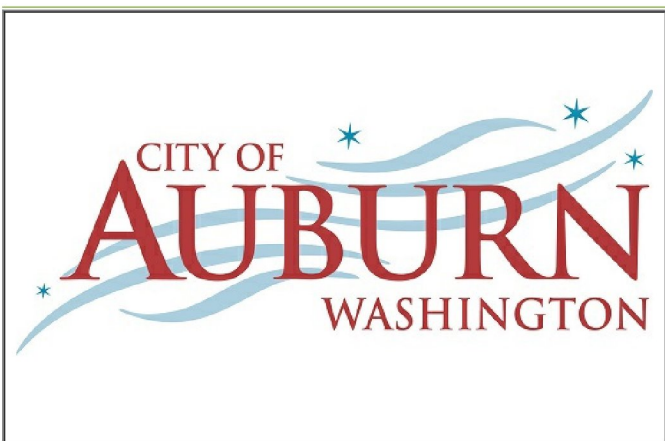


	City Council Study Session Finance, Technology and Economic Development Special Focus Area May 8, 2023 - 5:30 PM City Hall Council Chambers AGENDA Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
---	---

I. CALL TO ORDER

II. PUBLIC PARTICIPATION

A. Public Participation

The Auburn City Council Study Session Meeting scheduled for Monday, May 8, 2023 at 5:30 p.m. will be held in person and virtually.

Virtual Participation Link:

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

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

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

Telephone: 253 215 8782

Toll Free: 877 853 5257

Zoom: <https://us06web.zoom.us/j/87880204531>

B. Roll Call

III. AGENDA MODIFICATIONS

IV. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

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

B. King County Solid Waste RE+ Presentation (Thomas) (20 Minutes)

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

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

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

C. Ordinance No. 6907 Option A (Council)

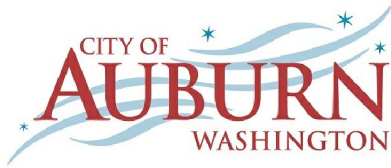
An Ordinance relating to the Salary and Employment Benefits of the City Mayor Position, amending Auburn City Code Sections 2.03.020, 2.63.120 and 2.63.160, and providing (in a non-codified section) Employment Benefit Payment Terms for the current City Mayor

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

VII. 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:

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

Date:

May 2, 2023

Department:

Finance

Attachments:

[WM2022 Update Presentation](#)

Budget Impact:**Administrative Recommendation:**

For information only.

Background for Motion:**Background Summary:**

The City of Auburn and Waste Management (WM) entered into a new contract on October 1, 2021. This presentation is a summary of the services WM provided in 2022 – the first full year of the new contract in which WM is the solid waste provider for the entire City, serves as the City's billing agent, and coordinates the customer service.

Reviewed by Council Committees:

Councilmember: Baldwin

Staff:

Thomas

Meeting Date: May 8, 2023

Item Number:

2022
ANNUAL REPORT
AUBURN



WM is a Proud Contributor to the Auburn Community

Your community is our community, too! In 2022, WM contributed more than \$26,500 through membership, sponsorships, and in-kind services to Auburn events and organizations, including:

- The Auburn Food Bank
- Auburn Kids Day
- Clean Sweep
- 4th of July Festival
- Green4Good Grants
- Auburn Area Chamber of Commerce



"IT is our focus on customer service and doing the right thing all the time that keeps our team engaged and our drivers working to provide safe and efficient services. It is our privilege to serve the Auburn community and we look forward to our continued partnership!"

Jason Shea

District Manager
WM South Sound hauling site

Left to Right: Debbie Christian, The Auburn Food Bank; Auburn Mayor Nancy Backus; WM Public Sector Manager, Laura Moser.



WM Litter Crew Collected

City Street Cans – 3,345

Roadside litter bags – 3,749

Tires – 244

Bulky Items – 822

Biohazards – 4

Sharps – 501

Garbage Tons – 65.96

Bulky Tons – 99.34



Education & Outreach with Commercial Customers

Our 2022 outreach focused on informing businesses about local recycling guidelines and providing contamination and waste reduction education. Our recycle drivers provided WM Recycle Corps interns 180 commercial customers that would benefit from additional recycling education to help reduce contamination. Our interns visited each of these businesses and offered 1:1 technical assistance.

Ashton, WM Recycle Corps intern, visited local Rite Aid in Auburn and offered waste sorting guides and education.



WM Outreach and Education representative, Shannon Brennan, and Amy Campbell, Printco project manager, celebrated Printco's recycling success with a Recycling All Stars pizza party.

Recycling All Stars Program Highlights

At the start of our 2021 contract, WM implemented a contamination reduction program including the Recycling All Stars annual incentive reward for our residential, multifamily, and commercial customers. Recycling All Stars program rewards customers who reduce contamination over a three-month period. Here is how it works:

WM recycle drivers identified customers with excessive contamination. Our outreach team worked with these customers to increase the Auburn acceptable recyclable items and decrease contamination. The customers who showed the most behavior change received rewards. In 2022:

- **Five residential customers received one month of free service**
- **4 Lakes Apartments received a WM hosted pizza party**
- **Printco and Starbucks each received a WM hosted pizza party**

WM Recycle Corps Interns Hit the Ground Running

- WM Recycle Corps interns visited 180 Auburn businesses.
- During site visits, WM Recycle Corps interns gathered information and conducted visual waste audits.
- Visual Waste Audit Results:
 - 43% (33) received a good score.
 - 51% (39) received an average score.
 - 6% (5) received a below average score
- Recyclable plastic and cardboard were the two most common recyclables in business garbage containers.
- Loose plastic bags and bagged materials were the contaminants most found in business recycle containers.



2022 WM Recycle Corps interns.

The WM Recycle Corps is a program ideally suited for the Puget Sound. Cities and counties across the region are the vanguard for sustainability leadership and innovation. The WM internship program is an innovative and effective way for WM to help cities and counties achieve their sustainability goals, one face-to-face conversation at a time.



Anna and Marko, WM Recycle Corps interns, greeted and directed Auburn residents at our Recycle Right collection events.

WM Recycle Right Collection Events

In the City of Auburn, WM hosted two city-wide recycling events for Auburn residents. Annually, residents may safely and sustainably dispose of hard to recycle items such as foam, textiles and electronics. Events in 2022 were a great success and were held at:

- **Rainier Middle School:** On Saturday, July 2, 2022, WM collected 3,335 pounds of recyclable items.
- **Evergreen Heights Elementary School:** On August 13, 2022, WM collected 5,765 pounds of recyclable items.

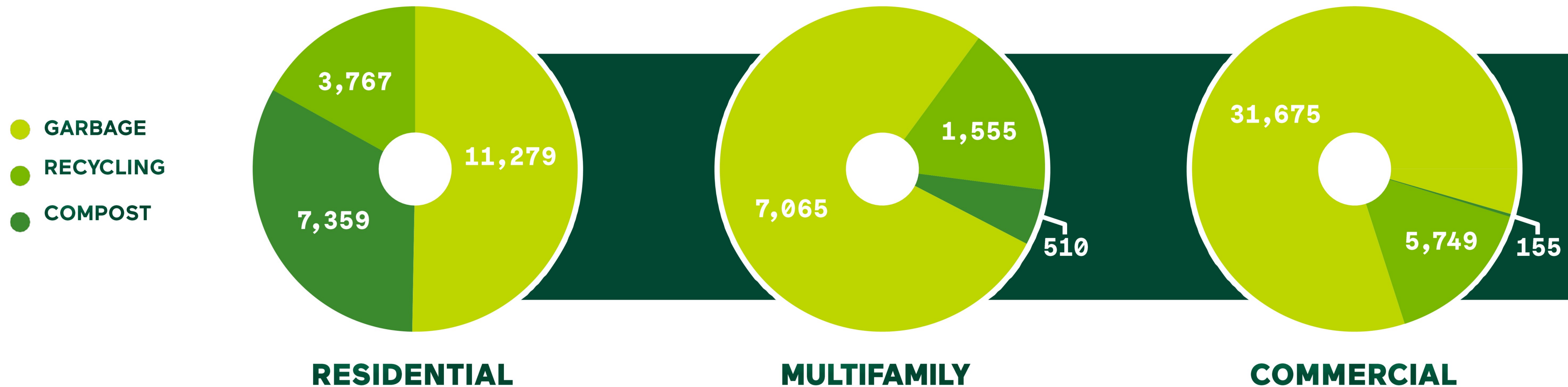


City of Auburn consultant, Kim Ducote, and WM driver, Paul Jones, ended Auburn Kid's Day.

Community Engagement and Education

WM staff and interns attended and tabled at events this summer to engage with the community and answer recycling questions. In June, WM outreach staff co-hosted a booth with the city's recycling education and outreach consultant, Kim Ducote, for Auburn Kid's Day. During the event, Auburn families played games, asked questions and received education outreach materials. On August 2nd, our Recycle Corps interns, along with a WM collection truck and driver, visited multiple neighborhoods and multifamily properties for Auburn's National Night Out. Families had the opportunity to sit in the cab of our collection truck and learned more about ways to recycle and live more sustainably.

Auburn Waste Stream 2022 (in tons)



Average Diversion Rates

The diversion rate is the percentage of total collected material that is not taken to a landfill, thus diverted for recycling, composting, reuse, and repurpose. Diverted material is typically delivered to a recycling or composting facility for processing.

COMMERCIAL 15.7%

MULTIFAMILY 22.6%

RESIDENTIAL 49.7%

WM Invests \$56M in Recycle Center Upgrades

- Cascade Recycling Center (CRC) and JMK Fibers Recycling Center (JMK) are WM's local sorting facility which separates commingled recyclables to prepare them for a second— or even a 10th— life.
- On America Recycles Day 2022, WM announced a \$56 million investment in recycling technology across Washington state to increase diversion and lower contamination through advanced technology.
- For JMK, this included a \$7 million investment, following significant upgrades in 2019 which brought additional paper screens, optical sorters, and a second plastic sorter.
- November 2022, the CRC began a major upgrade to increase diversion and lower contamination through advanced technology, such as the installation of new additional optical sorters. The upgrade will take place over several months. While CRC is closed, material collected will be processed at JMK.



WM employees sorting materials at the CRC.

Recycle Center Virtual Tours

WM offers quarterly virtual tours for our city partners and the public.

Tours are meant to show an example of a recycling center and is not specific to a particular city.

