened right-of-way located within a portion of 116th Avenue SE that lies north of SE 304th Street, located within the City of Auburn, Washington (legally described in attached Exhibit "A", and shown on the survey depiction marked as attached Exhibit "B") is vacated. The property

lying in this described right-of-way shall inure and belong to those persons entitled to receive the property in accordance with RCW 35.79.040, conditioned upon the following:

A. Reservation of a perpetual Nonexclusive Easement in favor of the City (Easement) under, over, through and across the vacated right-of-way (described in Exhibit "A" and depicted in Exhibit "B") (Easement Area) for the purpose of laying, maintaining, and/or installing facilities for future and existing sanitary sewer, storm water, and water utilities, and retaining wall. This Easement shall reserve a City right to grant further easements for utilities over, under and on all portions of the vacated right-of-way.

1. This Easement shall give the City the absolute right: (a) for immediate entry upon the Easement Area at times as may be necessary for the purposes of maintenance, inspection, construction, repair, or reconstruction of the above facilities or improvements without incurring any legal obligation or liability; and (b) to place any type of driving surface within the Easement Area deemed necessary by the City.

2. The owners of the adjacent properties agree that they shall not in any way block, restrict or impede access or egress to or from the Easement Area, and/or in any way block, restrict, or impede the City's full use of the real property within the Easement Area for the above described purposes. No building, wall, rockery, fence, trees, or structure of any kind shall be erected or planted, nor shall any fill material be placed within the boundaries of the Easement Area, without the express written consent of the City. Except as required or approved by the City, no excavation shall be made within three feet of any improvements or facilities

within the Easement Area. The surface level of the ground within the Easement Area shall be maintained at its current elevation.

3. This Easement shall be a covenant running with the property parcels adjacent to the Easement Area. It shall burden that real estate, and it shall be binding on the successors, heirs and assigns of all parties.

B. Any reserved or granted utility and access easement referenced in Paragraph A above may be modified to accommodate the removal, relocation, and siting of affected utility lines and facilities by agreement between the City and the property owners on whose property the utility lines and facilities are located. Any such removal, relocation, or siting must be paid for by the property owners, and must be performed in accordance with applicable laws and standards.

C. The vacated right-of-way (depicted in Exhibit “B”) includes a City owned catch basin that serves a privately owned ornamental storm pond lying partially within the vacated right-of-way. The catch basin shall inure to and be owned and maintained by persons entitled to receive property lying within a vacated right-of-way in accordance with RCW 35.79.040. The ornamental storm pond shall continue to be privately owned and maintained, subject to the conditions set forth in this Ordinance.

Section 2. Constitutionality or Invalidity. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

Section 3. Implementation. The Mayor is authorized to implement those administrative procedures as may be necessary to carry out the directives of this location.

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

Section 5. **Recording.** The City Clerk is directed to record this Ordinance with the King County Recorder, at which time the vacation outlined in this Ordinance shall be effective under Auburn City Code 12.48.080.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

PUBLISHED: _____

EXHIBIT "A"

LEGAL DESCRIPTION FOR RIGHT OF WAY VACATION

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 4, TOWNSHIP 21 NORTH, RANGE 5 EAST, W.M.

THENCE NORTH 00°58'55" EAST ALONG THE WEST LINE OF SAID SECTION 4 ALSO BEING WEST RIGHT OF WAY MARGIN OF 116TH AVE. SE AS DEDICATED BY PLAT OF THE SOUND TRUSTEE COMPANY'S THIRD ADDITION VOLUME 13 OF PLATS, PAGE 100, A DISTANCE OF 714.83 FEET TO THE POINT OF BEGINNING, BEING THE SOUTHEAST CORNER OF TRACT E, PLAT OF CARRINGTON POINTE, VOLUME 249 OF PLATS, PAGES 30-34;

THENCE CONTINUE ALONG SAID WEST MARGIN NORTH 00°58'55" EAST A DISTANCE OF 152.22 FEET;

THENCE SOUTH 87°50'54" EAST A DISTANCE OF 30.01 FEET THE NORTHWEST CORNER OF LOT "D", KCLLA #L98L0001 RECORDED UNDER KING COUNTY RECORDING NO. 9807071113;

THENCE SOUTH 00°58'55" WEST ALONG THE WEST LINE OF SAID LOT "D", A DISTANCE OF 222.05 FEET TO THE SOUTHWEST CORNER OF SAID LOT "D";

THENCE NORTH 87°50'54" WEST A DISTANCE OF 11.52 FEET;

THENCE ON A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 341.24 FEET WHICH BEARS NORTH 13°46'14" WEST AND A THROUGH CENTRAL ANGLE OF 82°10'10", A DISTANCE ALONG SAID CURVE OF 72.74 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED AREA CONTAINING 5922 SQUARE FEET, MORE OR LESS.

SITUATE IN KING COUNTY, WASHINGTON.

THE BASIS OF BEARINGS IS THE CENTERLINE OF SE 304TH STREET BEING NORTH 87°52'16" WEST AS SHOWN PER ROS GUPTM-01B, UNDER KING COUNTY RECORDING NUMBER 200505179000020, AS SHOWN.

EXHIBIT PREPARED FOR: CHAD GUPTIL
DRAWN BY: RJR
FILE NAME: GUPTM-01B-EXB



SHEET 1 OF 2

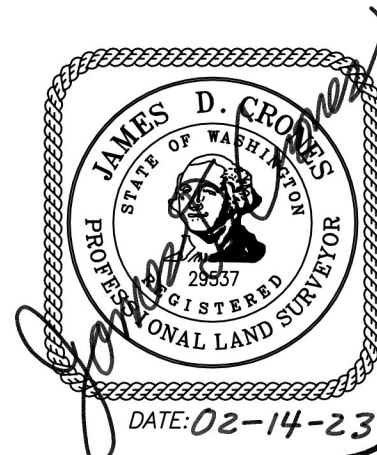
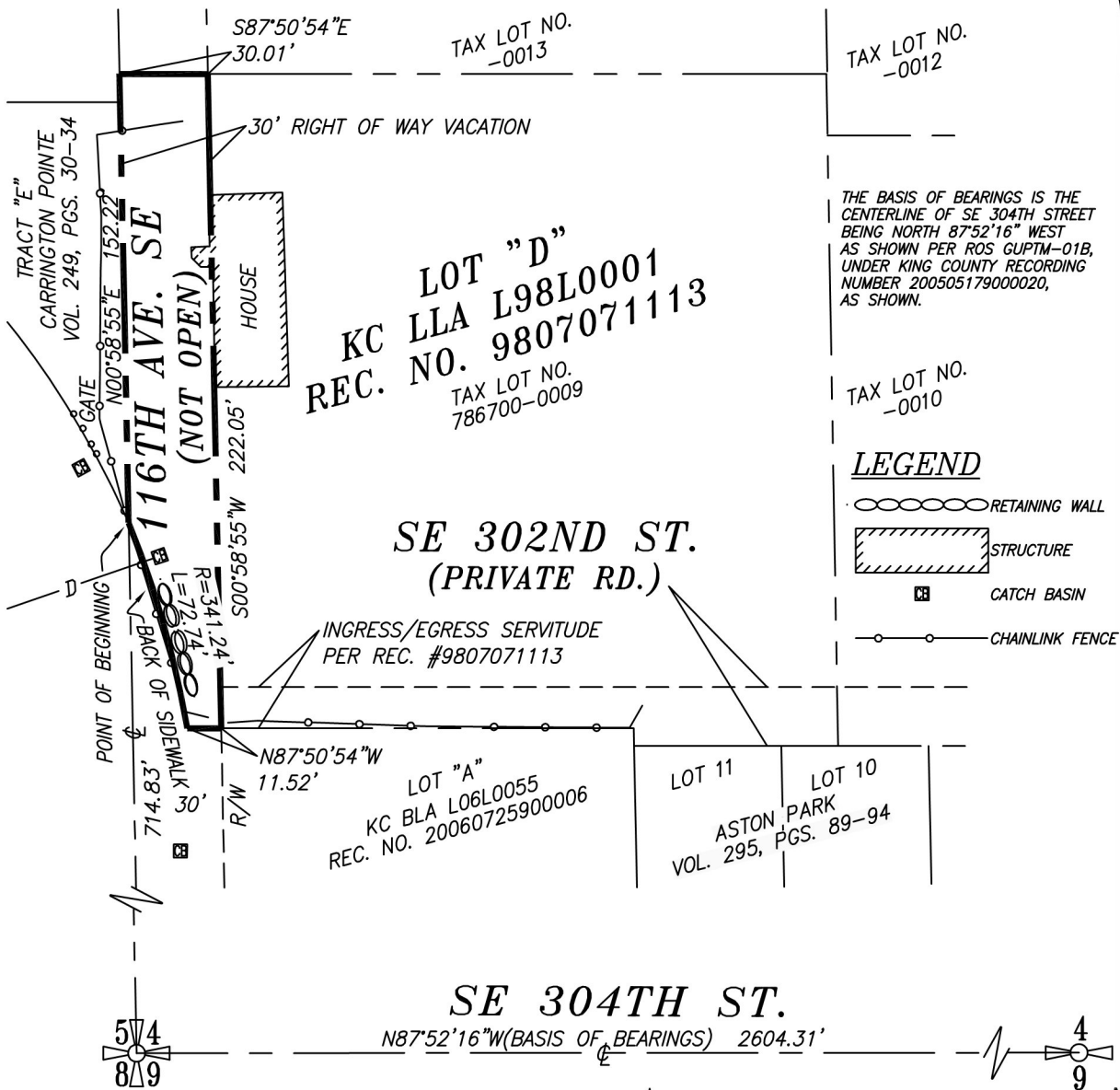
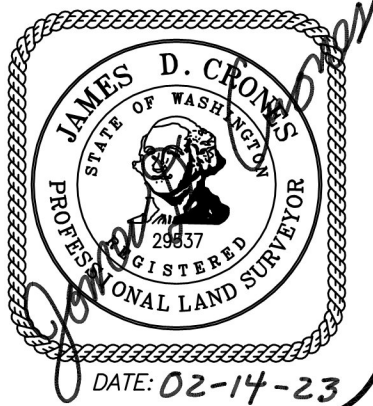
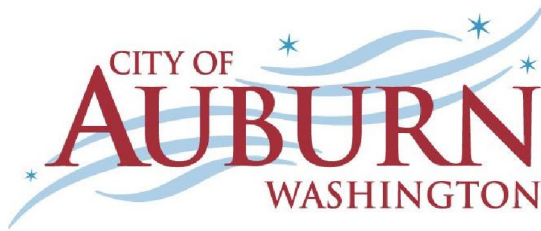


EXHIBIT "B" RIGHT OF WAY VACATION DEPICTION



SHEET 2 OF 2





RIGHT-OF-WAY VACATION STAFF REPORT

Right-of-Way (ROW) Vacation Number VAC22-0003

Applicant: Chad Gupatil

Property Location: Unopened right-of-way located within a portion of 116th Avenue SE, north of SE 304th Street.

Description of right-of-way:

The ROW proposed for vacation consists of unopened right-of-way located within a portion of 116th Avenue SE that lies north of SE 304th Street. The proposed ROW is adjacent to Parcel No. 7867000009 on the east side, Parcel No. 1402970280 and 1402900760 on the west side, and bordered by City right-of-way to the north and south. The total proposed area of ROW for vacation is approximately 5,922± square feet.

The proposed ROW vacation area originally became ROW in 1906 when it was dedicated as a roadway with the Plat of The Sound Trustee's Third Addition recorded in Volume 10 of Plats, Page 100, Records of King County, Washington on October 18, 1906. The area was annexed into Auburn city limits on January 1, 2008.

See Exhibit "A" for legal description and Exhibit "B" for survey depiction.

Proposal:

The Applicant is proposing that the ROW be vacated so that the applicant can incorporate the area into their property and resolve encroachment and maintenance issues that were created when the house was built in 1960. A portion of the west side of the house is currently located within the unopened right-of-way of 116th Avenue SE.

Applicable Policies & Regulations:

- RCW's applicable to this situation - meets requirements of RCW 35.79.
- MUTCD standards - not affected by this proposal.
- City Code or Ordinances - meets requirements of ACC 12.48.
- Comprehensive Plan Policy - not affected.
- City Zoning Code - not affected.

Public Benefit:

- Vacated Right-of-Way areas typically have a financial benefit to the general public because the vacated areas are subject to property taxes
- The street vacation decreases the Right-of-Way maintenance obligation of the City.

Discussion:

The vacation application was circulated to Puget Sound Energy (PSE), Comcast, CenturyLink, Zayo, and City staff.

1. Puget Sound Energy (PSE) – PSE does not have electrical or gas facilities located within the proposed vacation area and does not require an easement.
2. Comcast – Comcast has no facilities located in the proposed vacation area and does not require an easement.
3. CenturyLink – CenturyLink has no objections to the proposed vacation and does not require an easement.
4. Zayo – Zayo has no facilities in the proposed vacation area and does not require and easement.
5. Engineering – All City facilities located in the proposed vacation area will require easements to ensure that they are accessible to the City. The City will require access through the existing gate for maintenance and inspection of the existing sewer facilities and retaining wall located within the proposed vacation area.
6. Transportation – Transportation Planning has no concerns with proposed vacation. Currently, there are no projects for a future road extension in the area of the proposed vacation in the comprehensive transportation plan.
7. Planning – While planning division has no specific objection and the applicant is seeking to correct a situation that appears to have been in existing from 1960 (KC website assessor's records date of structure), the ROW appears to be continuous ROW that could have been originally intended to serve future development to the north. However, there appears to be some undetermined amount of inventoried wetlands within the ROW off-site to the north that complicates improving this ROW and future development would likely require roadway connections to 118th Ave SE instead.
8. Water – An easement will need to be retained across the proposed vacation area for future water facilities. No facilities are proposed at this time, but future development of properties to the north could necessitate water facilities in the proposed vacation area.
9. Sewer – An easement is required to be retained across the proposed vacation area for existing sewer facilities.
10. Storm – An easement is required for the existing storm pipe located in the proposed vacation area. Applicant shall be required to take ownership of the catch basin located in the proposed vacation area that serves the privately

owned ornamental storm pond lying partially within the right-of-way. The ornamental storm pond shall continue to be privately owned and maintained.