To register for the next tour April 28, visit our local website:

<https://www.wmnorthwest.com/recyclingcenters/virtualtour.htm>

See inside a WM recycling center

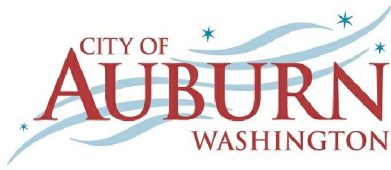


Register for a free virtual tour
Friday, April 28th at 12pm



Thank you
AUBURN





AGENDA BILL APPROVAL FORM

Agenda Subject:

King County Solid Waste RE+ Presentation (Thomas) (20 Minutes)

Date:

May 2, 2023

Department:

Finance

Attachments:

[Re+ Pledge](#)

[Re+ City Presentation](#)

Budget Impact:**Administrative Recommendation:**

For information only.

Background for Motion:**Background Summary:**

The King County Solid Waste Division recently launched RE+, their initiative to reinvent the region's waste management to keep valuable materials in the economy, create green jobs, and cut greenhouse gas emissions. King County's ultimate goal is to have every City in King County to commit to the RE+ pledge.

Reviewed by Council Committees:

Councilmember: Baldwin

Staff:

Thomas

Meeting Date: May 8, 2023

Item Number:



Re+ Pledge

Climate Change is an urgent challenge, with far-reaching current and future impacts to our environment, public health, and economy. King County's Re+ program aims to divert recoverable material from the landfill which will reduce greenhouse gas emissions and contribute to a circular economy. Based on the 2019 Waste Characterization study up to 70% of what ends up in our landfill could be composted, reused and recycled. Reclaiming these items and repurposing them through recycling or composting will help us reach King County's zero waste goals.

Implementing Re+ will ensure that we are keeping true to our commitments to reduce climate impacts, conserve resources, and create a healthier environment for our communities by keeping valuable materials out of the landfill and in use as long as possible.

Re+ is a roadmap for making that change.

Our approach aims to reinvent the current waste management system to be more resilient, equitable, and cost-effective through strategies necessary to meet our 2030 goal of zero food waste and zero waste of reusable resources.

Key actions include identifying new ways of processing organics and recycling, developing recycling markets for organics, paper and plastic, and a community panel to engage historically underrepresented and adversely impacted community members to help guide future outcomes. These new markets will create local jobs in the private sector, help build the green economy and ensure a just and equitable impact on the members of our community.

Re+ builds on the important work that many of our partners, including cities, the Port of Seattle, businesses, non-profits, community members, and the County are already doing to reduce contributions to climate change.

WHEREAS, climate change is an urgent challenge, with far-reaching current and future impacts to our environment, public health, and economy; and

WHEREAS, greenhouse gas (GHG) emissions generated globally from the production, transport, use, and disposal of goods, foods, and services consumed in King County are a major part of our communities' climate footprint and are more than locally generated GHG emissions; and

WHEREAS, King County and K4C partners are measuring, reporting, and developing new strategies to reduce consumption-related GHG emissions; and

WHEREAS, supporting the Re+ effort will help focus our joint effort and responsibility to make progress toward reducing local GHG emissions by increasing waste prevention and recycling, laying the foundation for developing a circular economy; and

WHEREAS, we recognize that the success of Re+ will require collaboration between King County, local jurisdictions, tribes, businesses, community-based organizations, and others; and

WHEREAS, the Re+ Program is consistent with, consolidates, and accelerates progress towards achieving the approved goals and strategies of the 2020 Strategic Climate Action Plan, the 2019 Comprehensive Solid Waste Management Plan, and the Joint Climate Action Commitment of the King County Cities Climate Collaborative (K4C) in relation to the County's zero-waste goals; and

WHEREAS, we will work with the County to identify ways to enhance our efforts to achieve the vision of Re+ with implementation support from the County including competitive grants, model language for countywide program and policy implementation, and technical support; and

WHEREAS, as a core component of this important work we must engage in ways that are fair, equitable and inclusive for those who are historically under-represented and have been disproportionately impacted by the status quo in our communities.

Now, therefore, we pledge our support for the shared vision that Re+ represents and look forward to collaborating to see this vision become reality.

Signed this _____ day of _____, _____ by

Name, Title

on behalf of

Jurisdiction



King County

Department of
Natural Resources and Parks
Solid Waste Division

Mission

Reducing single use items
Reusing everything that can be
Recycling what's left
Renewing communities
Rethinking what's possible

Vision

Healthy, safe, and thriving communities
in a waste-free King County

Alternate Formats Available
206-477-4466 • TTY Relay 711

Re



King County

Department of
Natural Resources and Parks
Solid Waste Division

Waste
Prevention

Resource
Recovery

Waste
Disposal

King County Solid Waste Division

City of Auburn – May 8, 2023



Mission

Reducing single use
Reusing everything that can be
Recycling what's left
Renewing communities
Rethinking what's possible

Vision

Healthy, safe, and thriving communities
in a waste-free King County

Re+ is a call to action

Strategic Climate Action Plan

1.3.3 - The Department of Natural Resources and Parks (...) shall achieve at minimum net carbon neutrality on an annual, ongoing basis

5.1.1 - Deliver zero waste of resources plan (ZWORP)

5.1.3 - Zero food waste in landfill in 2030

KC County Code

10.14.020 County goals.

It is King County's goal to achieve zero waste of resources by 2030 through maximum feasible and cost-effective prevention, reuse and reduction of solid wastes going into its landfills and other processing facilities.

KC Equity and Social Justice Strategic Plan

Vision: A King County where all people have equitable opportunities to thrive.

"(O)ur investments (...) should assess and address disproportionate environmental burdens and promote the equitable access to environmental benefits and resulting economic opportunities."

K4C Commitment

Develop a regional strategy through the adopted 2019 Comprehensive Solid Waste Management Plan to reach zero waste of resources by 2030

Comprehensive Solid Waste Management Plan

Several policies and actions in the Comp Plan support Re+ actions

Re+ Launched

- Plan launched in November
- Media event in February
- Re+ community panel appointed
- \$2.3 million Circular Economy grants
- 15 seed 'renew' grants finalized
- 13 City Re+ pledges signed
- NextCycle accelerator launched
- Mixed Waste Processing pilot launched
- WA Organics Legislation passed 2022
- Food scraps policy survey launched
- City Grant Program is Live



Initiative launched to reinvent region's waste system



King County launches sweeping plan to 'reinvent the region's waste system,' cut carbon emissions
King County's new Re+ initiative looks to recover nearly 70% of materials being sent to its landfill, which is expected to hit capacity by 2040.

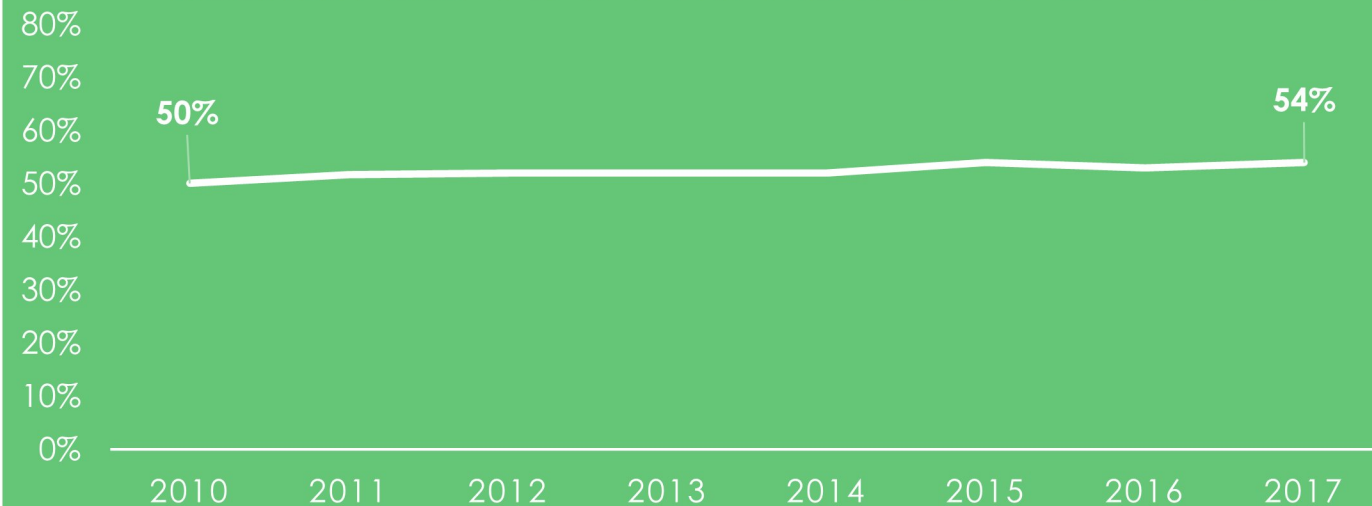
Where is King County leading?

- Curbside collection of non-organic recyclables
- C&D Recycling
- Yard waste collection

Where is King County lagging?