11. Fire – Review completed and the Fire Marshal had no comments.
12. Solid Waste – No comments.
13. Police – No comments.
14. M&O – City crews will require access for regular maintenance and inspection of the existing sewer facilities located in the proposed vacation area.
15. Construction Inspection – No comments.
16. Innovation and Technology – No comments

Assessed Value:

ACC 12.48 states: “The city council may require as a condition of the ordinance that the city be compensated for the vacated right-of-way in an amount which does not exceed one-half the value of the right-of-way so vacated, except in the event the subject property or portions thereof were acquired at public expense or have been part of a dedicated public right-of-way for 25 years or more, compensation may be required in an amount equal to the full value of the right-of-way being vacated. The city engineer shall estimate the value of the right-of-way to be vacated based on the assessed values of comparable properties in the vicinity. If the value of the right-of-way is determined by the city engineer to be greater than \$2,000, the applicant will be required to provide the city with an appraisal by an MAI appraiser approved by the city engineer, at the expense of the applicant. The city reserves the right to have a second appraisal performed at the city’s expense.”

RCW 35.79.030 states the vacation “shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated.”

An appraisal by an MAI appraiser of the subject right-of-way was required to be submitted by the applicant. The appraisal was reviewed and found to be acceptable. The appraisal values the right-of-way using “as-is” market value based on the fee simple interest in the subject property at \$5,400.00. The right-of-way has been right-of-way for more than 25 years and was provided through dedication of the to the Plat of The Sound Trustee’s Third Addition in 1906 and annexation into the City of Auburn in 2008.

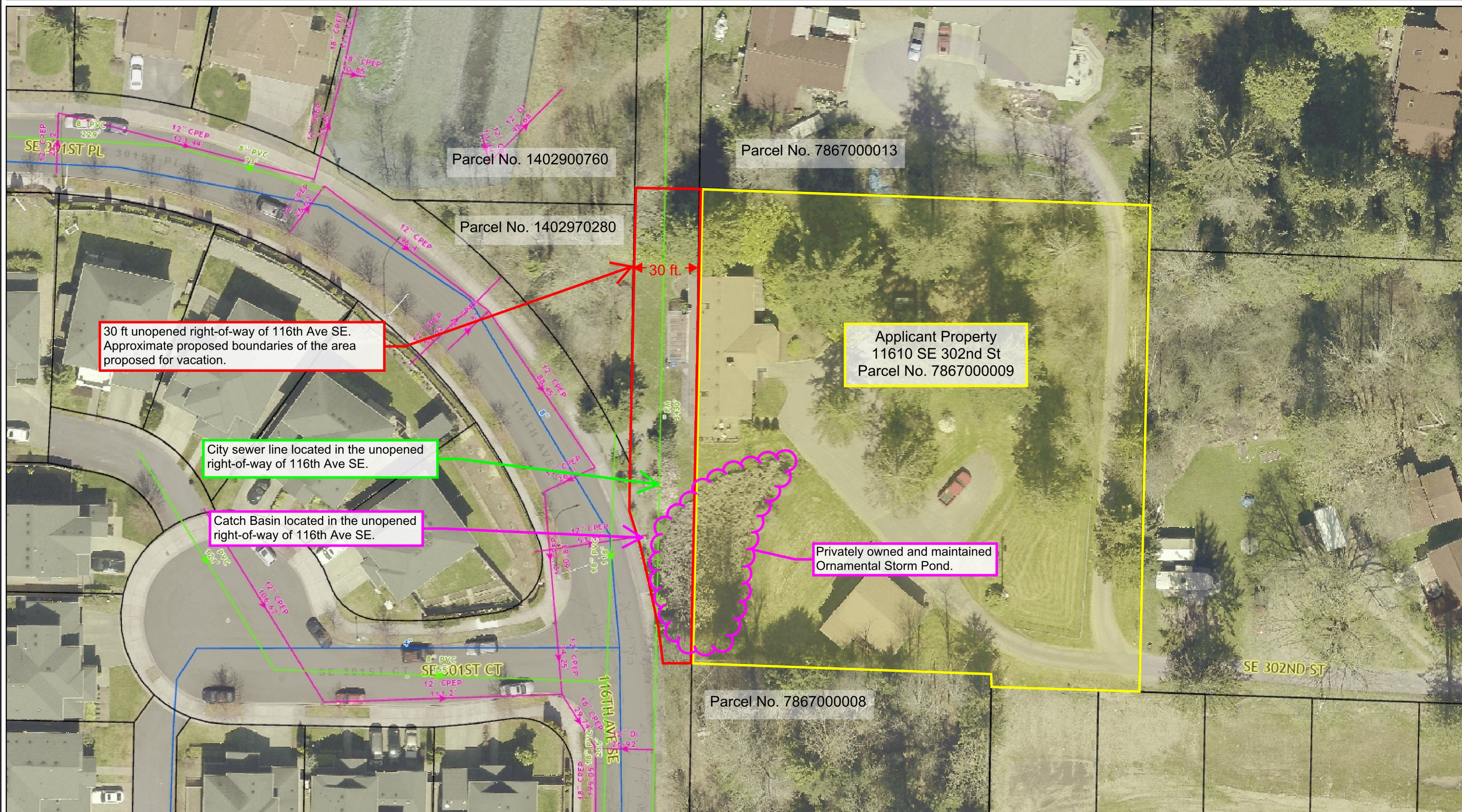
Recommendation:

Staff recommends that the street vacation be granted subject to the following conditions:

1. An easement shall be reserved for existing and future City Sewer, Stormwater, Water, and retaining wall facilities.
2. Staff recommends that the existing catch basin located in the vacated right-of-way area that serves the privately owned ornamental storm pond be owned and maintained by those persons entitled to receive the property lying within the vacated right-of-way in accordance with RCW 35.79.040.
3. Staff recommends that compensation for the value of the right-of-way not be required as it was initially dedicated as right-of-way through recording of a plat at no cost to the City.

ROW Vacation Map - 116th Ave SE

Printed Date: 7/28/2022
Map Created by City of Auburn eGIS
Imagery Date: May 2015



83.3	0	41.67	83.3 Feet
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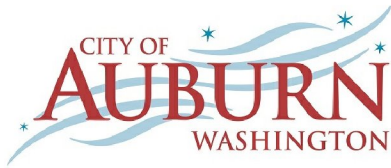
NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

Page 83 of 188



1 in = 41.67 ft 1:500

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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6906 (Council)

Date:

May 31, 2023

Department:**Attachments:**

[Ord 6906 - ACC 2.08](#)

[Ord 6906 - ACC 2.08, Exhibit A](#)

[Ord 6906 - ACC 2.08, Exhibit B](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6906.

Background for Motion:**Background Summary:**

In November 2022, Council determined there was a need to clarify the scope Independent Salary Commission (ISC). Council formed the Ad Hoc committee and reviewed the historical practices of the ISC based on meeting minutes and information provided by HR.

The Committee found that in setting the ISC's purpose, ACC 2.08.020 use of the term "compensation," could be interpreted to include both salary and benefits (sick leave, vacation, etc.) of the Mayoral position. However, in practice, the Committee determined the ISC has not been voting on vacation leave, sick leave, or management leave benefits.

Ordinance 6906 provides updates to clarify the ISC's purpose is to set only the salaries of City elected officials and to exclude non-monetary employment benefits and leave allocation decisions from the scope of the ISC. The ordinance will also establish a requirement to record the meetings of the ISC.

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

Meeting Date: June 5, 2023

Item Number: ORD.C

ORDINANCE NO. 6906

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AMENDING SECTION 2.08.020
OF THE AUBURN CITY CODE RELATED TO THE
PURPOSE OF THE CITY'S INDEPENDENT SALARY
COMMISSION

WHEREAS, in 2014, pursuant to RCW 35.21.015, the City enacted Auburn City Code (ACC) 2.08 which created an Independent Salary Commission (ISC) to establish the salaries of City councilmembers. ACC 2.08 was amended in 2018 to include the establishment of the City Mayor's salary to the ISC's authority; and

WHEREAS, ACC 2.08.020 sets forth the ISC's purpose, and indicates that ISC salary authority includes "all compensation" paid or received by the mayor or councilmembers, whether or not the compensation "is identified as salary." ACC 2.08 does not define the term "compensation," and similar to RCW 35.21.015, it does not expressly refer to city-provided employment benefits (such as vacation leave, sick leave, etc.) as included in "salary"; and

WHEREAS, in February 2023 the Auburn City Council formed an ad hoc committee to examine the benefits provided to the City's mayoral position. In light of the undefined term "compensation" in ACC 2.08.020, the committee's examination required it to determine whether the ISC's salary authority also included authority over employment benefits; and

WHEREAS, the committee reviewed records of the ISC's activities since 2018, including the materials provided to the ISC for its consideration, and minutes of ISC meetings. The records revealed that the ISC had never been requested to establish or

adjust employment benefits and had never considered or established such benefits. Instead, employment benefits were set by City policy or the Council, and the ISC had only established the salaries of the City's mayor and councilmembers consistent with ACC 2.08.020 and RCW 35.21.015; and

WHEREAS, on April 17, 2023, the committee reported its findings to the Council, and recommended that the Council revised ACC 2.08.020 to clarify the ISC's purpose is to set only the salaries of City elected officials, defined to expressly exclude non-monetary employment benefits and leave allocation, including but not limited to any payout of accrued leave set forth in City policy or the ACC; and

WHEREAS, to avoid future confusion over the issue, the Council, by motion, directed the drafting of this ordinance to amend ACC 2.08.020, clarifying with express language that the ISC's purpose in setting salaries does not include authority over employment benefits and leave; and

WHEREAS, the City Council finds that ACC 2.08.020 should be further amended for additional clarity and precision.

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

Section 1. Amendment to City Code. Section 2.08.020 of the Auburn City Code is hereby amended as set forth in Exhibit A to this Ordinance.

Section 2. Amendment to City Code. Section 2.08.050 of the Auburn City Code is hereby amended in part as set forth in Exhibit B to this Ordinance.

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

Section 4. 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 5. Effective date. This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____

EXHIBIT A
ORDINANCE NO. 6906

ACC 2.08.020 Purpose of Independent Salary Commission; Establishment of Uniform Salaries.

A. Purpose of Independent Salary Commission. The purpose of the independent salary commission shall be to review and establish the salaries of the City's members of the city council members and ~~the~~ mayor. For the purposes of this chapter ~~hereof~~, the "salary" ~~authority of the independent salary commission shall means include~~ all monetary compensation that may be paid to or received by councilmembers or and the mayor, ~~(whether or not it is such compensation is expressly identified as salary), but does not include City employment benefits or leave (including payout of leave, if any) described in this Title or in City policy.- Also, for the purposes hereof, t~~

B. Establishment of uniform councilmember salaries—exception. ~~The Independent Salary Commission shall establish uniform City councilmember salaries, identified by the independent salary commission shall be uniform among the same category or class of elected officials except that the Commission may set . This provision, however, does not prevent or preclude the independent salary commission from providing for a different salary for the council-member selected as the deputy mayor due to the additional duties of that position. as the deputy mayor of the city. Rather, the independent salary commission would be entitled to consider the additional duties of the deputy mayor in setting salaries for that position.~~

EXHIBIT B
ORDINANCE NO. 6906

ACC 2.08.050 Operation.

A. The independent salary commission shall elect a chair and vice chair from among its voting members. Other than for those members initially appointed for a one-year term, such officers shall hold office for two years. The independent salary commission may from time to time establish and publish rules of procedure for the efficient and fair conduct of its business, consistent with state law and city ordinance.

B. The mayor shall appoint appropriate staff to assist the independent salary commission in preparation of its reports and records, and conducting its meetings, as may be necessary for the proper operation of the commission.

C. The meetings of the independent salary commission shall be subject to the Open Public Meetings Act pursuant to Chapter 42.30 RCW, and audio recordings shall be made of all meetings.

D. The independent salary commission, with the assistance of appointed staff, shall keep a written record of its proceedings, which shall be a public record all in accordance with state law.

E. The independent salary commission shall have the authority to raise and lower salaries of the city council and the mayor. A city council or mayoral salary increase or decrease shall occur only if three members of the commission vote in favor of the increase or decrease. Three members of the commission shall constitute a quorum, and the votes of such quorum shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the independent salary commission.

F. The independent salary commission shall meet at least once each year to consider whether or not to review and/or adjust existing salaries for the city council and the mayor. The initial meeting of the independent salary commission shall take place within 30 days after the initial members of the independent salary commission have been appointed and confirmed. Thereafter, the initial annual meeting of the independent salary commission shall occur no later than April 30th, in any given year.

G. Prior to a vote of the independent salary commission to raise or lower salaries, residents of the city shall have an opportunity to comment or submit comments in writing. An opportunity for comments shall be conducted in a manner that is consistent with the procedure used at regularly scheduled meetings of the city council for public comment.

H. Prior to a vote of the independent salary commission to raise or lower salaries, the commission may request, from the mayor or designee, additional financial information and other relevant data, other than that information provided in subsection I of this section, including but not limited to information related to the various duties, assignments, responsibilities, obligations and meetings of city council members.

I. The mayor or designee shall provide the independent salary commission with, and the commission shall consider, information regarding salaries paid to members of city councils and mayors from comparable cities. Such comparable cities shall be comprised of cities having a population of at least 25,000 and located in King, Pierce or Snohomish County, and, for the purposes of the mayor, comparable cities shall be cities organized and operating under the mayor-council plan of government, pursuant to Chapter 35A.12 RCW or RCW Title 35.

J. In its meeting(s), the independent salary commission shall review and, if it so determines, amend and file its schedule of salaries for the city council and the mayor no later than May 31st of each year. If necessary, the independent salary commission will also meet upon any other call by the chair or the mayor or by the majority vote of the city council.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6907 (Council)

Department:

City Council

Attachments:

[Ordinance No. 6907](#)

[Ordinance No. 6907, Exhibit A](#)

[Ordinance No. 6907, Exhibit B](#)

Date:

May 31, 2023

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6907.

Background for Motion:**Background Summary:**

Mayoral Vacation Leave:

- Introduces a vacation leave cap of 364 hours
- Sets an accrual rate

Years served as City Mayor:	Vacation leave accrual rate:
Start date-4 years	96 hours per year
5-9 years	120 hours per year
10-14 years	144 hours per year
15-19 years	168 hours per year
20-24 years	192 hours per year
25 th year +	208 hours per year

- Allows for full payout up to the new cap

Mayoral Sick leave

- Introduces a sick leave cap of 960 hours
- Sets the accrual rate of 8 hours per month
- Establishes a graduated payout of sick leave based on tenure as Mayor

Years of City Mayor service:	% of accrued sick leave hours to be paid:
0-4	0% of accrued hours
5-14	25% of accrued hours
15-24	50% of accrued hours
25+	100% of accrued hours

Implementation

- Existing Accrued Time
 - Creates a separate "frozen bank" to hold the Mayor's accrued vacation leave and sick leave hours and locks the value of those hours to the current salary rate
 - Mayor Backus has accrued approximately 1065 hours of unused vacation leave
 - Mayor Backus has accrued approximately 847 hours of unused sick leave
 - Allows the Mayor to spend down hours in the bank, as needed, for the remainder of the current term.
 - Allows for payout of any remaining hours in the bank at the end of the current term at her rate of pay at the time the ordinance is adopted (not her rate of pay at the end of her current term).
- New Accruals
 - Going forward, new vacation leave and sick leave accruals will be accumulated and paid out as set forth in the amended ordinance.

Projected Benefit based on existing Code Provisions (Provided by HR)

Current City Code Provisions - Mayor Sick Leave and Vacation						
Item	PPE 5/15/23	62 pp end of Term (add'l accrual @ 8 pp vac and 4 pp sick)	Total hours end of Term	Estimate only- hourly rate end of term	Total cash out value end of term	
Vac	1065.18	496	1561.18	\$ 97.2292	\$	151,792.21
Sick	847.83	248	1095.83	\$ 97.2292	\$	106,546.62
				Total	\$	258,338.83
			Year			
			2024	\$ 92.5992	6.5% wage increase per ISC 5/25/23	
			2025	\$ 97.2292	5% assumed wage increase estimate only in future years	

Reviewed by Council Committees:

Councilmember:

Meeting Date: June 5, 2023

Staff:

Item Number: ORD.D

ORDINANCE NO. 6907

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO THE SALARY AND EMPLOYMENT BENEFITS OF THE CITY MAYOR POSITION, AMENDING AUBURN CITY CODE SECTIONS 2.03.020, 2.63.120 AND 2.63.160, AND PROVIDING (IN A NON-CODIFIED SECTION) EMPLOYMENT BENEFIT PAYMENT TERMS FOR THE CURRENT CITY MAYOR

WHEREAS, in February 2023, the City Council reviewed Auburn City Code (ACC) provisions related to employment benefits provided to City employees, including the Mayor;

WHEREAS, during this review the Council identified ACC sections related to the salary and employment benefits for the City Mayor position that it wished to study further. The Council formed a three councilmember ad hoc committee (Committee) to undertake this study;

WHEREAS, the Committee studied the manner in which the City Mayor's salary is established through the City's independent salary commission (ISC) in ACC 2.08. The Committee also compared the City Mayor position's non-salary benefits, set forth in ACC 2.63 and City policies, with the benefit provisions for other City employees;

WHEREAS, the Committee's study revealed that combined language of ACC sections and City policies related to non-salary benefits for the City Mayor position provided the City Mayor position with unlimited vacation leave accrual, and the ability to receive payment for 100% of accrued vacation and sick leave hours upon separation from City employment. This combined language resulted in a significant cost to the City and employment benefits for the City Mayor position unavailable to other City employees;

WHEREAS, following its study, the Commission reported its findings and recommendations to the Council on April 17, 2023. The Commission's report included recommendations that the Council do the following:

- (1) revise ACC 2.08.020 to clarify the City ISC's purpose in setting the City Mayor position's salary;
- (2) amend ACC 2.03 to establish a vacation leave accrual rate, cap, and associated payment for the City Mayor position;
- (3) amend ACC 2.03 to provide for an unused sick leave accrual rate, cap, and associated payment schedule based on City Mayor years of service; and
- (4) provide for payments of accrued leave to current City Mayor Nancy Backus, with the recommended City Code changes.

WHEREAS, the Council considered and adopted the Commission's findings and recommendations. By motion at its April 17, 2023 meeting, the Council directed the drafting of this Ordinance to amend applicable ACC sections related to the City Mayor position's salary and employment benefits, and to provide for benefit payment terms applicable to the current City Mayor;

WHEREAS, upon recommendation of staff, following the April 17, 2023, meeting, the Commission recommended the Ordinance permit City Mayor Nancy Backus to freeze her accrued vacation and sick leave at her current rate of pay, and to receive payment for any remaining frozen leave at the conclusion of her term payable at her rate of pay in effect as of the effective date of this Ordinance;

WHEREAS, the Council finds this Ordinance is an extension of the Council's fiscal stewardship of City's funds by bringing the non-salary benefits afforded to the City Mayor position in line with neighboring jurisdictions and tenets of responsible budgeting;

WHEREAS, the Council finds that applicable provisions of ACC 2.03 and 2.63 should be further revised to ensure precision and clarity, consistent with the purpose and intent of this Ordinance;

WHEREAS, the Council further finds that the passage of this Ordinance is in the best interest of the City and its employees by bringing the non-salary benefits for the City Mayor position more in line with those for unaffiliated City staff.

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

Section 1. Amendment of City Code section 2.03.020. Auburn City Code section 2.03.020 is hereby amended to read as set forth in Exhibit A attached to this Ordinance.

Section 2. Amendment of City Code sections 2.63.120 and 2.63.160. Auburn City Code sections 2.63.120 (related to the accumulation of City employee vacation leave hours), and 2.63.160 (related to sick leave hours for City employees) are hereby amended to read as set forth in Exhibit B attached to this Ordinance.

Section 3. Payment to current City Mayor for accrued leave hours. To coincide with the City Code amendments in Sections 1 and 2 of this Ordinance, the Council directs that current City Mayor Nancy Backus receive the following from the City:

- a. **Payment for accrued unused vacation leave hours.** Upon the effective date of this Ordinance, the Mayor's unused accrued vacation leave hours shall be frozen. Such frozen vacation leave may be used at the request of Mayor Backus during the remainder of her current term as Mayor with the City or cashed

out to Mayor Backus in a single paycheck issued no later than January 8, 2026, at her salary rate in effect as of the effective date of this Ordinance. The Administration shall track the Mayor Backus's frozen vacation leave balance and ensure that it is not commingled with her active vacation leave balance that will begin to accrue following the passage of this Ordinance in accordance with Auburn City Code section 2.03.020, as amended by this Ordinance. This frozen accrued vacation leave is further exempt from the optional annual payout set out in Auburn City Code section 2.03.020(B)(1)(b)(i), as amended by this Ordinance.

b. Payment for accrued unused sick leave hours. Upon the effective date of this Ordinance, the Mayor's unused accrued sick leave hours shall be frozen. Such frozen sick leave may be used at the request of Mayor Backus during the remainder of her current term as Mayor with the City or cashed out to Mayor Backus in a single paycheck issued no later than January 8, 2026, at her salary rate in effect as of the effective date of this Ordinance. The Administration shall track the Mayor Backus's frozen sick leave balance and ensure that it is not commingled with her active leave balance that will begin to accrue following the passage of this Ordinance in accordance with Auburn City Code section 2.03.020, as amended by this Ordinance. This frozen accrued sick leave is further exempt from the optional annual payout set out in Auburn City Code section 2.03.020(B)(2)(b)(i), as amended by this Ordinance.

This Ordinance Section 3 shall not be codified for inclusion in the Auburn City Code.

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

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

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

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____

EXHIBIT A—ORD. NO. 6907

ACC 2.03.020

Mayor's ~~S~~salary, leave and benefits.

A. Salary. The City Mayor's salary ~~for the office of the mayor~~ shall be established by the City's Independent Salary Commission in accordance with ACC 2.08. ~~on an annual basis through the adoption of the yearly budget ordinance.~~

B. Leave and benefits.

1. Vacation leave.

a. Accrual of vacation leave. Vacation leave for the Mayor shall accrue at the following rates (based on years served as the City Mayor), up to for a maximum total accrual of 364 hours:

<u>Years served as City Mayor:</u>	<u>Vacation leave accrual rate:</u>
<u>Start date-4 years</u>	<u>96 hours per year</u>
<u>5-9 years</u>	<u>120 hours per year</u>
<u>10-14 years</u>	<u>144 hours per year</u>
<u>15-19 years</u>	<u>168 hours per year</u>
<u>20-24 years</u>	<u>192 hours per year</u>
<u>25th year +</u>	<u>208 hours per year</u>

b. Payment for unused accrued vacation leave hours.

(i) Each calendar year, the Mayor shall have the option to receive payment (at then current salary rate) for up to 80 hours of unused accrued vacation leave hours. The Mayor may elect to receive this payment as a deferred compensation account contribution.

(ii) The Mayor shall be entitled to receive payment (at then current salary rate) for any unused accrued vacation hours up to the 364 hour accrual limit upon conclusion of service as the City Mayor.

2. Sick leave.

a. Accrual of sick leave. Sick leave for the Mayor shall accrue at the rate of 8 hours per month, for a maximum total accrual of 960 sick leave hours.

b. Payment for unused accrued sick leave hours.

(i) By December 31 of each calendar year, the Mayor shall have the option to receive payment (at then current salary rate) for 25% of any sick leave hours accrued during

that year that exceed the 960 hour maximum. Payment shall be made by January 31 the following calendar year.

(ii) The Mayor shall be entitled to receive payment (at then current salary) for unused accrued sick leave hours up to the maximum cap of 960 hours at the conclusion of service as Mayor. -Such payment shall be made according to the following schedule, based on years served as the City Mayor:

<u>Years of City Mayor service:</u>	<u>% of accrued sick leave hours to be paid:</u>
<u>0-4</u>	<u>0% of accrued hours</u>
<u>5-14</u>	<u>25% of accrued hours</u>
<u>15-24</u>	<u>50% of accrued hours</u>
<u>25+</u>	<u>100% of accrued hours</u>

3. Other leave and benefits. The Mayor shall be entitled to receive other forms of leave or benefits required by law or generally available to other City employees. The use and management of such other leave or benefits shall be in accordance with applicable law and City policies and procedures.

EXHIBIT B—ORD. 6907

ACC 2.63.120

Vacations - Accumulation

Vacations of employees shall not ordinarily be accumulative, except where the department head finds that there are special circumstances justifying an extended vacation, they may authorize the employee to accumulate up to five days or two duty shifts for fire department employees of unused vacation leave each year for the purpose of extending the employee's annual vacation period in the year following, but in no event shall an employee not subject to a collective bargaining agreement accumulate more than that which would be earned in two years at the employee's accrual rate. Any vacation leave accumulated in excess of this amount shall be automatically removed from the employee's vacation balance by the finance department. ~~Due to the demands of the office and the responsibilities pertaining thereto, the mayor of the city shall not be subject to the aforementioned provision and shall be authorized to accumulate unlimited annual leave at their discretion.~~ In the event that a collective bargaining agreement is silent on the issue of vacation accumulation, then accumulation shall be limited to a maximum of one year annual vacation leave plus five days additional unused and accrued vacation leave carried over from a previous year or two duty shifts for fire department employees working shift work.

ACC 2.63.160

Sick leave - Employees hired before January 1, 1985.

This section applies only to City employees hired before January 1, 1985.

A. All full-time employees of the city, except those covered by a union agreement, shall be entitled to sick leave when they are incapacitated for the performance of their duties by reason of sickness or injury or when, through exposure to contagious disease, the presence of the employee would jeopardize the health of others. Such sick leave shall be at the rate of eight hours for each calendar month of employment and if not used shall accumulate to a maximum of 960 hours, exclusive of the ordinary vacation time of the employee.

B. Sickness shall be reported at the beginning of any period of illness to the department as soon as practically possible.

C. A doctor's certificate will be furnished at the discretion of the department head or personnel director whenever an employee claims sick leave for the protection of the employee and fellow employees.

D. Part-time employees shall not be entitled to sick leave unless approved by the mayor.

E. An employee shall be allowed up to three days' sick leave for illness in the immediate family that requires their presence, upon the approval of the department head. Immediate family includes under this caption only father, mother, spouse or children of the employee.

F. Any employee found to have abused the sick leave privilege by falsification or misrepresentation may be subject to dismissal at the discretion of the mayor.

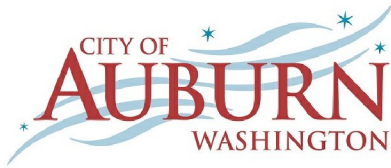
G. In the case of injury or illness which is covered by industrial insurance, an amount of sick leave may be used to pay the difference between industrial insurance, workman's compensation and the employee's regular rate of pay and no combination of payments received added to sick leave will exceed the regular rate of pay.

H. No portion of this article regarding sick leave shall conflict with or cancel rules and regulations set by the civil service commission as it pertains to the fire and police department.

I. Upon termination shall be reimbursed at the current rate of pay for unused accrued sick leave up to a maximum of 960 hours in accordance with the following schedule based on continuous years of service:

Upon Completion of Years of Service	Percent of Accrued Unused Sick Leave
0 through 4 years	0%
5 through 14 years	25%
15 through 24 years	50%
25 years and over	100%

~~This section shall not apply to employees hired on or after January 1, 1985; provided, however, due to the demands of the office and the responsibilities pertaining thereto, the mayor of the city shall be authorized to receive payment for 100 percent of accrued unused sick leave upon leaving office.~~



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6908 (Gaub)

Date:

May 23, 2023

Department:

Public Works

Attachments:

[Ordinance No. 6908](#)

[Exhibit A](#)

[Exhibit B](#)

[Staff Report](#)

[Vicinity Map](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6908.

Background for Motion:

Ordinance No. 6908 establishes a payback requirement for Parcel 3339400655 for improvements being constructed with City Project CP2022 Garden Avenue Realignment that are along the parcels frontage, directly benefit the parcel, and would have been required to be constructed when, or if, the parcel develops.

Background Summary:

City Project CP2022 – Garden Avenue Realignment is constructing improvements that will close the existing connection from Garden Avenue/102nd Avenue SE to Lea Hill Road/8th Street NE and construct a new roadway connection from Garden Avenue/102nd Avenue SE to 104th Avenue SE. The project includes improvements along undeveloped Parcel No. 3339400655 that directly benefit the parcel and the City Engineer has determined are eligible for assessing a payback requirement (also known as a latecomers assessment) in accordance with Auburn City Code 3.25.050. The payback requirement will require the property owner to reimburse the City for the City's costs to make the improvements along the parcel frontage when, and if, the property develops within 15 years of the Ordinance effective date. A Public Hearing regarding the payback assessment and Ordinance 6908 is scheduled for June 5th, 2023. Notice of the public hearing was sent to the owners of Parcel No. 3339400655 on May 2nd, 2023. The ordinance and payback requirement was discussed at the May 22, 2023 City Council Study Session and additional information in the staff report is attached.