- Weekly organics & recycling collection
- Extended Producer Responsibility
- Banning food waste heading to landfill

RECYCLING RATES HAVE REMAINED RELATIVELY FLAT FOR NEARLY A DECADE



Re+ Fast Start Actions

Plastic & Paper (26%)

- WRAP Act / Extended Producer Responsibility Legislation

Organics (28%)

- Single Family Collection
- Non-Residential Food Waste Recycling
- Organics Legislation

Community

- Community Panel
- City/County Collaboration
- Re+ City Grants

- Mixed Waste Processing
- Circular Economy Grants

- NextCycle WA

Surveys and More

Countywide Re+ Polling

- Completed during the Summer of 2022

Organics Survey

- Launched a survey countywide on February 22 (open through April 30)

Comprehensive Plan

- Initiated internal work

Washington State Legislature

- HB 1131, WRAP Act Failed, Battery EPR Bill Passed

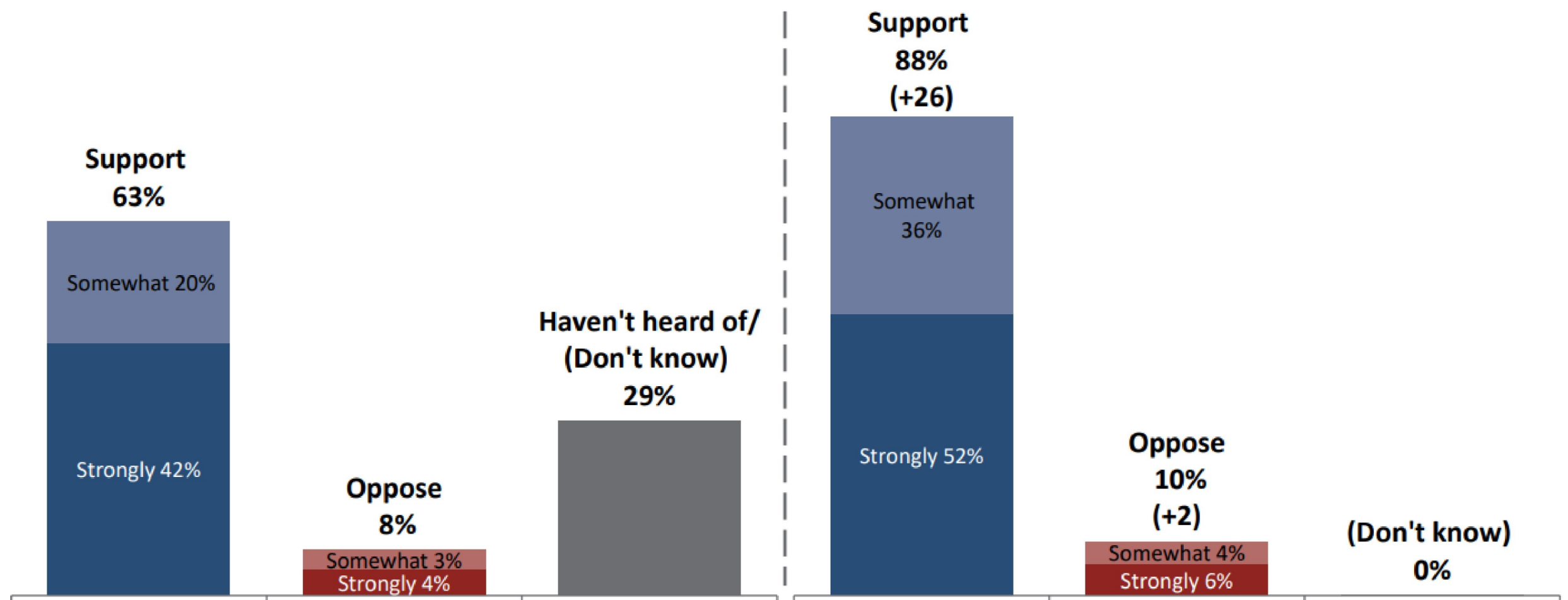
Re+ Grants

- Circular Economy grant award winners announced Monday
- City grants launched 4/25, open until June. *Pledge required for eligibility**



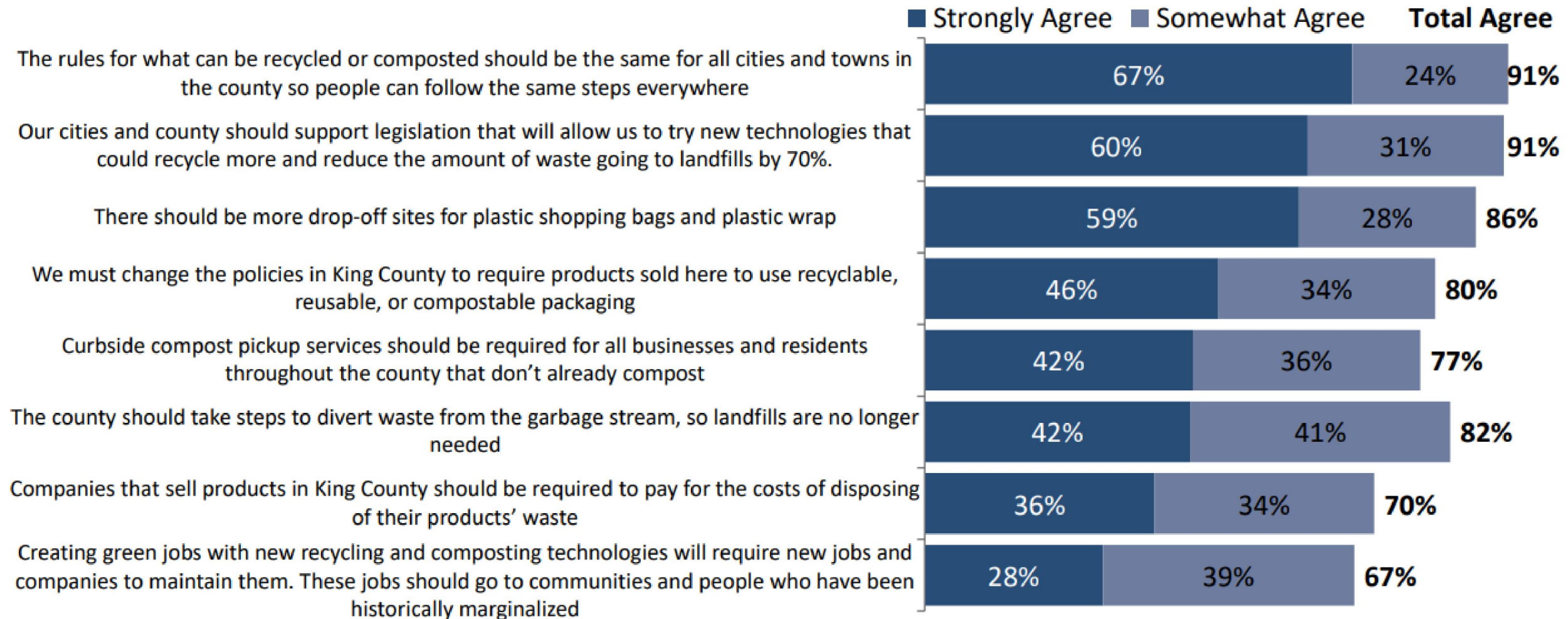
Support After Program Components

After providing additional information about the Re+ program, support for Re+ increases to nearly 90%.



RE+ Program Statements Test

At least two-thirds agree with all of these statements, indicating general support for the Re+ concept on a wide range of potential program elements.



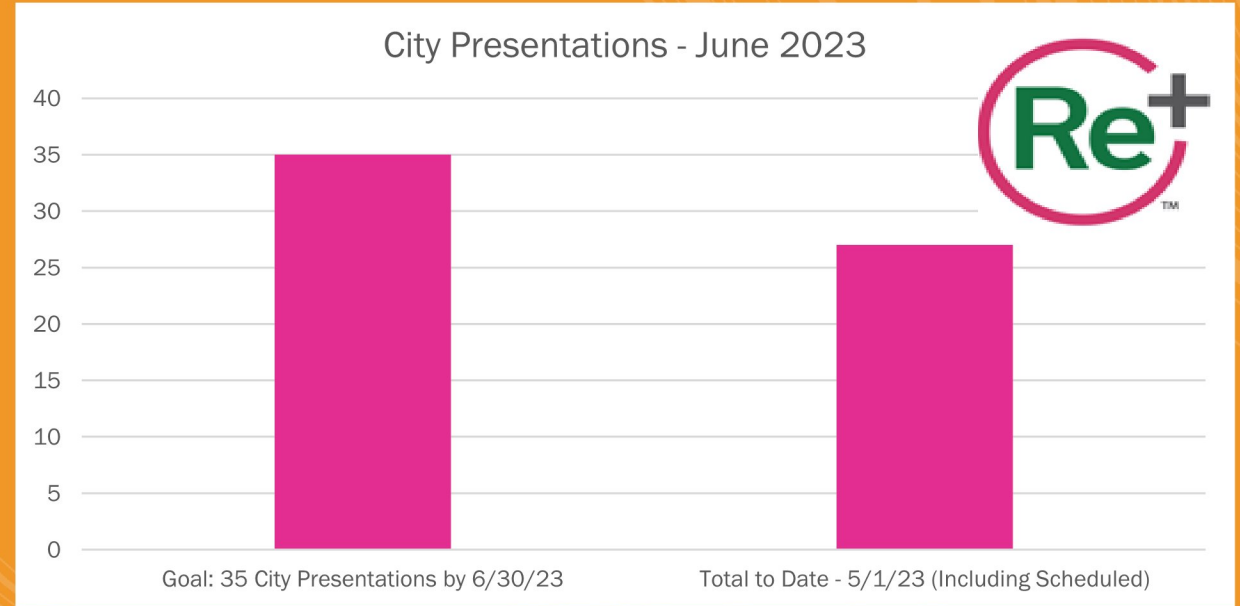
Re+ City Presentations

Completed:

- Carnation+
- Covington
- Clyde Hill +
- Duvall
- Issaquah
- K4C
- Kent
- Medina
- Mercer Island
- Newcastle+
- Renton
- Sammamish
- Shoreline +
- Snoqualmie +
- Woodinville +
- Lake Forest Park
- Maple Valley
- Yarrow Point
- Normandy Park
- Kirkland
- Maple Valley
- Normandy Park
- Bothell
- Kenmore
- Pacific
- Enumclaw

Scheduled:

- Redmond
- Auburn ★



Cities Not Yet Scheduled:

- Algona
- Beaux Arts Village
- Bellevue
- Black Diamond
- Des Moines
- Federal Way
- North Bend
- SeaTac
- Skykomish
- Tukwila

What Can Cities Do to Help?

Sign the Re+ Pledge!



Re+ Pledge

Climate Change is an urgent challenge, with far-reaching current and future impacts to our environment, public health, and economy. King County's Re+ program aims to divert recoverable material from the landfill which will reduce greenhouse gas emissions and contribute to a circular economy. Based on the 2019 Waste Characterization study up to 70% of what ends up in our landfill could be composted, reused and recycled. Redefining these items and repurposing them through recycling or composting will help us reach King County's zero waste goals.

Implementing Re+ will ensure that we are keeping true to our commitments to reduce climate impacts, conserve resources, and create a healthier environment for our communities by keeping valuable materials out of the landfill and in use as long as possible.

Re+ is a roadmap for making that change.

Our approach aims to reinvent the current waste management system to be more resilient, equitable, and cost-effective through strategies necessary to meet our 2030 goal of zero food waste and zero waste of reusable resources.

Key actions include identifying new ways of processing organics and recycling, developing recycling markets for organics, paper and plastic, and a community panel to engage historically underrepresented and adversely impacted community members to help guide future outcomes. These new markets will create local jobs in the private sector, help build the green economy and ensure a just and equitable impact on the members of our community.