Reviewed by Council Committees:

Councilmember: Brown

Staff:

Gaub

Meeting Date: June 5, 2023

Item Number:

ORD.E

ORDINANCE NO. 6908

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, ENACTING A STREET PAYBACK REQUIREMENT FOR PARCEL NO. 3339400655 RELATED TO CITY PROJECT CP2022 GARDEN AVENUE, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, City Project CP2022 – Garden Avenue Realignment (“City Project”) is making roadway improvements in the Project Area as shown in Exhibit A that benefit the general public and include construction of a new roadway connection from 102nd Avenue SE/Garden Avenue to 104th Avenue SE and improvements to the east half of 102nd Ave SE/Garden Avenue from the new roadway connection south to a new cul-de-sac to close the connection from 102nd Avenue SE/Garden Avenue to 8th Street NE/SE 320th Street; and

WHEREAS, properties adjacent and within the Project Area that take access to the roadways being improved with the City Project, shown as the “Assessment Area” on Exhibit A, will directly benefit from the City Project; and

WHEREAS, the City Project is constructing improvements within the Assessment Area adjacent to Parcel 3339400655 (“Subject Parcel”) that benefit the Subject Parcel to include sidewalk, driveway apron, landscape strip, curb/gutter, roadway pavement, street lighting, and storm drainage and would be required if the Subject Parcel develops from its current unimproved state under chapter 12.64 of the ACC and other applicable law; and

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05/2/2023
Page 1 of 5

WHEREAS, as summarized in Exhibit B, all other parcels within the Assessment Area of the City Project are either owned by the City of Auburn, have paid fees in lieu of constructing the required public improvements under chapter 12.64A of the Auburn City Code (“ACC”), or do not take access to the roadway that will be improved under the City Project; and

WHEREAS, the City will pay all costs and expenses to complete the City Project including that which benefits Parcel 3339400655 in recognition that the public interest is best served by continuous sidewalks, landscape strips, curb/gutter, roadway pavement, street lighting, and storm drainage; and

WHEREAS, the City Engineer has determined the recovery of costs associated with the benefits to Parcel 3339400655 are subject to payback requirements under chapter 3.25 ACC; and

WHEREAS, the City of Auburn mailed a letter to the owners of the Subject Parcel on May 2nd, 2023, informing the owners of the public hearing under chapter 3.25 ACC and the assessment amount; and

WHEREAS, chapter 3.25 of the ACC and chapter 35.72 of the Revised Code of Washington (“RCW”) allow for the City to recover costs of public improvements that benefit a privately-owned parcel, after public hearing and notice to the Subject Parcel, and such costs will be recovered if and when the Subject Parcel develops; and

WHEREAS, the City Council held a public hearing on June 5th, 2023; and

WHEREAS, the City Council finds that establishing the payback requirement against the Subject Parcel is in the best interest of the City.

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05/2/2023
Page 2 of 5

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN,
WASHINGTON DO ORDAIN as a non-codified ordinance as follows:

Section 1. The City Council establishes the assessment requirement in the amount of \$94,832, in recognition of the private benefit for sidewalk, landscape strip, curb/gutter, roadway pavement, street lighting, and storm drainage completed as part of City Project CP2202 that will benefit Parcel 3339400655.

Section 2. The owners of Parcel 3339400655 will be required to pay the full amount of the payback assessment set forth in Section 1 of this ordinance when it is developed, defined as prior to the issuance of a building permit, prior to any improvement that would generate increased pedestrian or vehicular traffic to or from the Subject Parcel, or prior to the execution of a restrictive covenant or agreement with the City of Auburn.

Section 3. This ordinance is binding on the current owner of Parcel 3339400655, its successors, heirs and assigns and shall so be binding on all legal owners of this property for the stated term.

Section 4. The City Council finds that this ordinance is consistent with the requirements to implement payback recovery for the City Project set forth in chapter 3.25 ACC and waives the requirements for a separate contractual agreement as required in ACC 3.25.090 because of the undeveloped nature of the Subject Parcel and in recognition of the City performing this work as part of the City Project.

Section 5. The City Council finds and determines that it is in the public interest to complete the construction and installation of all street improvements at one time as part of the City Project.

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05/2/2023
Page 3 of 5

Section 6. The City Council establishes the payback requirements to begin upon passage of this ordinance and to remain valid of a period of fifteen (15) years.

Section 7. The City Council directs that this ordinance be recorded with the King County Recorder's Office at the City's sole cost. After recording, this ordinance will be a matter of public record and will serve as a notice to the owner and any subsequent purchasers of Parcel 3339400655.

Section 8. Constitutionality or Invalidity. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

Section 9. Implementation. The City Engineer is authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 10. Effective Date. This Ordinance will take effect and be in force five (5) days from and after passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, MMC, City Clerk

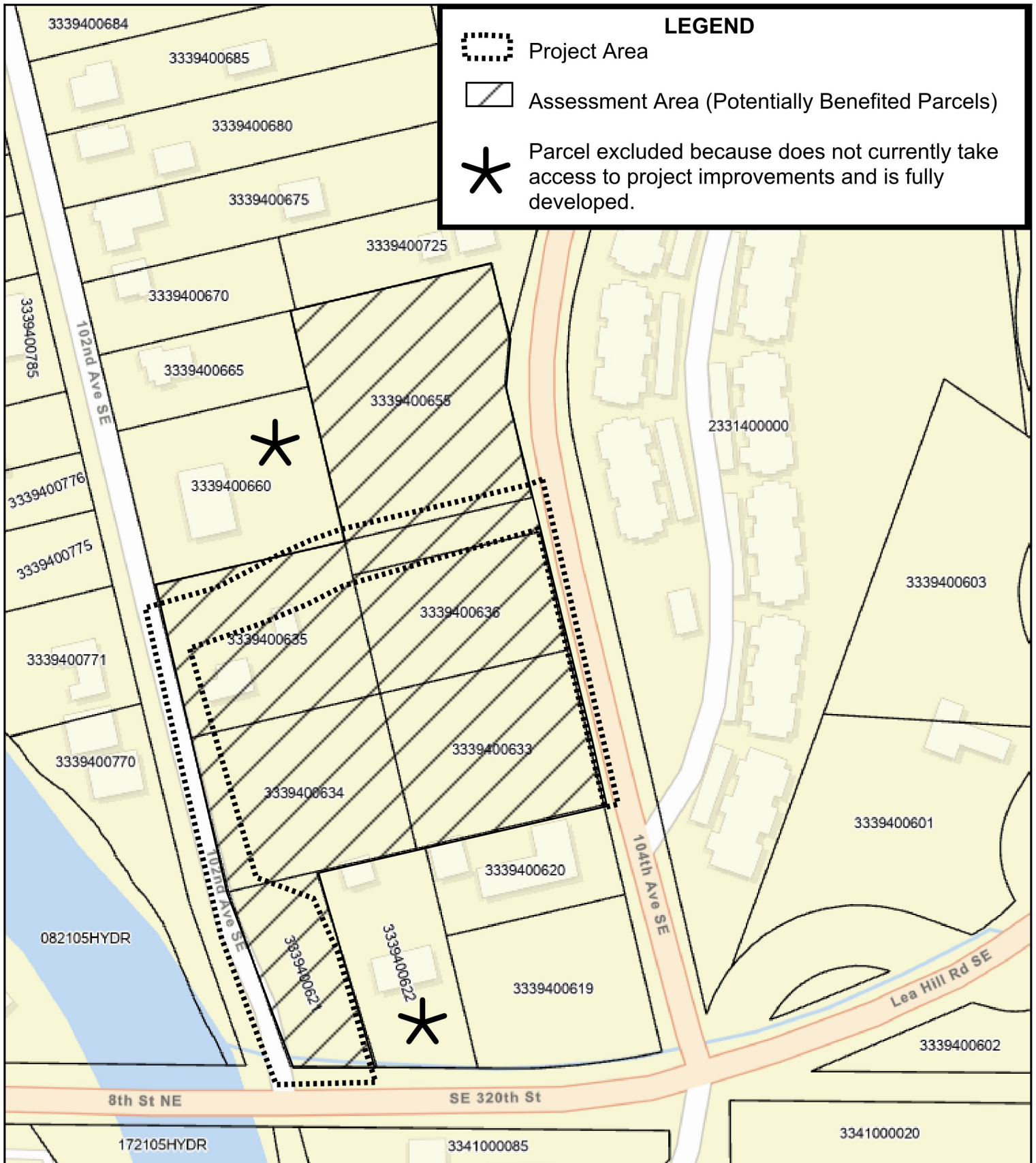
APPROVED AS TO FORM:

Kendra Comeau, City Attorney

PUBLISHED: _____

Ordinance 6908 Exhibit A

CP2022 Garden Avenue Realignment Project - Payback Assessment Area



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ft

WGS84 Web Mercator (Auxiliary Sphere)

1: 2257



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

Ordinance 6908 Exhibit B

CP2022 Garden Avenue Realignment Project

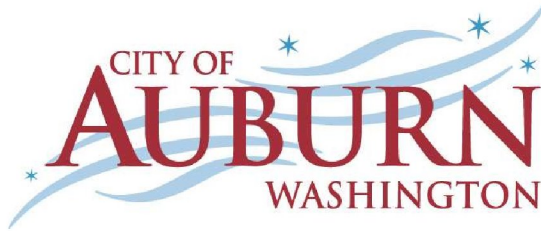
Payback Assessment Schedule

Total Project Cost:

Parcel No.	Basis of Assessment	Assessment Amount	Note
3339400655	Cost of sidewalk, landscape strip, curb/gutter, and 8 foot wide pavement along frontage (approximately 188 feet) and proportional share of project street lighting and storm drainage. Costs include design, property acquisition, and construction.	\$94,832	This undeveloped parcel would have been required to construct the improvements included in the basis of assessment, when and if it develops.
3339400636	N/A	\$0	Fully developed. Has built and/or paid for street improvements serving property.
3339400635	N/A	\$0	City owned.
3339400633	N/A	\$0	Fully developed. Has built and/or paid for street improvements serving property.
3339400634	N/A	\$0	Fully developed. Has built and/or paid for street improvements serving property.
3339400621	N/A	\$0	City owned.

Note that only parcels currently taking direct access to the project improvements were included in the assessment area.

Total Payback Assessment Amount: \$94,832



ORDINANCE 6908 – GARDEN AVENUE STREET PAYBACK STAFF REPORT

Ordinance 6908 – Garden Avenue Street Payback

Ordinance No. 6908 was discussed with the City Council at the May 22, 2023 Council Study Session and would establish a payback requirement on parcel No. 3339400655 in the amount of \$94,832. This staff report includes additional background information about the project.

City Project – Garden Avenue Realignment Project

The Garden Avenue Realignment project will close the connection of Garden Avenue (also called 102nd Ave SE) to Lea Hill Road (also called 8th Street NE) and create a new roadway connection to 104th Ave SE. The idea for the project came about after the City annexed the remainder of Lea Hill from King County in 2008 and the City observed that increasing traffic on Lea Hill Road was creating traffic operational concerns at the Garden Avenue intersection. The project was further developed through the Lea Hill Road Corridor Study completed in 2020.

The intersection of Garden Avenue and Lea Hill Road has the following issues: It is very close to the signalized intersection of 104th Ave SE (approximately 390 feet), is directly adjacent to the Green River Bridge, and is at a location where lane shifts and transitions are occurring. There is also a Metro bus stop between Garden Avenue and 104th Ave SE. The Garden Avenue approach to Lea Hill Road is steep and without a landing at the intersection. These conditions contribute to the following undesirable effects: 1) Cars backed up at the 104th Ave SE intersection block the Garden Avenue intersection. 2) Cars turning from Lea Hill Road to Garden Avenue block traffic and keep traffic from approaching or departing the signal, which degrades the signal's effectiveness and increases delays. 3) Cars turning left or right from Garden Avenue to Lea Hill Road have few gaps to make their turns and experience frequent delays.

The new connection of Garden Avenue to 104th Ave SE (at the location of SE 318th Street currently constructed as an access road) will be sufficiently spaced from the intersection of Lea Hill Road (approximately 580 feet), is not constrained by the Green River Bridge, is not at a location where lane shifts and transitions are occurring, is not near Metro bus stops, does not have approach grade issues and allows for an appropriate intersection landing. For these reasons, the new connection of Garden

Avenue is expected to be more functional than the current connection of Garden Avenue to Lea Hill Road.

Street Deferral Agreements

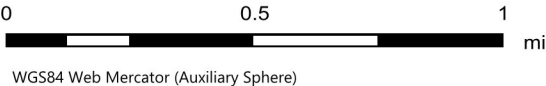
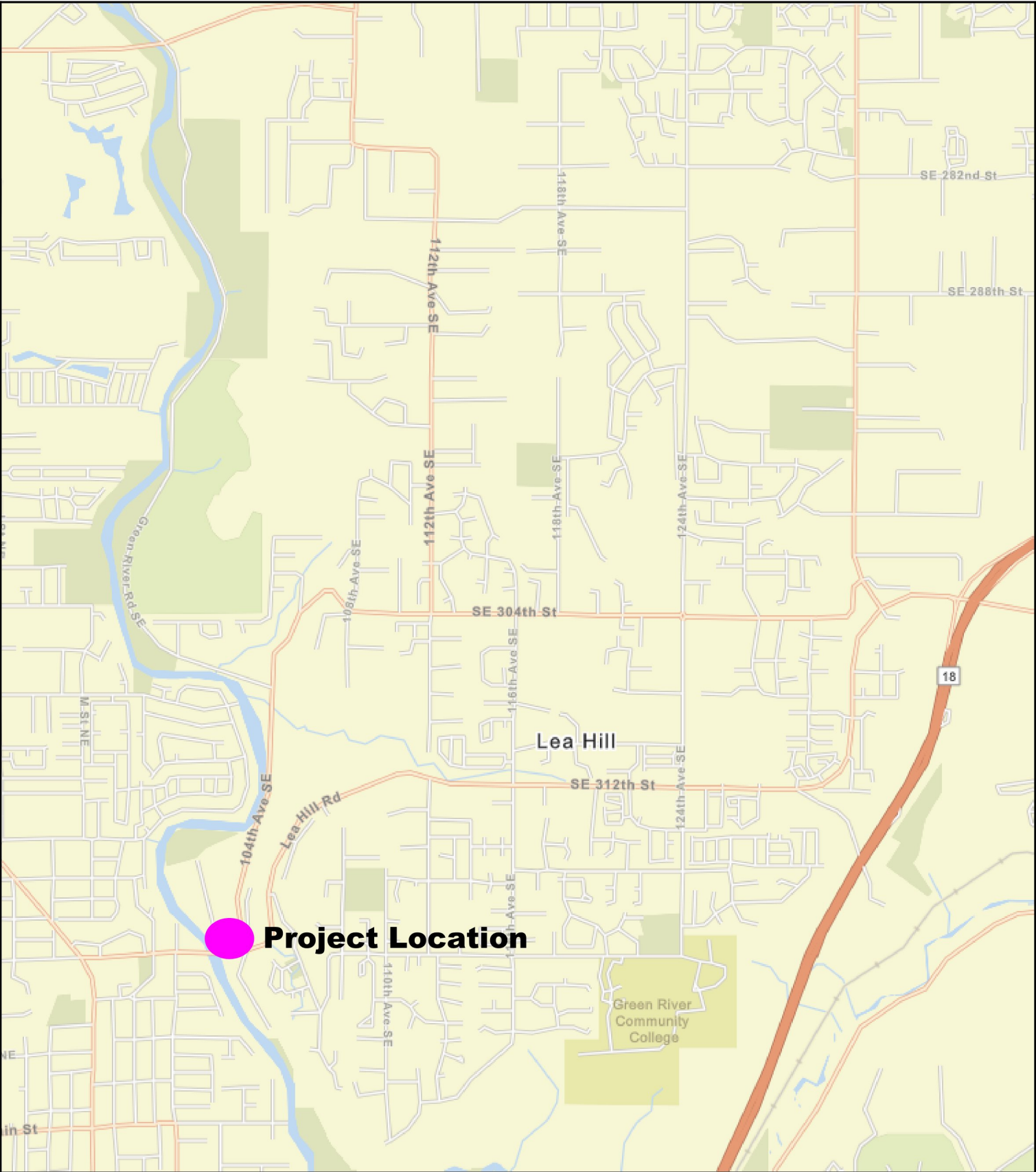
In November of 2020, the City kicked off the design of the Garden Avenue Realignment project. Early in the design of the project the City identified three parcels that had Street Improvement Deferral Agreements with the City. The improvements deferred by the agreements were triggered by the construction of homes on these parcels by a developer named JK Monarch. It was determined that deferred improvements were to be constructed with the City's Garden Avenue project and therefore, the City informed the 3 properties that a fee-in-lieu payment for the deferred improvements would be required. To date, two of the three property owners have signed fee-in-lieu agreements and agreed to payment plans for the cost of the improvements. The third property owner has indicated they intend to pay the amount due in full by September of this year. The Garden Avenue project is improving roadways to which 6 properties currently take access. 3 of those properties are the JK Monarch properties that are paying for their required improvements through the fee-in-lieu described above. 2 of the properties are owned by the City. The remaining property is parcel No. 3339400655 (Murphy Property), currently owned by Zachery and Coleen Murphy.

Street Payback Requirement and the Murphy Property

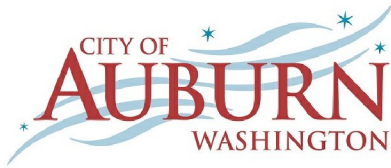
The Murphy Property is zoned for single family residential use and is currently vacant. Per ACC 3.25 and RCW 35.72, the City may recoup its costs for making improvements as part of a City project that directly benefit a parcel and would have been required to be completed by the property when it was to develop. The frontage improvements along the Murphy Property that would be required by ACC 12.64A when the property develops include sidewalk, landscape strip, driveway, curb/gutter, street lighting, storm drainage, and roadway pavement. It makes sense to build these improvements with the City's project, so the City project results in a fully built-out roadway without a gap across the Murphy Property frontage. Furthermore, constructing the Murphy frontage improvements with the City project will result in less construction impacts to adjacent property owners and overall is the most efficient approach towards building the improvements. Ordinance No. 6908 would establish the payback requirement on the Murphy Property. The payback amount would be due from the property owners to the City upon submittal of development permits by the owners for improvement on the property if submitted within 15 years of the effective date of the Ordinance. The payback amount includes design, property acquisition, and estimated construction costs that have, or will be incurred by the City in making the improvements along the Murphy property frontage. The payback amount includes \$19,200 in property acquisition costs that the City is in the process of paying the Murphy's for property needed along the frontage to fully build out the roadway.

CP2022 Garden Avenue Realignment

ed On: 4/26/2023
created by City of Auburn eGIS



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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6909 (Gaub)

Date:

May 23, 2023

Department:

Public Works

Attachments:

[Ordinance No. 6909](#)

[Exhibit A](#)

[Vicinity Map](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6909.

Background for Motion:

This modifies the City Code to restrict access to right-of-way areas behind the sidewalk at the southeast corner of the intersection of Auburn Way North and 30th Street NE. These restrictions are needed to prevent illegal dumping and other activity that inhibits maintenance and operations of City traffic systems and utilities in the area.

Background Summary:

This ordinance modifies the City Code to restrict access to right-of-way areas behind the sidewalk at the southeast corner of the intersection of Auburn Way North and 30th Street NE. This area has been used for illegal dumping, public usage of illegal drugs, and encampments. The isolated nature of the area makes it difficult for the City and adjacent property owners to dissuade these activities. The illegal activities inhibit access to the area for maintenance and operations of utilities and traffic signal systems. The revised code would restrict the area between the back of the sidewalk and the adjacent property lines from public access and provide for access to the area by the City and utility companies. This ordinance was discussed at the May 22, 2023 City Council Study Session.

Reviewed by Council Committees:

Councilmember: Brown

Staff:

Gaub

Meeting Date: June 5, 2023

Item Number:

ORD.F

ORDINANCE NO. 6909

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, RELATING TO RESTRICTIONS
AND LIMITATIONS OF PUBLIC RIGHT-OF-WAY USE AND
REVISING CHAPTER 10.28 OF THE AUBURN CITY CODE**

WHEREAS, the City has authority over its public rights-of-way, and as such has the authority to restrict and limit their use; and

WHEREAS, an area along the east side of Auburn Way North, south of 30th Street NE (“Subject ROW”) is within the public rights-of-way; and

WHEREAS, lying within the Subject ROW are utilities and traffic signal systems that do not currently require, or benefit from, general public access; and

WHEREAS, illegal trash dumping, public drug use, and encampment activities have continuously occurred within the Subject ROW; and

WHEREAS, the isolated nature of the Subject ROW has made it difficult for the City and adjacent property owners to dissuade or prevent the illegal trash dumping, public drug use, and encampment activities; and

WHEREAS, these unlawful activities inhibit necessary access to the Subject Area to maintain, operate, and repair utility and traffic signal systems; and

WHEREAS, it is in the public interest to close the Subject ROW to all vehicular and non-vehicular traffic except for the purpose of accessing utilities, traffic signal systems, and City maintenance of the Subject ROW in order to address the issues of illegal trash dumping, public drug use, and encampment activities.

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

Section 1. Amendment to City Code. Chapter 10.28 of the Auburn City Code is 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.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

ATTEST:

Shawn Campbell, MMC, City Clerk

Published: _____

Chapter 10.28

STREET USE RESTRICTIONS

10.28.010 Imposition of right-of-way limitations.

The following public highways, roads, streets, sidewalks, alleys and rights-of-way within the city are restricted as indicated:

A. “B” Street Southeast, northerly of the first alley south of East Main Street and extending north to East Main Street, shall be a pedestrian facility, as defined in ACC [12.02.060\(M\)](#), and shall be closed to all vehicular traffic of any type or kind other than wheelchairs or similar devices used by disabled persons or persons needing the use of such devices, and except for emergency vehicles when responding to an emergency.

B. “M” Street Northwest, northerly of the driveway serving 1802 “M” Street Northwest and extending north to 29th Street Northwest and 29th Street Northwest, from M Street Northwest extending east approximately 760 feet to the Mill Creek crossing, shall be closed to all vehicular and non-motorized traffic of any kind except for the purpose of accessing utilities and properties by their owners and authorized guests. The City of Auburn and emergency service providers and emergency vehicles are permitted to access the rights-of-way at any time.

C. ~~Reserved. The public rights-of-way areas east of the sidewalk along the east side of Auburn Way North and south of the sidewalk along the south side of 30th Street NW and adjacent to King County parcel nos. 0004600037 and 0001000020 shall be closed to all vehicular and non-motorized traffic of any kind except for the purpose of accessing utilities and traffic signal systems by their owners. The City of Auburn and emergency service providers and emergency vehicles are permitted to access the rights-of-way at any time.~~
(Ord. 5902 § 2, 2005.)

10.28.020 Notice of restriction and signing.

The city engineer shall erect, or cause to be erected and maintained, signs, gates, and/or barricades designating the limitations and restrictions set forth in ACC [10.28.010](#). (Ord. 5902 § 2, 2005.)

10.28.030 Violation – Penalty.

When any public highway, road, street, sidewalk, alley or right-of-way within the city’s jurisdiction is either closed or restricted as to use, as provided in this chapter, any person, firm or corporation disregarding such closure or restriction of use shall be guilty of a misdemeanor, and shall in addition to any criminal penalty for

violation of provisions of this chapter be liable in any civil action instituted in the name of the city of Auburn for any damages occurring to any public highway, road, street or thoroughfare within the city's jurisdiction as a result of disregarding such closure or use restriction. (Ord. 5902 § 2, 2005.)

Ordinance 6909 - Vicinity Map

Printed On: 5/9/2023

Map created by City of Auburn eGIS



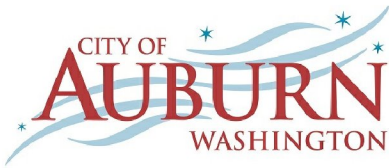
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WGS84 Web Mercator (Auxiliary Sphere)

1: 1128



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AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5710 (Thomas)

Date:

May 23, 2023

Department:

Finance

Attachments:

[RES 5710 AFB Day and Night Shelter 2023](#)
[Auburn Food Bank Contract - Combined](#)

Budget Impact:

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

Administrative Recommendation:

City Council to adopt Resolution No. 5710.

Background for Motion:

Resolution 5710 is an agreement with the Auburn Food Bank to provide day center and night shelter services for City of Auburn residents experiencing homelessness.

Background Summary:

Since 2020, the Auburn Food Bank has been providing day and night shelter services for residents experiencing homelessness. The original service agreements were adopted in December 2020 by council with Resolutions 5573 and 5574, for the day center and night shelter respectively. Resolution 5710 extends the agreements of the previous day and night shelter service contracts, but rather than accounting for the services in two separate contracts, the scope and City contribution are now combined into one contract.

The Auburn Food Bank will operate both shelters from the City's Consolidated Resource center. Due to their proximity to the City's community court and resource center operations, the day center and night shelter will work in coordination with the other community resources being offered by the City in the same location.

The annual contract for services totals \$310,000 and accounts for an estimated 75% of the shelter's operational costs. In exchange, the Food Bank will provide daily space for a minimum of 52 individuals referred by the City of Auburn (a minimum of 26 in the day center and a minimum of 26 in the night shelter). Since the City of Auburn is not the only direct user of the services provided by the Auburn Food Bank, the City and the Food Bank will work collaboratively to pursue funding sources from other entities that wish to occupy space in either the day or night shelter.

The contracts associated with these resolutions expired on December 31, 2022 and were temporarily extended through June 30, 2023. Resolution 5710 will extend the contract period through December 31, 2025.

Reviewed by Council Committees:

Councilmember: Baldwin

Staff: Thomas

Meeting Date: June 5, 2023

Item Number: RES.A

RESOLUTION NO. 5710

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO THE AUBURN FOOD BANK'S DAY CENTER AND NIGHT SHELTER OPERATIONS AND AUTHORIZING THE MAYOR TO NEGOTIATE, ADMINISTER, AND EXECUTE AN AGREEMENT WITH THE AUBURN FOOD BANK

WHEREAS, the City of Auburn, along with all of western Washington, is experiencing unprecedented numbers of individuals experiencing homelessness or are at high-risk for experiencing homelessness; and

WHEREAS, the Auburn Food Bank is a volunteer directed organization that provides food, referrals, resources, support, and assistance to unsheltered individuals within the City of Auburn and the surrounding community; and

WHEREAS, the Auburn Food Bank will provide a day center and night shelter to unsheltered individuals at the Auburn Resource Center Building located at 2806-2812 Auburn Way North, Auburn, WA 98002; and

WHEREAS, the City of Auburn will fund a portion of the Auburn Food Bank's costs for the operation of the day center and night shelter consistent with this Agreement; and

WHEREAS, the City has determined that this Agreement provides the necessary support of the poor and infirm in the community; and

WHEREAS, the public and the City benefit from the services provided by the Auburn Food Bank.

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

Section 1. The Mayor is authorized to negotiate, administer, and execute an Agreement between the City of Auburn and the Auburn Food Bank, which shall be in substantial conformity with the attached “Agreement”.

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

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

Dated and Signed this 5th day of June, 2023.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

AGREEMENT
Between
The City of Auburn
and
The Auburn Food Bank
For Operation of the Day Center and Night Shelter

This Agreement (“Agreement”) is entered into on this ____ day of _____, 2023, by and between the City of Auburn, a municipal corporation organized under Title 35A of the Revised Code of Washington (the “City”), and the Auburn Food Bank, a Washington public benefit corporation (the “Provider” and collectively “the Parties”).