Re+ builds on the important work that many of our partners, including cities, the Port of Seattle, businesses, non-profits, community members, and the County are already doing to reduce contributions to climate change.

WHEREAS, climate change is an urgent challenge, with far-reaching current and future impacts to our environment, public health, and economy, and

WHEREAS, greenhouse gas (GHG) emissions generated globally from the production, transport, use, and disposal of goods, tools, and services consumed in King County are a major part of our communities' climate footprint and are more than locally generated GHG emissions, and

WHEREAS, King County and KAC partners are measuring, reporting, and developing new strategies to reduce consumption-related GHG emissions, and

WHEREAS, supporting the Re+ effort will help focus our joint effort and responsibility to make progress toward reducing local GHG emissions by increasing waste prevention and recycling, laying the foundation for developing a circular economy, and

ion
ns,

istent
ived
19
ment
s
n to

Mission
Reducing single use items
Reusing everything that can be
Recycling what's left
Renewing communities
Rethinking what's possible

Vision
Healthy, safe, and thriving communities
in a waste-free King County

ity to identify ways to enhance our efforts to achieve the
sport from the County including competitive grants, model
f policy implementation, and technical support, and

this important work we must engage in ways that are
who are historically under-represented and have been
tus quo in our communities.

it for the shared vision that Re+ represents and look
ion become reality.

_____, _____ by

Name, Title

on behalf of

Jurisdiction



Alternate Formats Available
206-477-4466 • TTY Relay 711



Shoreline

Woodinville

Clyde Hill

Snoqualmie

Carnation

Newcastle

Kirkland

Kenmore

Bothell

Lake Forest Park

Issaquah

Covington

Maple Valley



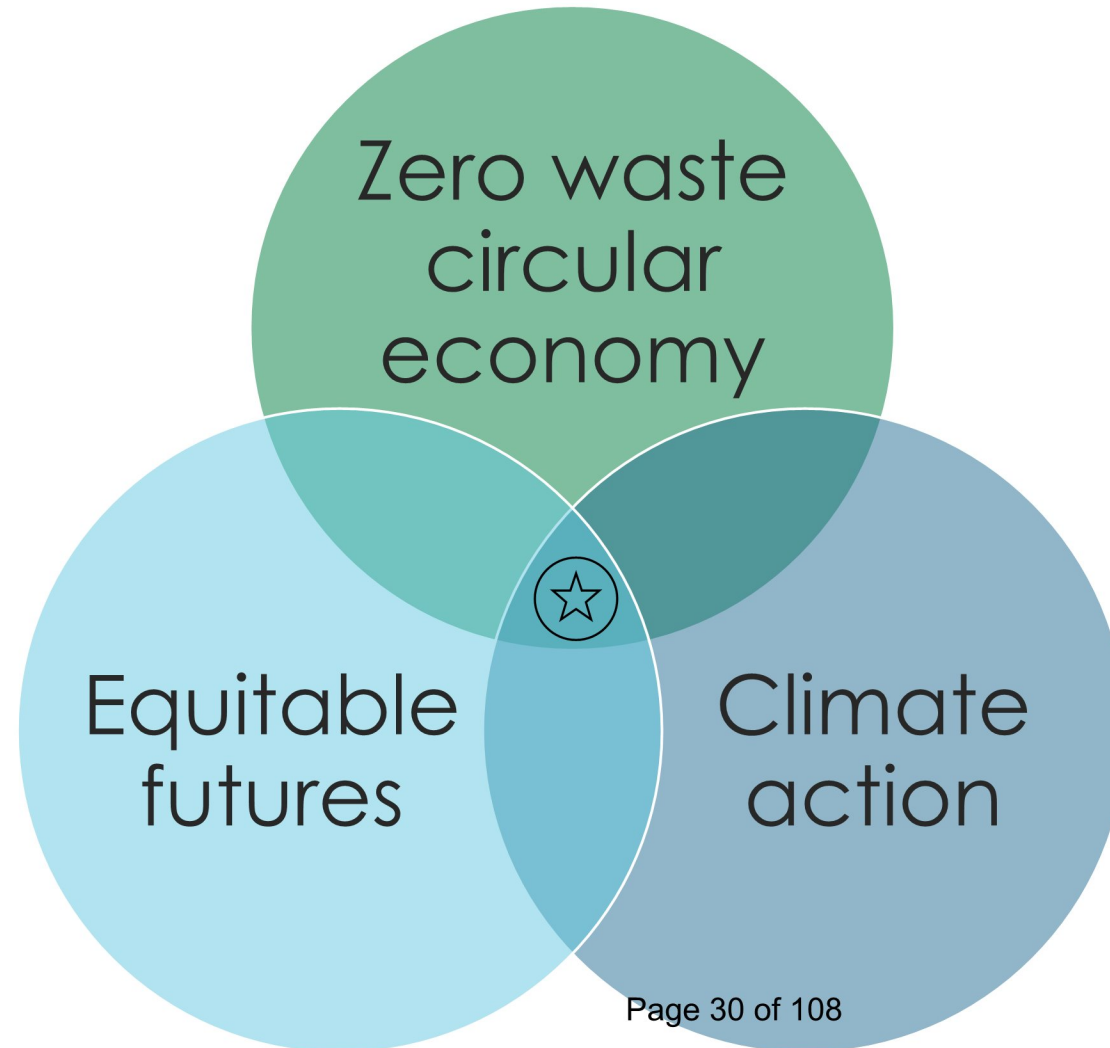
Why Sign the Pledge?

- City Re+ Grant Eligibility (*Grant Opens April 25th*)
- It aligns with King County K4C, C-SWMP, SCAP and more
- Shows an alignment of goals
- Will provide new opportunities for city/county coordination
- Demonstrates your commitment of zero-waste to the community
- Brings focus on to key elements contributing to climate change
- ...and more!

Re+ City Grant Background

- For 20+ years SWD has provided a ~\$2 million Waste Reduction and Recycling (WRR) grant program for King County cities
- WRR funds are allocated based on population and number of employees
- WRR projects must be tied to the Comp. Solid Waste Management Plan
- New Re+ City Grant program is part of our strategy to fund more innovative waste reduction and recycling efforts

Commitment to equity & social justice



Grant overview

- Competitive funding for King County cities that have signed the Re+ pledge
- Cities are encouraged to work together on joint projects
- \$300,000 available over the 2023-24 biennium
- Awards range from \$20,000-\$50,000 (\$100,000 for joint proposals)
- Projects should be completed by December 31, 2024

Grant focus

- Re+ priority materials
 - Paper
 - Plastics
 - Organics (food waste, yard waste, and wood)
- Focus areas
 - Prevention and reuse
 - Recycling
 - Equity and social justice



Grant Timeline

- Request for applications: April 25-June 1 at 3 p.m.
- Final day to submit questions: May 29 at 3 p.m.
- Evaluation and award recommendations: June
- Award notifications: early-July (tentative)
- Contract negotiation: mid-July onward

Note: Projects may begin after award notifications. Reimbursements cannot be processed until the contract is signed.

Reducing Rate Volatility

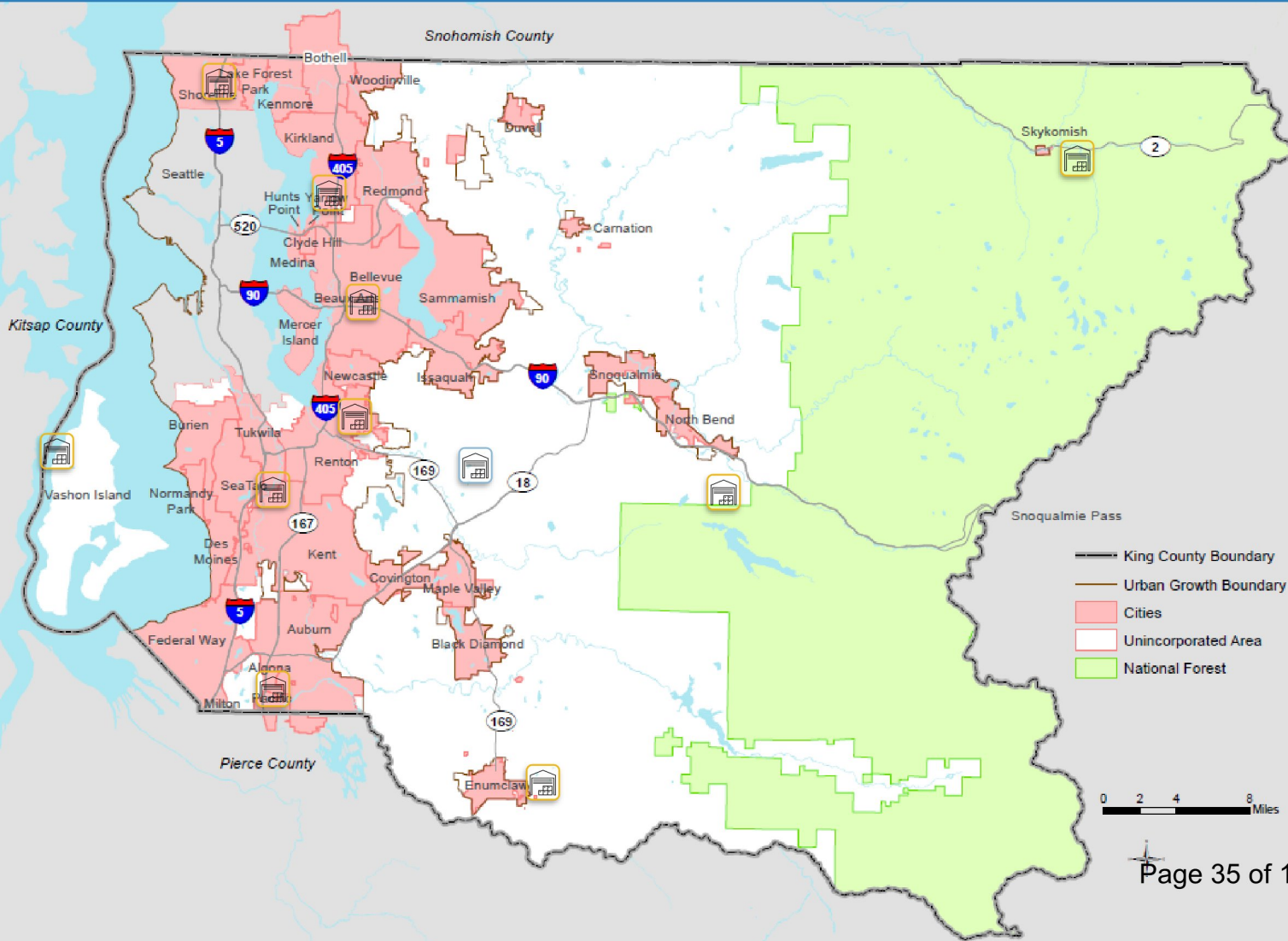
Rate Restructure



King County

Department of
Natural Resources and Parks
Solid Waste Division

King County's (KC) MSW system serves 37 cities and unincorporated areas



Mission: We bring the best people together to deliver value to our customers and stakeholders and continuously improve waste prevention, resource recovery, and waste disposal.