RECITALS:

1. The City of Auburn, along with all of western Washington, is experiencing unprecedented numbers of individuals experiencing homelessness or are at high-risk for experiencing homelessness; and
2. The Auburn Food Bank is a volunteer directed organization that provides food, referrals, resources, support, and assistance to unsheltered individuals within the City of Auburn and the surrounding community; and
3. The Auburn Food Bank will provide a day center within the Auburn Resource Center Building located at 2806-2812 Auburn Way North, Auburn, WA 98002 (“the premises”) under a separate agreement; and
4. The Auburn Food Bank will operate a night shelter for individuals within the Auburn Resource Center Building located at 2806-2812 Auburn Way North, Auburn, WA 98002; and
5. The Auburn Food Bank will pay the City rent for the space being occupied at 2806-2812 Auburn Way North, Auburn, WA 98002 under a separate agreement; and
6. The City of Auburn will provide funds to the Auburn Food Bank for the operation of the day center and night shelter and the Auburn Food Bank will seek additional funding sources and partnerships; and
7. The Parties expressly intend all provisions of the Agreement to apply in full force and effect for the duration this agreement; and
8. The City has determined that this Agreement provides the necessary support of the poor and infirm in the community.

AGREEMENT:

In consideration of the mutual promises set out in this Agreement, the Auburn Food Bank and the City agree as follows:

1. Term of Agreement.

The Parties intend for the term of this Agreement to be July 1, 2023 through December 31, 2025. The term of this Agreement may be extended in writing by mutual agreement of the parties. If this Agreement expires or terminates before the Parties' entering into an Agreement for future services or extending this Agreement, the Auburn Food Bank agrees to remove all personal property promptly from the Consolidated Resource Center.

2. Scope of Services.

The Provider agrees to perform in a good and professional manner the tasks described in Exhibit "A." The Provider will perform the services as an independent contractor and will not be deemed, by virtue of this Agreement and the performance of, to have entered into any partnership, joint venture, or other relationship with the City.

3. Provider Representations.

The Auburn Food Bank represents and warrants that it has all necessary licenses and certifications to perform the services provided for in this Agreement, and is qualified to perform those services. The Auburn Food Bank is prohibited from making any program services, resources, assistance, or sheltering conditional on clients participating in any sort of religious activity. No funding provided through the City may be used to support or engage in any explicitly religious activities, including activities that involve overt religious content such as worship, religious instruction, or proselytization. The Auburn Food Bank agrees to cooperate and coordinate with the City, its employees, contractors, and agents for the purpose of maintaining and repairing the building consistent with the lease. The Auburn Food Bank agrees to cooperate and coordinate with the City, its employees, contractors, and agents under the Auburn Consolidated Resource Center lease upon the lease effective date.

4. City Obligations.

The City agree to lease the Auburn Consolidated Resource Center and to offer a lease to the Auburn Food Bank for the duration of this Agreement, provided that the Auburn Food Bank complies with all required lease conditions and the terms of this Agreement.

5. Compensation.

As compensation for the Provider's performance of the services provided for in this Agreement, the City will provide the Provider the fees and costs specified in Exhibit "B". This compensation shall be used for work performed or services rendered and for all labor, materials, supplies, equipment, overhead, profit, and incidentals necessary to complete the work. Copies of original supporting documents shall be supplied to the City upon request.

Compensation to be paid the Provider in succeeding years after the current year will be contingent upon availability of funds. Provider commits to obtaining additional and independent funding sources.

6. Parties Obligations to Keep Building in Good Repair Consistent with Lease.

In addition to the Parties' obligations as otherwise described in this Agreement and the Scope of Services, Exhibit A, the Parties agree to not use or store any hazardous, toxic, radioactive or bio-hazardous substances or petroleum products in the building. The Parties agree that the building will not be occupied by any person other than the Parties, their agents, employees, and invites or used for residential or dormitory purposes.

7. Insurance.

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

A. No Limitation

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

B. Minimum Scope of Insurance

The Provider shall obtain insurance of the types and coverage described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be at least as broad as Insurance Services Office (ISO) form CA 00 01.
2. Commercial General Liability insurance shall be at least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap independent contractors and personal injury and advertising injury. The City shall be named as an additional insured under the Provider's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO endorsement form CG 20 26.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Provider's profession.

C. Minimum Amounts of Insurance

The Provider shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than \$2,000,000 each occurrence, \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$2,000,000 per claim and \$2,000,000 policy aggregate limit.

D. Other Insurance Provision

The Provider's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain that they shall be primary insurance as respect the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Provider's insurance and shall not contribute with it.

E. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

F. Verification of Coverage

The Provider shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Agreement before commencement of the work.

G. Notice of Cancellation

The Provider shall provide the City with written notice of any policy cancellation within two business days of their receipt of such notice.

H. Failure to Maintain Insurance

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

I. City Full Availability of Provider Limits

If the Provider maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Provider, irrespective of whether such limits maintained by the Provider are greater than those required by this Agreement or whether any certificate of

insurance furnished to the City evidences limits of liability lower than those maintained by the Provider.

8. Indemnification

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

However, should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Provider and the City, its officers, officials, employees, and volunteers, the Provider's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Provider's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Provider's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The Parties intend for the provisions of this section to apply beginning January 1, 2020, and shall survive the expiration or termination of this Agreement.

9. No Leasehold Interest.

This Agreement does not convey to the Auburn Food Bank a leasehold interest.

10. Dispute Resolution.

In the event that any dispute or conflict arises between the parties while this Agreement is in effect, the Parties agree that, notwithstanding such dispute or conflict, the Parties will continue to make a good faith effort to continue to cooperate and continue to work toward successful completion of the services outlined in Exhibit A.

In the event that any party believes another party has breached a term of this Agreement, it may request in writing that the Parties meet and confer in good faith for the purpose of attempting to reach a mutually satisfactory resolution of the problem within fifteen (15) days of the date of service of the request.

11. Agreement Interpretation.

All captions, headings or titles in the paragraphs or sections of this Agreement are inserted for convenience of reference only and are not part of this Agreement. The singular will include the plural and vice versa and masculine, feminine and neuter expressions are interchangeable. Interpretation or construction of this Agreement will not be affected by any determination as to who is the drafter of this Agreement, this Agreement having been drafted by mutual agreement of the Parties.

12. Non-Availability of Funds.

Every obligation of the City under this Agreement is conditioned upon the availability of funds appropriated or allocated for the performance of such obligation; and if funds are not allocated and available for the continuance of this Agreement, then this Agreement may be terminated by the City at the end of the period for which funds are available.

The City makes no commitment to support the services contracted for and assumes no obligation for future support of the activity or services contracted herein except as expressly set forth in this Agreement.

13. Termination for Cause.

If the City concludes that the Auburn Food Bank has failed to comply with the terms and conditions of this Agreement, or has failed to use the City funds only for those activities identified in Exhibit A, or has otherwise materially breached one or more of the covenants in this Agreement, the City may at any time, at its discretion, provide written notice to the Auburn Food Bank and terminate the Agreement. The Notice of Termination for Cause will be in writing with the reason(s) for the termination, and will specify the effective date of the termination. The Auburn Food Bank will be allowed at least five (5) calendar days to cure the reasons for termination. If the breach is not cured within five (5) days, the City may recover all prior payments to the Auburn Food Bank from the City made within 60 days of the Effective Date.

If the lease is not renewed or is revoked for any reason, this Agreement automatically terminates and the parties waive all claims, demands, suits, proceedings, losses, costs, or damages of every kind and description, including attorneys' fees and litigations expenses which may be made against or incurred by the City, caused by, arising out of, or contributed to, in whole or in part, by reason of the Agreement termination.

The City may, in its sole discretion, by written notice to the Auburn Food Bank, immediately terminate this Agreement, if it is found after due notice and examination by the City that there is a violation of the Ethics in Public Service Act, Chapters 42.23 and 42.52 RCW.

14. Termination for Convenience.

The City reserves the right to terminate this Agreement for the convenience of the City by delivery of a Notice of Termination with the effective date. The City may withhold all further payments to the Auburn Food Bank after the date of Notice of Termination.

15. Prohibited Discriminatory Actions.

The Auburn Food Bank may not, under any program or activity to which this Agreement applies, directly or through contractual or other arrangements, discriminate on the grounds of race, color, creed, religion, national origin, sex, sexual orientation, familial status, age, or where there is the presence of any sensory, mental or physical handicap.

The Auburn Food Bank will comply with all applicable federal, state and local non-discrimination laws and/or policies, including, but not limited to, the Americans with Disabilities Act; Civil Rights Act; and the Age Discrimination Act.

In the event of the Auburn Food Bank's noncompliance or refusal to comply with any non-discrimination law or policy, this Agreement may be rescinded, cancelled, or terminated in whole or in part, and the Auburn Food Bank may be declared ineligible for further agreements with the City. The Auburn Food Bank is responsible for any and all costs or liability arising from any failure to so comply with applicable law.

16. Records.

All documents, reports, memoranda, diagrams, sketches, plans, surveys, design calculations, working drawings, and any other materials created or otherwise prepared by the Auburn Food Bank and transmitted to the City as part of performing this Agreement will be owned by and become the property of the City.

The Auburn Food Bank agrees that it will comply with the Washington Public Records Act, if required, and shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Provider in complying with the Washington Public Records Act.

17. Personal Information-Notice of Security Breach.

The Auburn Food Bank agrees to notify the City of any breach of the security of any personal information data immediately following discovery if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person in accordance with RCW 42.56.590. In the event of a security breach, the Auburn Food Bank is responsible for notifying individuals whose personal information may have become available to unauthorized users.

18. Inspection & Audit.

All compensation payments will be subject to adjustments for any amounts to have been improperly invoiced, and all records and books of accounts pertaining to any work performed under this Agreement will be subject to inspection and audit by the City for a period of three (3) years from the final payment for work performed under this Agreement.

If any litigation, claim, dispute, or audit is initiated before the expiration of the three (3) year period, all records and books of accounts pertaining to any work performed under this Agreement will be retained until all litigation, claims, disputes, or audits have been finally resolved.

19. Limitations.

Nothing in this Agreement shall be construed as limiting or expanding the statutory responsibilities of the parties or as requiring the parties to expend any sum in excess of its appropriations.

20. Force Majeure.

No party to this Agreement will be held responsible for delay or default caused by terrorism, pandemics, natural disasters, riots, acts of god and/or war that is beyond the reasonable control of the parties.

21. Severability.

Each provision of this Agreement is intended to be severable, and if any provision hereof is illegal or invalid for any reason whatsoever, such illegality or invalidity will not affect the validity of the remainder of this Agreement.

22. Amendment, Assignment & Waiver Provisions.

No amendment, modification, or waiver of any condition, provision, or term of this Agreement will be valid unless it is made in writing, signed by the party or parties to be bound, or the duly authorized representatives thereof, and specifies, with particularity, the nature and extent of such amendment, modification, or waiver.

The failure of either party at any time to require performance by another party of any provisions of this Agreement will in no way affect the party's subsequent rights and obligations under that provision, and waiver by any party of the breach of any provision of this Agreement will not be taken or held to be a waiver of any succeeding breach or as a waiver of any provision.

23. Integration & Binding Effect.

This Agreement, together with any subsequent amendments or addendums, constitutes the entire agreement of the Parties and no other understandings, oral or otherwise, regarding this Agreement shall exist or bind any of the Parties.

This Agreement is binding on the Parties and their respective successors and assigns, provided that this Section shall not be deemed to permit any transfer or assignment otherwise prohibited by this Agreement.

This Agreement is for the exclusive benefit of the parties and it does not create a contractual relationship with, or exist for the benefit of, any third party, including contractors, subcontractors, or their sureties.

24. Choice of Law.

This Agreement and the rights of the parties will be governed and interpreted in accordance with the laws of the State of Washington and venue for any action will be in King County, Washington; provided, however, that it is agreed and understood that any applicable statute

of limitation will commence no later than the substantial completion by the Provider of the services.

Subject to the limitations set forth in RCW 4.84.330, each party agrees to bear its own costs and attorneys' fees generated by any dispute arising out of this Agreement.

25. Notices, Reports & Correspondence.

All notices or communications permitted or required to be given under this Agreement will be in writing and will be deemed to have been duly given if delivered in person or deposited in the United States mail, postage prepaid, by certified mail, return receipt requested, and addressed, if to a party of this Agreement, to the address for the party set forth above, or if to a person not a party to this Agreement, to the address designated by a party to this Agreement.

All notices, reports, and correspondence will be sent to:

City of Auburn

The Auburn Food Bank

Auburn City Hall
Attn: Jamie Thomas
25 West Main
Auburn, WA 98001-4998
(253) 931-4009
Fax (253) 288-3132

Auburn Food Bank
Attn: Debbie Christian
930 18th Pl SE
Auburn, WA 98002
(253) 833-8925
Fax (253) 833-1332

26. Signature Authority.

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

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

CITY OF AUBURN

AUBURN FOOD BANK

Nancy Backus, Mayor

By _____
Title _____
Federal Tax ID # _____
Date _____

Date

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

SCOPE OF SERVICES

Exhibit A

The Auburn Food Bank will provide support staff for low-barrier daytime services and a night shelter for unsheltered residents living in Auburn during the term of the Agreement. The provision of shelter shall not be conditioned upon participation in religious activities or subject to other religious requirement, nor limited to a certain duration for each individual.

Day Center

Hours of Operation. The Auburn Food Bank agrees to provide the daytime shelter services summarized above, from the hours of 7 AM and 8:30 PM, 7 days a week.

Services. The Auburn Food Bank agrees to permit clients reasonable access to City-provided telephones for supportive services and legal obligations during the hours of 8 AM and 5 PM, Monday through Friday.

Staffing. The Auburn Food Bank agrees to provide adequate staffing between 7 AM and 8:30 PM, 7 days a week, to provide daytime services.

In addition to front line staffing, the City of Auburn recognizes the need for management continuity. The City of Auburn strongly desires and encourages the Auburn Food Bank to hire an individual capable of performing management duties in the Executive Director's absence. The compensation schedule in Exhibit B accounts for an escalated compensation schedule upon the hire of a shelter employee to assist with management duties.

Individuals Served. Space for a minimum of 26 individuals shall be available daily for individuals referred by the City of Auburn. Additional space shall be made available for individuals referred by other agencies with pre-existing arrangements. Other participating entities must pay an agreed rate for the individuals served.

Night Shelter

Hours of Operation. The Auburn Food Bank agrees to provide nighttime shelter services, from the hours of 8:30 PM – 7 AM, 7 days a week.

Services. The Auburn Food Bank agrees to provide a low-barrier overnight housing in the building located at 2802-2818 Auburn Way North in Auburn. Clients will be provided with 1 cot and 1 blanket.