Vision: Achieve zero waste of resources and enhance the environment through collaboration and innovation.

KC's Re+ program reduces revenue, so a new rate structure is needed



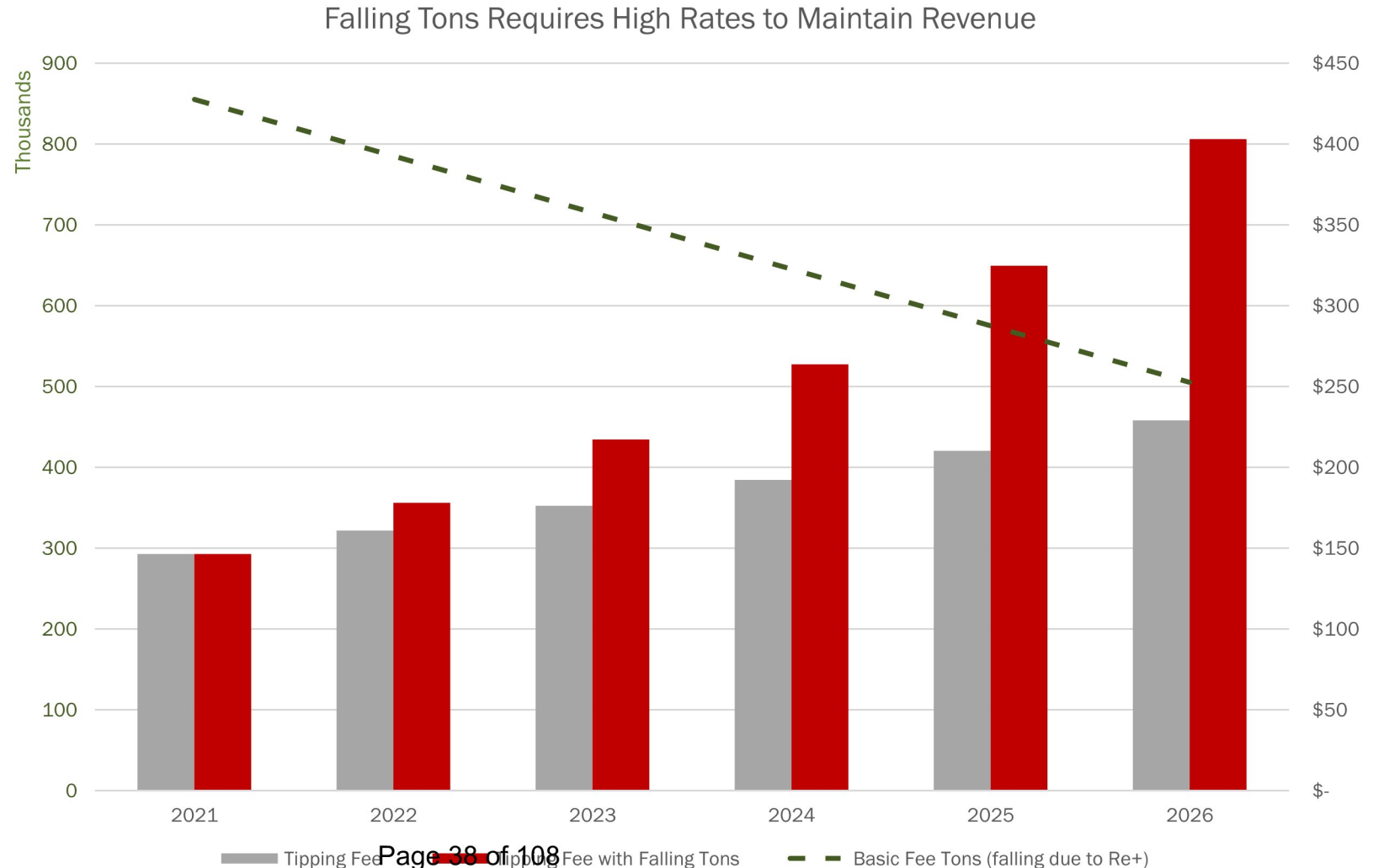
- Under previous rate structure, as we reduce waste and divert more resources via recycling, revenue would be reduced making it difficult to fund core services.
 - 90% of SWD revenues come from waste disposal
 - Re+ goal is to reduce disposal tons by 70%
 - The majority of SWD costs are largely fixed
- A fixed revenue stream will reduce volatility in rate increases caused by lower tonnage associated with increased recycling or economic downturns.

Public Utility Rates Often Address Competing Priorities

- Financial Sustainability: Utilities must build, maintain, and replace infrastructure
 - Replacing aging assets consistently #1 issue reported by public utilities
- Encourage Conservation through rate design
- Equitable Rates based on the cost to provide service
- Transparency and Simplicity to ensure rates are easy to understand and administer

As Tonnage Drops, Rates Rise

If disposal tons dropped from 883K¹ to 500K tons by 2026, the tipping fee would need to nearly double to generate the same amount of revenue.



¹ 883K tons is the current 2026 forecast for basic (tipping) fee tons assuming no tonnage reduction from Re+ actions.

Industry standard for utility rate setting includes three key steps

1

Revenue Requirement: Total amount of money the County must collect to pay expenditures to provide services while also meeting its financial requirements (e.g., debt service, financial reserves)

2

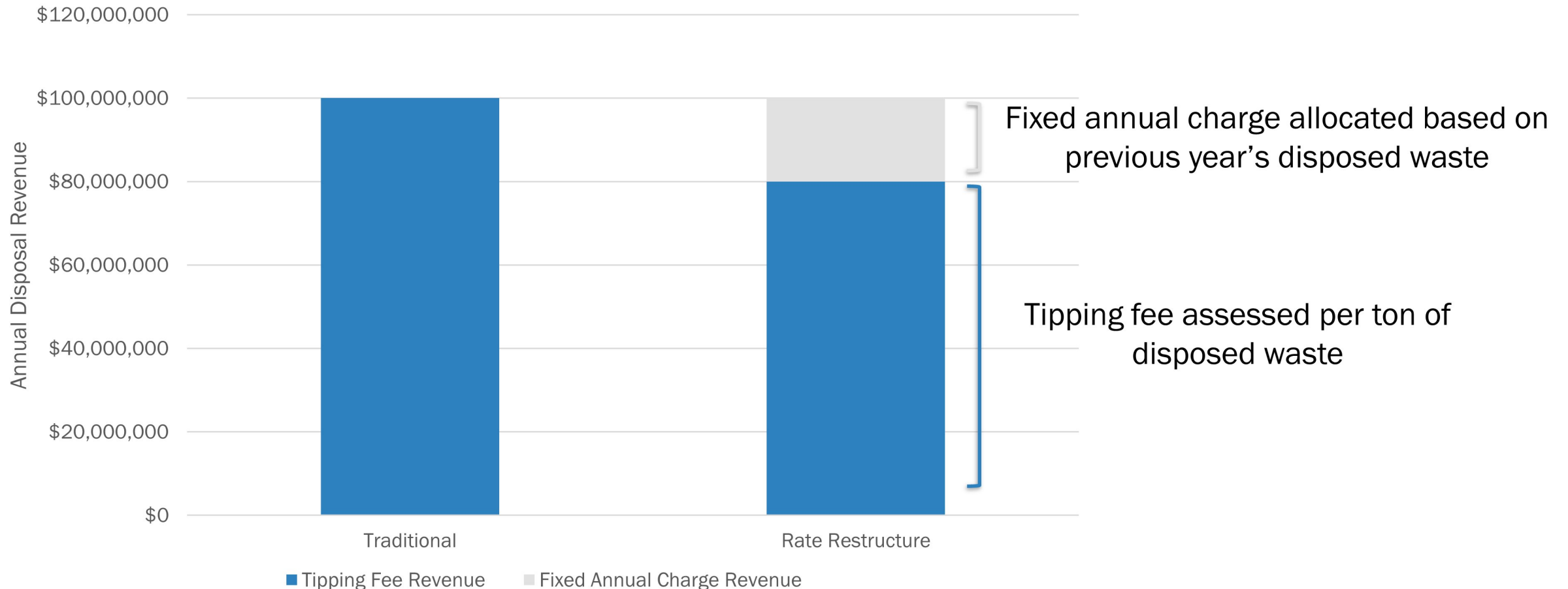
Cost of Service: The equitable allocation of the revenue requirement to the County's customer classes (e.g., commercial haulers, self-haulers) in proportion to the demands they place on the system.

3

Rate Design: A rate structure (fixed and variable charges) assessed to customers that will generate sufficient revenue, be reasonably commensurate with the cost to provide service, and support non-financial objectives.

Rate
Restructure

Traditional Tipping Fee versus Fixed Annual Charge/Tipping Fee Structure



KC chose the 'FAC' based primarily on stakeholder feedback

- ☑ Preferred by a majority of stakeholders over other options
- ☑ Does not shift disposal costs to other cities
- ☑ Maintains incentives to divert waste
- ☑ Easiest to calculate
- ☑ Meets revenue stability and neutrality goals

Implementing a new rate structure presents a variety of challenges

- City/Hauler Contract Updates
 - Most contracts will need to be updated to incorporate the Fixed Annual Charge as it is not currently part of the formula for charging customers
- Billing Systems
 - Cities that do waste billing (instead of hauler) may need to update their billing system
- Data Systems
 - Ensuring data, especially tonnage data, is reliable across systems and throughout the service area is key
- Communications
 - The new structure and related contract changes may require educational materials be sent out to waste customers

Thank You!