Staffing. The Auburn Food Bank agrees to provide adequate staffing between 8:30 PM – 7 AM, 7 days a week, to provide daytime services.

In addition to front line staffing, the City of Auburn recognizes the need for management continuity. The City of Auburn strongly desires and encourages the Auburn Food Bank to hire an individual capable of performing management duties in the Executive Director's absence. The compensation schedule in Exhibit B takes into account an escalated City of Auburn compensation upon the hire of a shelter employee to assist with management duties.

Individuals Served. Space for a minimum of 26 individuals shall be available daily for individuals referred by the City of Auburn. Additional space shall be made available for individuals referred by other agencies with pre-existing arrangements. Other participating entities must pay an agreed rate for the individuals served.

COMPENSATION EXHIBIT B

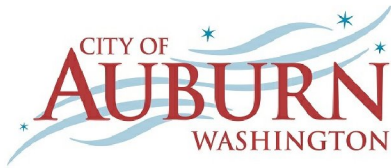
The City of Auburn's Compensation is based on the minimum space that shall be made available to clients referred to the day center and night shelter by the City of Auburn. The City of Auburn recognizes that there are other community partners that may also refer clients to the either the day center and/or night shelter. In those circumstances, the City highly encourages the Auburn Food Bank to pursue formal funding agreements for clients served from those referring partners.

1. Compensation for Current Operations

- a. The City of Auburn's total annual contribution, for both shelters, will total three hundred and ten thousand dollars (\$310,000). The minimum space available for the City of Auburn shall be 26 individuals during the day and 26 individuals at night, for a total of 52 clients served per day. This is roughly 75% of the total capacity for the day and night shelter combined. Therefore, the City's contribution is set to account for 75% of the total estimated annual shelter operation costs.
- b. The City shall pay the Auburn Food Bank in quarterly installments, with payments due January 1, April 1, July 1, and October 1. Quarterly installment payments will total seventy-seven thousand five hundred dollars (\$77,500).
- c. The first payment due in this agreement shall be due July 1, 2023.

2. Compensation for Enhanced Operations

- a. As identified in the Scope of Services in Exhibit A, the City highly encourages the Auburn Food Bank to hire an additional employee capable of performing management duties in the Executive Director's absence.
- b. To compensate the Auburn Food Bank for the additional cost of hiring a new management-level employee, the City of Auburn's annual compensation will total three hundred and fifty-five thousand dollars (\$355,000).
- c. The increased compensation will begin in the month a new management-level employee is hired and the quarterly payments will be prorated accordingly.
- d. The City shall pay the Auburn Food Bank in quarterly installments, with payments due January 1, April 1, July 1, and October 1. Quarterly installment payments will total eight-eight thousand seven hundred and fifty dollars (\$88,750).



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5716 (Tate)

Date:

May 26, 2023

Department:

Community Development

Attachments:

[Resolution No. 5716](#)
[Resolution 5716 Attachment A 2024 Work Plan](#)
[and Budget](#)

Budget Impact:

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

Administrative Recommendation:

City Council to approve Resolution No. 5716.

Background for Motion:

The 2024 SKHHP work plan and budget is consistent with the Interlocal Agreement between Auburn, Burien, Covington, Des Moines, Federal Way, Maple Valley, Normandy Park, Renton, Tukwila, and King County.

The 2024 SKHHP work plan and budget operationalizes the agreed upon priorities by the SKHHP Executive Board to implement the Interlocal Agreement by acting cooperatively to formulate housing policies and strategies that address housing stability, foster efforts to preserve and provide affordable housing by combining public funding and private-sector resources, and support implementation of other local policies and programs relating to affordable housing.

Background Summary:

The South King Housing and Homelessness Partners (SKHHP) was established through an interlocal agreement between nine South King County cities and King County to work together and share resources to increase options for South King County residents to access affordable housing and preserve existing affordable housing. Consistent with the SKHHP Interlocal Agreement, the SKHHP 2024 work plan and budget must be approved by each legislative body and adopted by the SKHHP Executive Board.

Every year, an annual work plan and budget is developed in collaboration with the SKHHP Executive Board, Advisory Board, and staff work group to guide the work of SKHHP staff in the coming year. Pursuant to the SKHHP Interlocal Agreement, each participating jurisdiction must approve SKHHP's annual budget and work plan. The 2024 draft work plan was developed through surveys to the Executive and Advisory Boards on their priorities in February and an interactive in-person workshop with the Executive Board in March. The draft 2024 work plan was then reviewed with the SKHHP Advisory Board on April 6, 2023, and the Executive Board at their regularly scheduled meeting on April 19, 2023. Feedback was incorporated. A revised draft was shared with the Executive Board to review with member Councils as needed.

The 2024 work plan includes four goals with corresponding objectives and action items. Each action item is prioritized as higher, medium, or lower priority. Indicators are included to measure progress on the goals. The four goals include the following:

1. Fund the expansion and preservation of affordable housing
2. Develop policies that expand and preserve affordable housing
3. Serve as advocate for South King County
4. Manage operations and administration

The 2024 SKHHP operating budget totals \$419,158, supporting two full-time staff, and includes itemization of all categories of budgeted expenses and itemization of each jurisdiction's contribution, including in-kind services. Operating revenues originate from SKHHP member contributions. Contributions are proposed to increase 15% annually for each member city through 2026 as approved by the Executive Board in July 2021 to work towards a balanced budget. These projected numbers assume no additional staff would be added. Member contributions are based on population size accordingly:

Population tier	2023 Contribution	2024 Contribution	2025 Contribution	2026 Contribution
<10,000	\$5,290	\$6,084	\$6,996	\$8,045
10,001 – 35,000	\$9,919	\$11,407	\$13,118	\$15,085
35,001 – 65,000	\$19,838	\$22,814	\$26,236	\$30,172
65,000 – 100,000	\$34,385	\$39,543	\$45,474	\$52,295
100,000+	\$44,965	\$51,710	\$59,466	\$68,386

Expenses impacted by inflation are proposed to increase by 5% in 2024, including salaries and benefits. SKHHP continues to spend down the fund balance from cost-savings in 2019 and 2020 to mitigate any additional increases to member contributions.

Reviewed by Council Committees:

Councilmember: Trout-Manuel

Staff: Tate

Meeting Date: June 5, 2023

Item Number: RES.B

RESOLUTION NO. 5716

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, APPROVING THE SOUTH KING
HOUSING AND HOMELESSNESS 2024 WORK PLAN AND
2024 OPERATING BUDGET

WHEREAS, on February 19, 2019 the City of Auburn enacted an Interlocal Agreement (ILA) with 8 other south King County cities and King County to form the South King Housing and Homelessness Partners (SKHHP); and

WHEREAS, pursuant to the Interlocal Agreement, each participating jurisdiction must approve an annual work plan each year to guide the work of SKHHP staff; and

WHEREAS, pursuant to the Interlocal Agreement, each participating jurisdiction must approve SKHHP's annual budget that includes an itemization of all categories of budgeted expenses and itemization of each Party's contribution, including in-kind services; and

WHEREAS, the purpose of the annual work plan and budget is to provide management and budget guidance; and implement the overarching SKHHP mission to work together and share resources to increase the available options for South King County residents to access affordable housing and to preserve the existing affordable housing stock; and

WHEREAS, the 2024 work plan includes 4 goals with corresponding action items that further SKHHP's mission;

WHEREAS, on May 19, 2023 the SKHHP Executive Board adopted Resolution 2023-01 enacting the 2024 work plan and budget upon approval by the legislative body of each participating party.

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

Section 1. City Council adopts the SKHHP 2024 Work Plan as shown in
Attachment A.

Section 2. City Council adopts the SKHHP 2024 operating budget as shown in
Attachment A.

Section 3. The City of Auburn will transmit its annual contribution to SKHHP on
an annual basis during the first quarter of the calendar year; and

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

Dated and Signed this 5th day of June, 2023.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

RESOLUTION NO. 2023-01

A RESOLUTION OF THE EXECUTIVE BOARD OF THE SOUTH KING HOUSING AND HOMELESSNESS PARTNERS (SKHHP), ADOPTING THE 2024 SKHHP WORK PLAN AND OPERATING BUDGET

WHEREAS, pursuant to the Interlocal Agreement, the SKHHP Executive Board approves an annual work plan and budget each year to guide the work of SKHHP staff; and

WHEREAS, pursuant to the Interlocal Agreement, the annual budget includes an itemization of all categories of budgeted expenses and itemization of each Party's contribution, including in-kind services; and

WHEREAS, upon adoption by the Executive Board, the annual work plan and budget will be transmitted to each participating jurisdiction for approval by their legislative body; and

WHEREAS, the budget will not become effective until approved by the legislative body of each jurisdiction and adopted by the SKHHP Executive Board; and

WHEREAS, if a party does not approve the work plan or budget in a timely manner, the Executive Board may adopt the budget and work plan with a two-thirds majority vote; and

WHEREAS, the purpose of the annual work plan and budget is to provide management and budget guidance, and implement the overarching SKHHP mission to work together and share resources to increase the available options for South King County residents to access affordable housing and to preserve the existing affordable housing stock; and

WHEREAS, the 2024 work plan includes four goals with corresponding action items that further SKHHP's mission.

NOW, THEREFORE, THE EXECUTIVE BOARD RESOLVES as follows:

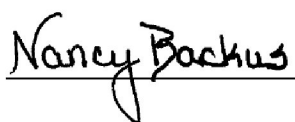
Section 1. The Executive Board adopts the 2024 SKHHP Work Plan in Attachment A.

Section 2. The Executive Board adopts the 2024 SKHHP Operating Budget in Attachment B.

Section 3. Each party's contribution to SKHHP's operating budget will be transmitted on an annual basis during the first quarter of the calendar year.

Section 4. This Resolution will take effect and be in full force upon approval by the legislative body of each participating jurisdiction.

Dated and Signed this 22nd day of May, 2023



NANCY BACKUS, CHAIR, SOUTH KING HOUSING AND HOMELESSNESS PARTNERS

RESOLUTION 2023-01 – ATTACHMENT A

SKHHP 2024 WORK PLAN

PURPOSE

Establish a 2024 SKHHP work plan and budget that is guided by Executive Board priorities, is consistent with the SKHHP Interlocal Agreement, and furthers SKHHP's mission.

BACKGROUND

Established by an interlocal agreement, SKHHP jurisdictions work together and share resources to increase options for South King County residents to access affordable housing and preserve existing affordable housing. The 2024 SKHHP work plan builds on work done in previous years and was developed in collaboration with the Executive Board, Advisory Board, and staff work group.

The work plan is organized into four goals with corresponding objectives and action items. Each action is identified by priority as follows:

- Higher – Identified as higher priority by Executive Board or is necessary to carry out the Interlocal Agreements
- Medium – Identified as mid-level priority
- Lower – Identified as lower priority

Quarterly budget and progress reports on the status of the work plan elements will be submitted to the SKHHP Executive Board and the legislative body of each member jurisdiction as follows:

Quarter 1: May | **Quarter 2:** August | **Quarter 3:** November | **Quarter 4:** February

In accordance with the Interlocal Agreement, the 2024 SKHHP work plan and budget will be approved by the SKHHP Executive Board and the legislative body of each member jurisdiction.

SKHHP MISSION

South King County jurisdictions working together and sharing resources to create a coordinated, comprehensive, and equitable approach to increasing housing stability, reducing homelessness, and producing and preserving quality affordable housing in South King County.

GOALS & OBJECTIVES

Number	Goal	Objective
1	Fund the expansion and preservation of affordable housing.	Coordinate public resources to attract greater private and public investment for affordable housing in South King County.
2	Develop policies to expand and preserve affordable housing.	Share technical information and resources to promote sound housing policy.
3	Serve as advocate for South King County.	Provide a unified voice to advocate for South King County needs at a local, regional, and state level.
4	Manage operations and administration.	Sustain operational commitments and Interlocal Agreement requirements.



Goal 1

Fund the expansion and preservation of affordable housing.

Actions	Priority of Actions ••• = Higher •• = Medium • = Lower
1. Develop a long-term funding strategy for the Housing Capital Fund and facilitate conversations with member jurisdictions to identify and explore dedicated sources of revenue for affordable housing at the local and regional level.	•••
2. Pool resources from member jurisdictions for the Housing Capital Fund, including SHB 1406 and HB 1590 funds.	•••
3. Manage 2023 Housing Capital Fund funding round including facilitating approval from participating Councils and preparing contract documents.	•••
4. Manage 2024 Housing Capital Fund funding round including adopting annual guidelines, updating application materials, soliciting proposals, and facilitating project selection.	•••
5. Encourage investment by private investors, lenders, and philanthropies.	•••
6. Work with member cities and project sponsors to start developing a pipeline of projects to be funded over the next five years.	••
Indicators	
○ Number of housing units or number of projects funded with financial support from SKHHP	
○ Number of housing units preserved with financial support from SKHHP	
○ Total dollar amount pooled by member jurisdictions for Housing Capital Fund	
○ Total dollar amount from new sources of revenue added to the Housing Capital Fund	
○ Geographic diversity of applications received for annual Housing Capital Fund funding round	



Goal 2

Develop policies to expand and preserve affordable housing.

Actions	Priority of Actions ••• = Higher •• = Medium • = Lower
7. Develop subregional housing preservation strategies and facilitate implementation.	•••
8. Facilitate technical assistance and updates to the Affordable Housing Inventory Dashboard.	•••
9. Build relationships with developers to learn from their perspective the ways to encourage housing development, especially affordable housing.	••
10. Continue to refine and update housing policy matrix.	•
11. Convene land use planners to increase coordination and collaboration on housing policy and planning.	•
12. Develop SKHHP Executive Board briefings on key housing and homelessness topics, especially as they relate to the goals of the work plan.	•
Indicators	
○ Number of preservation policies explored with members of the Executive Board	
○ Successful update of data and deployment of the Affordable Housing Inventory Dashboard	
○ Number of relationships built with developers	
○ Number of Executive Board briefings on key housing and homelessness topics	



Goal 3

Serve as advocate for South King County.

Actions	Priority of Actions ••• = Higher •• = Medium • = Lower
13. Coordinate with the Advisory Board in collaboration with housing organizations and stakeholder groups to provide education and engagement opportunities for elected officials and community members.	••
14. Work collaboratively with public funders at the state and local levels to promote shared affordable housing goals and equitable geographic distribution of resources.	••
15. Produce public-facing communications content that highlights South King County through social media and newsletters.	•
16. Represent SKHHP at relevant local and regional meetings and forums that help advance SKHHP's mission and provide a voice for increasing access to safe, healthy, and affordable housing in South King County.	•
Indicators	
○ Number of events or engagement opportunities Advisory Board members organize or support	
○ Number of communications published	
○ Number of meetings, forums, or events attended that advance SKHHP's mission	



Goal 4

Manage operations and administration.

Actions	Priority of Actions ••• = Higher •• = Medium • = Lower
17. Develop annual work plan and budget.	•••
18. Generate and distribute quarterly progress reports to SKHHP Executive Board and member jurisdictions.	•••
19. Work with administering agency to maintain records and produce regular financial reports for the SKHHP Housing Capital Fund and SKHHP Operating Account.	•••
20. Organize and host monthly Executive and Advisory Board public meetings.	•••
21. Manage the Affordable Housing Inventory Dashboard contract.	•••
22. Maintain and update the SKHHP website.	••
23. Advance work on SKHHP Foundation efforts to establish logistics, administration, and pursue federal nonprofit status.	••
Indicators	
○ Work plan and budget adopted	
○ Quarterly progress reports prepared and presented to Executive Board	
○ Financial reports and public records maintained	
○ Commitments of the Affordable Housing Inventory Dashboard contract fulfilled	
○ Website maintained	
○ Application submitted for SKHHP Foundation 501c3 status	

RESOLUTION 2023-01 – ATTACHMENT B**2024 SKHHP Operating Budget**

Estimated beginning fund balance - January 1, 2024	\$ 205,736
Estimated ending fund balance -December 31, 2024	\$ 144,877

REVENUES

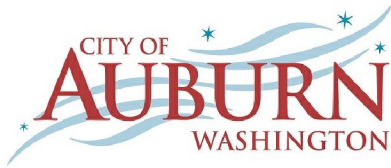
Auburn	\$ 39,543
Burien	\$ 22,814
Covington	\$ 11,407
Des Moines	\$ 11,407
Federal Way	\$ 51,710
Kent	\$ 51,710
Maple Valley	\$ 11,407
Normandy Park	\$ 6,084
Renton	\$ 51,710
Tukwila	\$ 11,407
King County*	\$ 51,710
Additional King County*	\$ 23,290
Interest earnings	\$ 2,100
Office space (in-kind donation)	\$ 12,000
TOTAL REVENUES	\$ 358,299
Spend down balance	\$ 60,859
TOTAL	\$ 419,158

EXPENSES

Salaries and benefits	\$ 305,344
Interfund IT	\$ 31,500
Advisory Board compensation	\$ 14,400
Office space (in-kind donation)	\$ 12,000
Other professional services/Misc.	\$ 6,400
Travel	\$ 5,250
Professional development	\$ 5,250
Supplies	\$ 2,000
Subtotal	\$ 382,144
Administering agency - 10% admin fee**	\$ 37,014
TOTAL	\$ 419,158

*King County contribution based on the population of unincorporated King County is shown as increasing at the same rate as other partner jurisdictions and the additional allocation decreasing to maintain a total contribution of \$75,000 per year.

**10% administrative fee is calculated as a percentage of operating costs which excludes in-kind donations and carry-forwards.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5717 (Comeau/Caillier)

Date:

May 31, 2023

Department:

Legal

Attachments:

[Resolution No. 5717](#)

[Exhibit A – Trespass Authorization & Agreement](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to approve Resolution No. 5717.

Background for Motion:

The properties covered in this Agreement have been a nuisance to the City's residents, users of the Library, Les Gove Park, and to homes and businesses in the neighborhood. The City has received numerous calls and complaints about the garbage, junk, overall unsightliness, and nefarious activities that transpire here. This agreement will grant Auburn Police Department more authority to police these properties and take necessary enforcement action.

Background Summary:

This agreement replaces a 2015 agreement between the City and King County Library System (KCLS). Under this new agreement Auburn Police are granted greater authority to enter into and upon the properties owned and leased by KCLS for the enforcement of trespassing, loitering, vandalism, theft, drug activity, prostitution and other city and criminal laws. Because the property is owned and leased by KCLS, it is treated as a private non-city owned property and therefore, this agreement is required for effective operations.

Reviewed by Council Committees:

Councilmember: Jeyaraj

Staff:

Comeau/Caillier

Meeting Date: June 5, 2023

Item Number:

RES.C

RESOLUTION NO. 5717

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE CITY TO ENTER AN AGREEMENT WITH KING COUNTY LIBRARY SYSTEM (KCLS) FOR CITY LAW ENFORCEMENT SERVICES ON KCLS PROPERTY

WHEREAS, the King County Library System (KCLS) owns and leases certain real property within the City (identified by King County Assessor parcel numbers 192105-9237, 192105-9181, and 192105-9122) that it uses to operate a library and corresponding vehicle parking facilities;

WHEREAS, KCLS is in need of police services at its property. The City is able to provide such services to KCLS upon written authorization and agreement;

WHEREAS, the City and KCLS intend to enter an agreement for police services at KCLS property on the terms and conditions outlined in a proposed agreement attached as Exhibit A to this Resolution.

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

Section 1. The City is authorized to enter an agreement with the King County Library System (KCLS) for police services at KCLS property on the terms and conditions outlined in Exhibit A to this Resolution.

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 5th day of June, 2023.

CITY OF AUBURN

NANCY BACKUS
MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

TRESPASS AUTHORIZATION AND AGREEMENT

THIS AGREEMENT made and entered into on _____, by and between the City of Auburn (including the Auburn Police Department (APD), as an agent of the City), a municipal corporation under the laws of the State of Washington (the “City”), and the King County Library System (“KCLS”), an RCW 27.12 library district. The City and KCLS at times shall be referred to as the “Parties.”

I. RECITALS

WHEREAS, the City owns King County Assessor parcel 192105-9181 (9181). The City’s Les Gove Park is located on this parcel. In 2010, the City leased a portion of parcel 9181 to KCLS. KCLS operates a library and corresponding vehicle parking facility that are adjacent to the park on this leased portion of parcel 9181.

WHEREAS, KCLS owns 2 additional parcels located near 9181: King County Assessor parcels 192105-9237 (9237) and 192105-9122 (9122). KCLS purchased these 2 parcels from the City in 2011 through a Joint Parking Development Agreement.

WHEREAS, in 2015 KCLS gave the Auburn Police Department (APD), as an agent of the City, written authorization to enforce criminal laws on leased portion of parcel 9181. This authorization did not extend to parcels 9237 or 9122, and KCLS maintained the sole discretion to terminate the authorization at any time upon written notice to the City and APD.

WHEREAS, the Parties intend to terminate the 2015 authorization and to replace it with this Agreement providing the City, and APD, as an agent of the City, written authorization to enforce criminal laws on all property owned or leased by KCLS in the City, including parcels: 9181, 9237 and 9122. Doing so will benefit both Parties by ensuring uniform enforcement across these adjacent parcels and the Les Gove Park campus.

WHEREAS, the Parties agree that public and community access to libraries is essential, and such afterhours access may include remaining in cars or other vehicles to use public Wi-Fi, access the afterhours DropBox, and/or using the parking lots for overnight parking as long as there is no illegal activity associated with the use of the property owned or leased by KCLS from the City.

NOW, THEREFORE, in consideration of the mutual benefits each party will receive from this Agreement and other good and valuable consideration, the Parties mutually agree as follows:

II. AGREEMENT

1. Geographic area of KCLS property covered by this authorization Agreement. The Parties intend that the terms of this Agreement shall extend to and include the following King County Assessor parcels: 192105-9181 (the portion of this parcel that the City has leased to KCLS), 192105-9237, and 192105-9122. The geographic area of the Agreement includes only property owned by KCLS or leased to KCLS from the City. These separate parcels shall be referred to collectively in this authorization and Agreement as “the Property.”

2. Authorization to APD to enforce laws on the Property. Under this agreement, KCLS authorizes APD, as an agent of the City, and its officers to enter into and upon the Property during hours that it is closed to the public (to include the Property’s publicly accessible common areas, entrances, lawns, gardens, driveways and parking areas) for the purposes of enforcing criminal laws on the Property (whether arising under the RCW, the Auburn City Code, or any other applicable legal authority), and enforcing criminal laws on the Property (including, but not limited to crimes such as trespassing, loitering, vandalism, theft, drug activity, prostitution, etc.).

3. No Employment or Agency Relationship: This Agreement does not create any agency or employment relationship between the Parties. APD, as an agent of the City, does not act on behalf or as a representative of KCLS in exercising any of its police powers under this Agreement.

4. Term. This Agreement shall remain in effect unless and until terminated by 10 days’ advance written notice by KCLS to the APD Chief of Police, 340 E. Main St., Auburn, WA 98002.

5. Specific exclusions. This Agreement shall not authorize the City, or APD acting as an agent to the City, to:

- a. Remove persons or vehicles with legitimate and lawful business at the Property, such as returning library material at the book drop or accessing publicly available Wi-Fi;
- b. Enter into the interior of the library building during its closed hours, which shall require a separate authorization.

6. Indemnification and hold harmless. KCLS shall indemnify and hold harmless the City and its officers, officials, agents and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, including any liabilities arising from the legal principles announced in City of Seattle v. Long, by any reason of or arising out of the negligent act or omission of KCLS, its officers, agents, employees, or any of them relating to or arising out of the performance of this Agreement. If a final judgment is rendered against the City, its officers, agents, employees and/or any of them, or jointly against the City and KCLS and their respective officers, agents and employees, or any of them, KCLS shall satisfy the same to the extent that such judgment was due to KCLS’s negligent acts or omissions.

The City, including APD, as an agent of the City, shall indemnify and hold harmless KCLS and its officers, officials, agents and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, including any liabilities arising from the legal principles announced in City of Seattle v. Long, by any reason of or arising out of the negligent act or omission of the City, including APD, as an agent of the City, its officers, officials, agents, employees, or any of them relating to or arising out of the performance of this Agreement. If a final judgment is rendered against KCLS, its officers, officials agents, employees, or jointly against the City and KCLS and their respective officers, agents and employees, or any of them, the City shall satisfy the same to the extent that such judgment was due to the City's negligent acts or omissions.

6. Cooperation with investigations and prosecution. KCLS agrees that its agents and employees will fully cooperate, as legally required, with any police investigation and/or subsequent litigation, or criminal proceeding, that may arise from this Agreement, including appearing in court to testify regarding the Agreement.

7. Severability. If any part of this Agreement is found to conflict with applicable laws, such part shall be inoperative, null and void, but the remainder of the Agreement shall remain in full force and effect.

8. Jurisdiction and Venue. It is agreed that the jurisdiction and venue for this Agreement shall be King County, State of Washington.

9. Signing authority. The persons signing below represent that they have the authority to sign this document on behalf of their respective party and to bind the party to its terms.

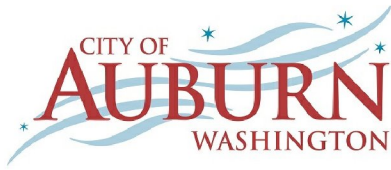
IN WITNESS WHEREOF, the City and KCLS have executed this authorization and Agreement the day and year first above written.

CITY OF AUBURN

KING COUNTY LIBRARY SYSTEM

By: _____
MARK CAILLIER, Chief of Police

By: _____



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5721 (Council)

Date:

May 24, 2023

Department:

City Council

Attachments:

[Resolution No. 5721](#)

[2022 Council Rules of Procedure Revised 5.22.23](#)

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.

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

Meeting Date: June 5, 2023

Staff:

Item Number: RES.D

RESOLUTION NO. 5721

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,
which provided that future amendments would be made by resolution; and

WHEREAS, the City Council most recently revised the Rules of Procedure on
September 19, 2022, Resolution No. 5676; 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 this 5th day of June, 2023.

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.

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. 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 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).]

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

⁴ ACC 2.06.010(B), 2.06.020

⁵ RCW 42.30.020(2)

⁶ ACC 2.06.040; RCW 35A.12.110

- 2.5 **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

- 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, [provided the approval shall be exercised in a manner consistent with ACC 2.03.100](#). 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.
 - 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.

⁷ RCW 42.30.110(1), 42.30.140

- D. **Pledge of Allegiance.** The Mayor, Councilmembers and, at times, invited guests will lead the Pledge of Allegiance.
- E. **Roll Call.** The City Clerk will call the roll.
- 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.
- 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.
- H. **Agenda Modifications.** Changes to the Council's published agenda are announced at this time.
- 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.
- J. **Public Comment.** Members of the public may comment on 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.
- K. **Correspondence.**
- 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.

- 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.
- N. **Unfinished Business.** Unfinished business of a general nature that was considered by Council at a previous business meeting.
- 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 provide the Mayor or Deputy Mayor information regarding the topic of any new business 48 hours prior to the Council meeting.
- 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.

- Q. **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.

- R. **Mayor and Councilmember Reports.** The Mayor and Councilmembers may report on their significant City-related activities associated with 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.

- 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.

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 Mayor, Deputy Mayor, and designated

City staff prior to noon on the day of the meeting. 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 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 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 may use their City cell phones and may only use are prohibited from using cell phones or other personal communication devices in the event of an emergency, and shall not send or receive and read e-mails, text messages, or any

other social media postings. [All cell phones must remain on silent for the duration of the meeting.](#)

- 4.5 **Deportment.** 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 deportment 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.
- 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.

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.

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.

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.

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.
- 8.14 Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).
- 8.15 Debate of the motion only occurs after the motion has been moved and seconded.
- 8.16 The presiding officer, City Attorney or City Clerk should repeat the motion prior to voting.
- 8.17 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.

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

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.

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 speaking times included on the agenda.

- 10.2 Persons or groups that 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.
- 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:
1. failing to comply with an allotted speaking time;
 2. committing acts of violence or property destruction;
 3. directly or indirectly threatening physical violence against anyone attending the meeting;
 4. 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

⁸ RCW 42.30.050

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.
 - 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.
- 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 to serve the remainder of the term. If the appointment is declined the process shall continue until a Deputy Mayor is designated.
- 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.

[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.

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.

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 (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.⁹

1. Call to Order.

⁹ It is the intention of the City Council that Study Sessions shall be televised on the City's public access channel if reasonably possible.

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

- C. Electronic Communications.

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. 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.
6. 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.

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) an 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 19, 2022