For additional information please contact:

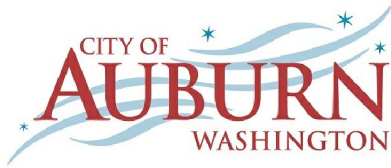
Amy Ockerlander

King County Solid Waste Division

Government Relations

aockerlander@kingcounty.gov

(206) 263-6701



AGENDA BILL APPROVAL FORM

Agenda Subject:

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

Department:

Community Development

Attachments:

[Presentation](#)

Date:

May 2, 2023

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For discussion only.

Background for Motion:**Background Summary:**

There are a variety of federal and state regulations that define the procedures for changing local land use laws and the parameters within which we must work. This presentation will provide a high-level overview of the process, complexity, and resource commitment associated with changing local land use laws.

Reviewed by Council Committees:

Councilmember: Brown

Staff:

Tate

Meeting Date: May 8, 2023

Item Number:

COMMUNITY DEVELOPMENT

AN OVERVIEW OF WHAT IT TAKES TO CHANGE A LOCAL LAND USE LAW

JEFF TATE, DIRECTOR
CITY COUNCIL STUDY SESSION
MAY 8, 2023

Department of Community Development
Planning • Building • Development Engineering • Permit Center
Economic Development • Community Services • Code Enforcement

AUBURN
VALUES

S E R V I C E
E N V I R O N M E N T
E C O N O M Y
C H A R A C T E R
S U S T A I N A B I L I T Y
W E L L N E S S
C E L E B R A T I O N

WHAT ARE LAND USE REGULATIONS

- **Zoning Designations**
 - Permitted Uses
 - Development Standards (setbacks, landscaping, parking, signs, illumination, design, etc.)
- **Subdivision REgulations** (formal plats, short plats and boundary line adjustments)
- **Grading and Land Clearing**
- **Critical Environmental Areas**
- **Shorelines**
- **Floodplains**
- **Building Codes**

SERVICE • ENVIRONMENT • ECONOMY • CHARACTER • SUSTAINABILITY • WELLNESS • CELEBRATION

LAWS THAT GOVERN LOCAL LAND USE LAWS AND THE PROCESS TO CHANGE THEM

- The Growth Management Act (RCW 36.70A)
- Regulatory Reform Act (RCW 36.70B)
- The Shoreline Management Act (RCW 90.58 and WAC 173-27)
- State Environmental Policy Act (RCW 43.21C and WAC 197-11)
- Best Available Science Criteria (WAC 365-195)
- State Subdivision Laws (RCW 58.17)
- FEMA Floodplain Regulations (Federal)
- Endangered Species Act (Federal)
- Clean Water Act (Federal)
- And Others...

SERVICE • ENVIRONMENT • ECONOMY • CHARACTER • SUSTAINABILITY • WELLNESS • CELEBRATION

WHAT IT TAKES TO CHANGE A LAW

- Research options
- Write the law
- Evaluate policy impacts/internal coordination
- Prepare staff report
- Present to Planning Commission
- Prepare SEPA Checklist
- Prepare and Post Public Notice
- Initiate 60 Day State Agency Review
- PC holds Public Hearing
- Respond to public inquiries and comments
- Respond to state agency inquiries
- Respond to tribal inquiries
- Respond to Planning Commission questions
- Revise draft regulation
- Prepare staff report explaining changes

SERVICE • ENVIRONMENT • ECONOMY • CHARACTER • SUSTAINABILITY • WELLNESS • CELEBRATION

WHAT IT TAKES TO CHANGE A LAW

- Present changes to Planning Commission at public meeting
- Prepare written planning commission findings
- Prepare agenda bill and packet for city council study session
- Present Planning Commission recommendation to Council
- Prepare agenda bill for City Council action
- Write cover ordinance
- Distribute adopted ordinance to interested parties
- Publish ordinance
- Incorporation into full city code

SERVICE • ENVIRONMENT • ECONOMY • CHARACTER • SUSTAINABILITY • WELLNESS • CELEBRATION

SAMPLE CHANGE IN REGULATIONS – SIMPLE

- **Current Regulation**

- “The rear yard setback for a single family residence is **10** feet”

- **Proposed Regulation**

- “The rear yard setback for a single family residence is ~~10~~**5** feet”

- **180 hours of labor**

- **270 days of process**

SERVICE • ENVIRONMENT • ECONOMY • CHARACTER • SUSTAINABILITY • WELLNESS • CELEBRATION

SAMPLE CHANGE IN REGULATIONS – COMPLEX

- **Current Regulation**

- Land use laws that are silent on the regulation of marijuana related businesses

- **Proposed Regulation**

- Create zoning, land use, and licensing regulations for marijuana producers, processors, and retailers

- **Response to Changing State Laws**

- **1,500 hours of labor**

- **15 months**

SERVICE • ENVIRONMENT • ECONOMY • CHARACTER • SUSTAINABILITY • WELLNESS • CELEBRATION

SAMPLE CHANGE IN REGULATIONS – COMPLEX

- **Current Regulation**

- Traditional housing regulations that govern lot size, density, and types of allowable uses

- **Proposed Regulation**

- Incorporation of HB 1110 Missing Middle legislation into Auburn City Code

- **2,000 hours of labor**

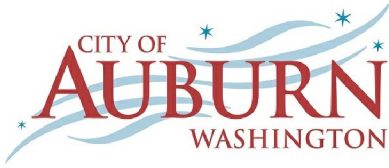
- **24 months**

- **Have a head start on this due to proactive Housing Action Plan and staff efforts are already underway**

SERVICE • ENVIRONMENT • ECONOMY • CHARACTER • SUSTAINABILITY • WELLNESS • CELEBRATION

Questions?

SERVICE • ENVIRONMENT • ECONOMY • CHARACTER • SUSTAINABILITY • WELLNESS • CELEBRATION



AGENDA BILL APPROVAL FORM

Agenda Subject:

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

Date:

May 2, 2023

Department:

Community Development

Attachments:

[Presentation](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

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

Economic Development staff will present on a quarterly basis an update on items being worked on throughout the year. This presentation will focus on the first quarter of 2023.

Reviewed by Council Committees:

Councilmember: Baldwin

Staff:

Tate

Meeting Date: May 8, 2023

Item Number:

CITY COUNCIL PRESENTATION ECONOMIC DEVELOPMENT QUARTER 1 UPDATE

PRESENTED BY DEPARTMENT OF
COMMUNITY DEVELOPMENT

JENN FRANCIS
ECONOMIC DEVELOPMENT MANAGER

MAY 8, 2023

Department of Community Development
Planning • Building • Development Engineering • Permit Center
Economic Development • Community Services • Code Enforcement

Page 55 of 108

AUBURN
VALUES

S E R V I C E
ENVIRONMENT
E C O N O M Y
C H A R A C T E R
SUSTAINABILITY
W E L L N E S S
CELEBRATION

CITY OF AUBURN'S ECONOMIC DEVELOPMENT DIVISION

Jenn Francis
Economic Development Manager



Abid Rahmani
Economic Development Coordinator



TOPICS TO EXPLORE

- ☐ Auburn Area Chamber of Commerce
- ☐ Marketing Campaigns
- ☐ Business Connect Events
- ☐ Downtown Auburn Cooperative & BIA Update
- ☐ Downtown Engagement
- ☐ Comprehensive Plan Update
- ☐ Business Outreach Meetings
- ☐ Tourism
- ☐ Green River College Small Business Center
- ☐ Good Neighbor Agreement Meetings
- ☐ Presentation to Women's Council of Realtors
- ☐ Preparing for 2023 Civics Academy
- ☐ What We are Working on for 2nd Quarter

AUBURN AREA CHAMBER OF COMMERCE

The City has renewed its contract with the Auburn Area Chamber of Commerce for 2023 at \$25,000.

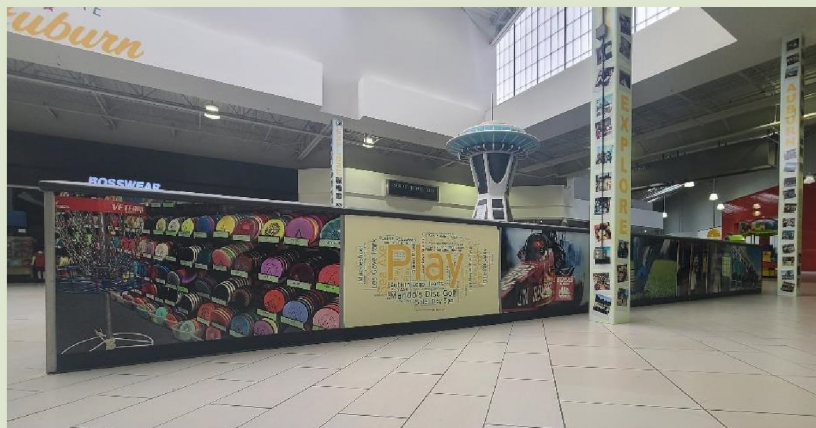


Check Out Our Upcoming Events!

SUNDAY APR 30 2:30 - 4:30PM	Auburn Symphony: Antonin... This concert features a cello solo by Ele Baltacgil and gentle and nostalgic music.	Auburn Symphony Orchestra
May 03	Business CONNECT Event	
May 05	YMMM Annual Fundraiser	
May 13	Walk/Run for Recovery	
May 14	Auburn Symphony: Everything Old is New Again: Philip Glass Harpsichord Concerto	
May 19	Cheers To Careers	
May 24	Regional Business Expo	
Jun 04	2023 Auburn Farmers Market	
Jul 20	2023 Auburn Area CONNECT Golf Tournament	



OUTLET COLLECTION MARKETING CAMPAIGN



OUTLET COLLECTION MARKETING CAMPAIGN

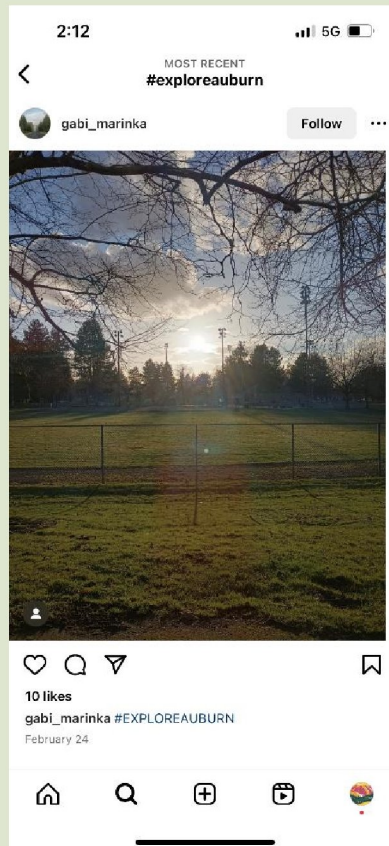
Post your Auburn, WA Picture Moment on Instagram & tag us along with the **#EXPLOREAUBURN** for a chance to win monthly giveaways from local Auburn businesses.

Number of Pictures Posted with **#EXPLOREAUBURN**: 342



#EXPLOREAUBURN

February Winner



The winning photo is chosen at random.

The prize includes 4 tickets to Emerald Downs, PNW Coffee Sticker, Explore Auburn logo gear (t-shirt, key chain, post card, etc.) and gift card to Gosanko Chocolate.

March Winner



PACIFIC RACEWAY MARKETING CAMPAIGN



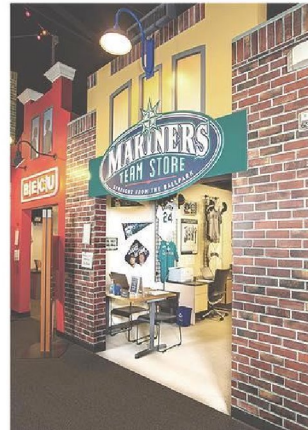
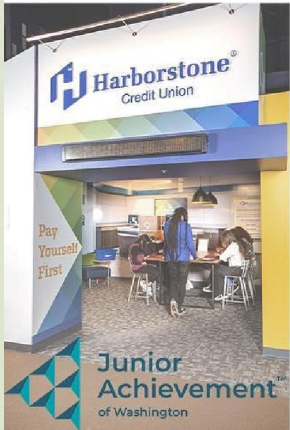
BUSINESS CONNECT EVENTS



BUSINESS
CONNECT
event

Events are held on the first Wednesday of the month from 3:00 – 5:00 p.m.

These events replaced the 3nonnetworking events.



BUSINESS CONNECT EVENTS

The Average Attendance: 40

January – Outlet Collection

February – MakerSpace

March – Joy Hour

April – Junior Achievement

May – White River Amphitheatre

June – PNW Coffee Co.

July – West Hill Deli

August – Alpine Ridge Insurance

September – Auburn Municipal Airport



DOWNTOWN AUBURN COOPERATIVE & BIA UPDATE

BIA ACTIVITY DURING 1ST QUARTER:

JOHN ROTTLE WAS ELECTED CHAIRPERSON

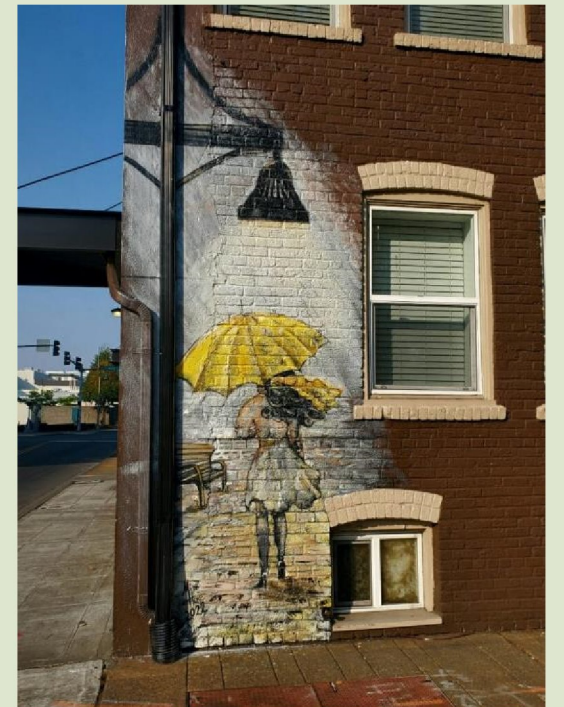
GIOVANNI DIQUATTRO WAS ELECTED VICE CHAIRPERSON

THE DAC CONTRACT WAS APPROVED BY THE BIA AND THE CITY.

THE BUDGET AND CONTRACT APPROVED WITH AN INCREASE OF FUNDING TO THE DAC TO \$75,000. BIA FUNDED \$50,000 AND THE CITY'S CONTRIBUTION IS \$25,000.

THE BIA VOTED TO FUND SEVERAL PROJECTS TO BE ADMINISTERED BY THE DAC.

THESE INCLUDE: DOWNTOWN PLANTERS, LIGHTING, MURALS AND BIKE RACKS



DOWNTOWN ENGAGEMENT

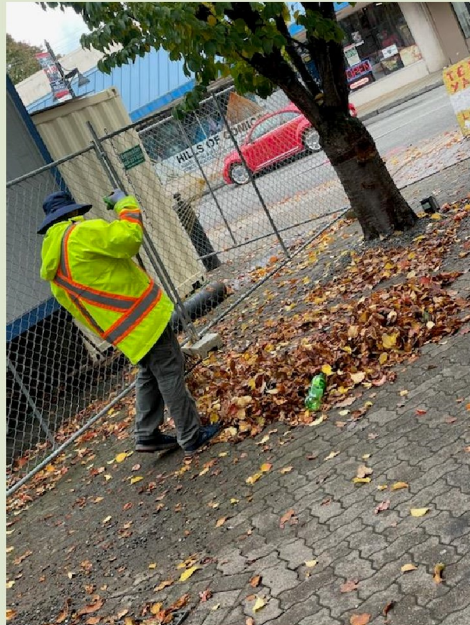


**PLACEMENT OF NEW DOWNTOWN
PLANTERS ON APRIL 20TH, 2023 IN
TIME FOR THE DAC TO PLANT ON
SATURDAY, APRIL 22ND DURING CLEAN
SWEEP.**



MANAGING DOWNTOWN PROJECT HELPERS

Cameron helps to clean up our downtown 15 hours a week. We work with Enso Employment Services, who provides leads to supervise Cameron out in the field.



MAIN STREET AMERICA CONFERENCE

The conference was held from March 27th - 29th in Boston. Abid attended several classes with focus on Community Wealth Building, Resilient & Future Focused Main Streets and Beautification and Revitalization of Downtown.



ECONOMIC DEVELOPMENT ELEMENT - COMP PLAN



Economic Development Element CHAPTER 6

Anticipated Scope of Comprehensive Plan & Amendments

- **Auburn Comprehensive Plan Element – Community Development**
- **Economic Development Element**
 - **Identify Our Current Challenges**
 - *Missing or Under-Represented Sectors*
 - *Unoccupied Commercial Spaces*
 - **Identify Policies and Actions to Achieve Our Vision, Goals & Objectives**
 - *Choosing the Best Programs and Investments*
 - *Laying the Foundation for Future Regulations*
 - *Solidify Our High Priority Partnerships*
 - **Anticipated Policy and Framework Updates for 2024**
 - *Review Existing Policies and Update to Reflect Goals & Objectives*

BUSINESS OUTREACH MEETINGS

FOLLOW UP SAFETY MEETING

AUBURN MARKETPLACE, FRED MEYER & SURROUNDING AREA

WHEN

Thursday, January 26th at
4:00 – 6:00 pm

WHERE

City Hall Council Chambers
25 W Main Street, Auburn, WA
98001

DISCUSSION TOPICS • Safety •
Feedback from Businesses •
City Actions • Next Steps



INVITATION TO MEET WITH MAYOR BACKUS & CITY OFFICIALS

The Auburn Marketplace, Fred Meyer complex, and surrounding businesses are very important to the vibrancy of our city.

Mayor Backus will be hosting a meeting with business owners and representatives located between 16th St NW to 5th St NE and C St NW to A St NW regarding safety in that area – including but not limited to:

- City Initiated Actions
- Feedback from business owners
- Opportunities for the Future
- Next Steps

This meeting is a follow up to the September 22, 2022 meeting hosted by the Mayor. The City of Auburn is aware of the increase in incidents and would like to work with all stakeholders to find solutions that will increase safety and improve conditions overall.

Thank you for your consideration and community partnership!

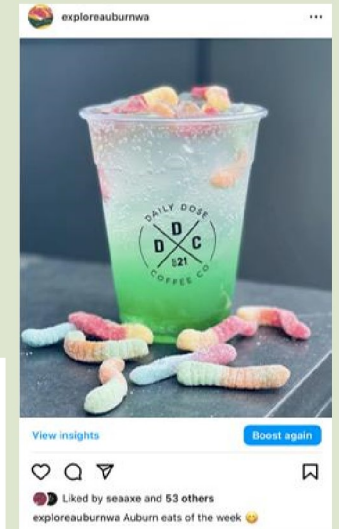
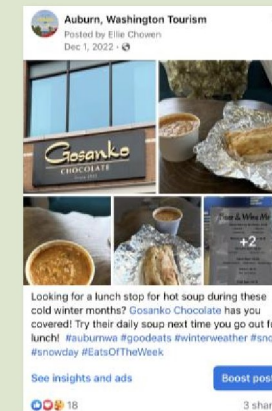
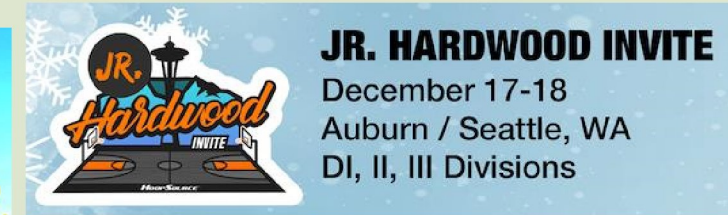


TOURISM – LODGING TAXES

- Chapter 82.08 RCW establishes authority of a city to create a lodging tax
- Auburn City Code Chapter 3.58 Enacts the Lodging Tax (enacted in 2001)
 - Tax imposed on lodging stays at hotels and motels
 - Tax rate is 1%
 - Special fund created
 - Can only fund tourist promotion, acquisition of tourism-related facilities, or operation of tourism-related facilities
- Auburn City Code Chapter 2.76 creates the Lodging Tax Advisory Committee (LTAC)
 - An LTAC is a requirement under Chapter 82.08 RCW
 - Charged with helping direct lodging tax dollar investments
 - 7 members – Mayor, 3 members representing hotels/motels, 3 members from those who might receive funding from tourism dollars

TOURISM – APPROACH

- City contracts with Chamber for tourism services. 3 year contract spanning 2022 thru 2024. \$155,000 per year. City collects about \$170,000 per year in lodging taxes.
- Chamber provides the following services:
 - Creation of a tourism strategy and branding – “Explore Auburn” and “Stay Golden”
 - Oversight of Explore Auburn website and social media pages
 - Oversight of a \$20,000 grant line item (contained within the \$155,000 contract) to provide funding for events that draw visitors from beyond 50 miles.
 - Facilitation of Tourism Board meetings.
- Chamber presents tourism work plans, strategies, and summaries to the LTAC.



GREEN RIVER COLLEGE SMALL BUSINESS CENTER

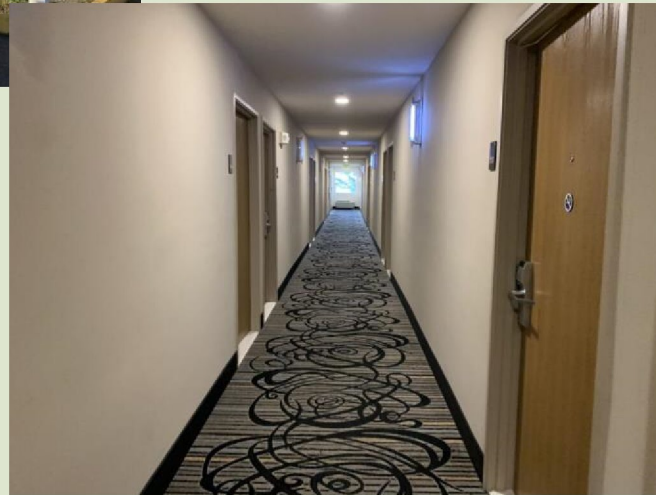


**GRC SBC – AUBURN
1221 D STREET NE
AUBURN, WA 98002**

**THE CITY'S PARTNERSHIP IS
FUNDED BY A GRANT FROM THE
PORT OF SEATTLE THAT IS
OVERSEEN BY THE ECONOMIC
DEVELOPMENT DIVISION.**



GOOD NEIGHBOR AGREEMENT QUARTERLY MEETING AT DON'S PLACE

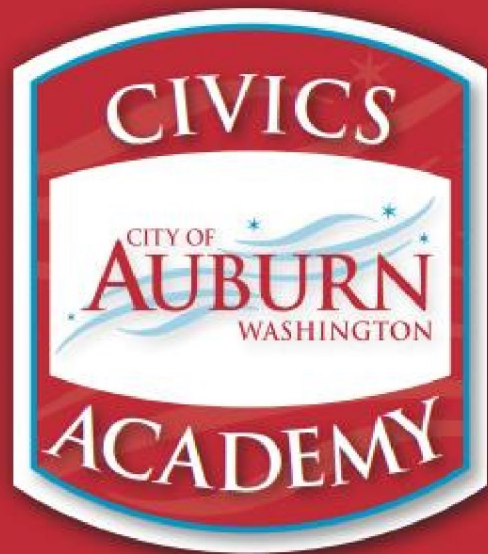


PRESENTATION TO WOMEN'S COUNCIL OF REALTORS



Sam Pace – Legislative Liaison with Olympia
Jenn Francis – City of Auburn
Keith Niven – City of Federal Way
Chaney Skadsen – City of Federal Way
Amy Taylor, City of Maple Valley

PREPARING FOR 2023 CIVICS ACADEMY



The Auburn Civics Academy is an 11-week program that teaches Auburn residents, business owners, and students age 16+ about City of Auburn government and operations.

FREE TO PARTICIPANTS | AGES 16 & UP



auburnwa.gov/civicsacademy

Questions? Contact Chris Lovings, Neighborhood Programs Coordinator
clovings@auburnwa.gov | 253-876-1988



UPCOMING ECONOMIC DEVELOPMENT TOPICS FOR 2ND QUARTER

- ☐ DOWNTOWN ENGAGEMENT
- ☐ PACIFIC RACEWAY SPONSORSHIP
- ☐ NORTH AUBURN BUSINESS MEETING UPDATE
- ☐ SEEKING A VENDOR TO PROVIDE TRACKING AND METRICS OF ECONOMIC ACTIVITY
- ☐ COMP PLAN UPDATE
- ☐ PREPARING FOR NATIONAL NIGHT OUT
- ☐ AND MORE....

QUESTIONS?

**JENN FRANCIS, ECONOMIC DEVELOPMENT
MANAGER**

JFRANCIS@AUBURNWA.GOV

253-215-8744 - OFFICE

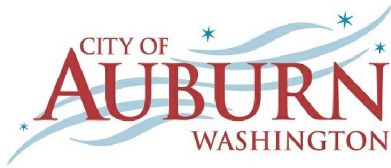
253-553-6517 - CELL

Department of Community Development
Planning • Building • Development Engineering • Permit Center
Economic Development • Community Services • Code Enforcement

Page 78 of 108

**AUBURN
VALUES**

S E R V I C E
ENVIRONMENT
E C O N O M Y
C H A R A C T E R
SUSTAINABILITY
W E L L N E S S
CELEBRATION



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6906 (Council)

Date:

May 3, 2023

Department:**Attachments:**

[Ord.6906 - ACC 2.08](#)

[Ord.6906 - Exhibit A](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**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.

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

Meeting Date: May 8, 2023

Item Number:

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

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

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

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

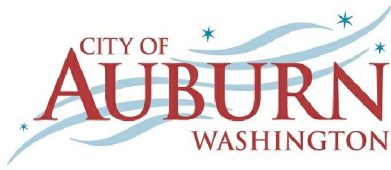
Published: _____

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.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6907 Option A (Council)

Date:

May 3, 2023

Department:**Attachments:**

[Ord.6907A](#)

[Ord.6907A, Exhibit A](#)

[Ord.6907A, Exhibit B](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background for Motion:****Background Summary:****Ordinance 6907 – A**

- Mayoral Vacation Leave:

- o Introduces a vacation leave cap of 364 hours
- o 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

- o Allows for full payout up to the new cap

- Mayoral Sick leave

- o Introduces a sick leave cap of 960 hours
- o Sets the accrual rate of 8 hours per month
- o 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 (6907 – A)

Existing Accruals

- o Vacation Leave
 - o Mayor Backus has accrued approximately 1042 hours of unused vacation leave
 - o All accrued vacation leave beyond 182 hours will be paid out within 30 days
- o Sick Leave
 - o Mayor Backus has accrued approximately 836 hours of unused sick leave
 - o All accrued sick leave will be paid out within 30 days at 100%

Going Forward

- o Vacation Leave
 - o Retains a bank of 182 hours of the Mayor's accrued leave to be available for use
 - o Allows for new accruals to begin in accordance with the amended ordinance
- o Sick Leave
 - o Provides for a new sick leave bank which shall be front-loaded with 120 sick leave hours, available for immediate use in accordance with the amended ordinance

Reviewed by Council Committees:

Councilmember:

Meeting Date: May 8, 2023

Staff:

Item Number:

ORDINANCE NO. 6907-A

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, to coincide 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, 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.** As of the passage of this Ordinance, Mayor Backus has accrued approximately 1042 hours of unused vacation leave. Within 30 days of the effective date of this Ordinance, the City shall pay Mayor Backus (by City issued check at her current salary rate) for any unused accrued vacation leave hours exceeding 182 hours. This payment will reduce Mayor Backus's available vacation leave hour balance to 182 hours,

available for use in accordance with the City Code as amended by this Ordinance, and with applicable law and City policy.

b. Payment for accrued unused sick leave hours. As of the passage of this Ordinance, Mayor Backus has accrued approximately 836 hours of unused sick leave. Within 30 days of the effective date of this Ordinance, the City shall pay Mayor Backus (by City issued check at her current salary rate) for 100% of these accrued sick leave hours. This payment will eliminate Mayor Backus's current sick leave bank. Upon issuance of payment, Mayor Backus's sick leave bank shall be front-loaded with 120 sick leave hours, available for her immediate use in accordance with the City Code as amended by this Ordinance, and with applicable law and City policy.

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

Section 4. Implementation. The Mayor is authorized 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-A

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-A

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.

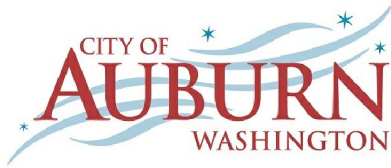
G. In the case of injury or illness which is covered by industrial insurance, an amount of sick leave may be used to pay the difference between industrial insurance, workman's compensation and the employee's regular rate of pay and no combination of payments received added to sick leave will exceed the 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. 6907 Option B (Council)

Date:

May 4, 2023

Department:**Attachments:**

[Ord.6907 - Option B](#)

[Ord.6907 - Option B, Exhibit A](#)

[Ord. 6907 - Option B, Exhibit B](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background for Motion:****Background Summary:****Ordinance 6907 – B**

During a City Council meeting in November 2022, Council identified ordinance language related to the handling of leave accruals for the Mayoral position that revealed a financial exposure and potential room for abuse. In order to reduce risk for the city, Council voted to table the ordinances for additional review and created the Ad Hoc Committee to investigate and propose improvements.

The Ad Hoc Committee developed Ordinance 6907 – B after continued work with city administration.

Ordinance 6907 – B

- Mayoral Vacation Leave:
 - o Introduces a vacation leave cap of 364 hours
 - o 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

- o Allows for full payout up to the new cap

- Mayoral Sick leave
 - o Introduces a sick leave cap of 960 hours
 - o Sets the accrual rate of 8 hours per month
 - o 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 (6907 – B)

- Existing Accrued Time
 - o 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
 - o Mayor Backus has accrued approximately 1042 hours of unused vacation leave
 - o Mayor Backus has accrued approximately 836 hours of unused sick leave
 - o Allows the Mayor to spend down hours in the bank, as needed, for the remainder of the current term.
 - o 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
 - o Going forward, new vacation leave and sick leave accruals will be accumulated and paid out as set forth in the amended ordinance.

Reviewed by Council Committees:

Councilmember:

Staff:

Meeting Date: May 8, 2023

Item Number:

ORDINANCE NO. 6907-B

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.** As of the passage of this Ordinance, Mayor Backus has accrued approximately 1042 hours of unused vacation leave. 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. As of the passage of this Ordinance, Mayor Backus has accrued approximately 836 hours of unused sick leave. 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 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: _____

Ordinance No. 6907

May 4, 2023

Page 6 of 6

IMANAGE\370702\0001\10668319.v1-5/4/23

EXHIBIT A—ORD. NO. 6907-B

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-B

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.~~