	<p>City Council Study Session HHS SFA November 13, 2017 - 5:30 PM City Hall Council Chambers AGENDA</p> <p>Watch the meeting video</p> <p>Meeting videos are not available until 72 hours after the meeting has concluded.</p>
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I. CALL TO ORDER

A. Roll Call

II. ANNOUNCEMENTS REPORTS AND PRESENTATIONS

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Resolution No. 5317 - Grant Policy Update (10 Minutes) (Coleman)

A Resolution of the City Council of the City of Auburn, Washington, approving the grant management administrative policy

B. Resolution No. 5326 (30 Minutes) (Coleman)

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute an addendum to the agreement with the Auburn Valley Humane Society to provide animal licensing services

C. Ordinance No. 6664 - Property Tax Levy (15 Minutes) (Coleman)

An Ordinance of the City Council of the City of Auburn, Washington, establishing the levy for regular property taxes by the City of Auburn for collection in 2018 for general city operational purposes in the amount of \$21,548,429.00

D. Budget Amendment #4 (Mid-Biennium Correction) (20 Minutes) (Coleman)

Budget Amendment #4 (Mid-Biennium Correction)

E. Resolution No. 5319 - 2018 Fee Schedule (15 Minutes) (Heid)

A Resolution of the City Council of the City of Auburn, Washington, amending the City of Auburn Fee Schedule to adjust for 2018 fees

F. Traffic Impact Fee Update (10 Minutes) (Snyder)

Discuss the recommended update to the transportation impact fee program for 2018

G. 2018 VRFA Fee Schedule Update (10 Minutes) (Snyder)

H. Ordinance No. 6659 - SODA Relating to New Gross Misdemeanor Violations Concerning Drug-related Activities (15 Minutes) (Heid)

An Ordinance of the City Council of the City of Auburn, Washington, amending Section 1.24.010 of the Auburn City Code and creating a new Chapter 9.24 of the Auburn City Code relating to new gross misdemeanor violations concerning drug-related activities

I. Frequency of Special Focus Area Meetings (10 Minutes) (Council)

IV. HEALTH AND HUMAN SERVICES DISCUSSION ITEMS

- A. Presentation from Bookda Gheisar, King County Immigrant and Refugee Policy & Strategy Analyst and Tim Warden-Hertz, Northwest Immigrant Rights Project (60 Minutes)
- B. Community Development Block Grant Action Plan Update (15 Minutes) (Hinman)

V. OTHER DISCUSSION ITEMS

VI. NEW BUSINESS

VII. MATRIX

- A. Matrix

VIII. ADJOURNMENT

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:

Resolution No. 5317 - Grant Policy Update (10 Minutes)
(Coleman)

Date:

November 7, 2017

Department:

Finance

Attachments:

[Resolution No. 5317](#)

[Grants Policy](#)

Budget Impact:**Administrative Recommendation:**

City Council review Resolution No. 5317.

Background Summary:

Federal awards for local government were previously audited under the provisions of Circular Nos. A-87, A-102, and A-133. The new guidance Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards published in Title 2 of the Code of Federal Regulations (2 CFR 200) supersedes requirements from these circulars by way of consolidation into a streamlined format to improve transparency.

The “uniform requirements” place heavy emphasis on written policies and procedures. To meet the new federal requisites, it is necessary to revise the City’s existing administrative policy.

The focus and intent of these policies and procedures is to ensure that those within the organization who carry out the objectives of the award understand:

- the federal statutes, regulations, and terms and conditions of the award,
- how to evaluate and properly monitor compliance, and
- the steps to take if noncompliance is identified.

Section 4.9 **Code of Conduct** pertains to all elected officials, employees, and agents of the City and therefore requires Council approval. The new policy must be approved prior to December 14, 2017 in order to avoid an audit finding.

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

Coleman

Meeting Date: November 13, 2017

Item Number:

RESOLUTION NO. 5317

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING THE GRANT MANAGEMENT ADMINISTRATIVE POLICY

WHEREAS, the City regularly receives federal grant awards for a variety of purposes; and

WHEREAS, the federal Office of Management and Budget (OMB) has issued new uniform guidance to streamline the federal grant process; and

WHEREAS, OMB's uniform guidance requires nonfederal entities to have certain written policies and procedures to address the management of grant award funds; and

WHEREAS, these requirements aim to reduce the risk of fraud, waste, and abuse of federal funds.

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

Section 1. That the policy and procedures for grant management, index number 100-25, a copy of which is attached hereto, marked as Exhibit "A" and incorporated herein by this reference, is approved and the Mayor is authorized to implement the same.

Section 2. That the Mayor is further authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

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

Dated and Signed this _____ day of _____, 2017.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

Exhibit A



ADMINISTRATIVE POLICY AND PROCEDURE

TITLE: GRANT MANAGEMENT ADMINISTRATIVE POLICY			SUBJECT: FINANCE	
			INDEX NUMBER: 100-25	
EFFECTIVE DATE	SUPERSEDES 11/1/2011	PAGE 1 OF 10	PREPARED BY: FINANCE DEPARTMENT	MAYOR'S APPROVAL

1.0 PURPOSE

To establish and maintain policy and internal controls that provide reasonable assurance that Federal awards are being managed in compliance with all Federal regulations and with the terms and conditions of the award. The City of Auburn will follow the Uniform Guidance, the Local Agency Guidelines (LAG) distributed by the Washington State Department of Transportation (WSDOT) for Federal Highway Administration (FHWA) funding, and other specific grant requirements or guidance documents published by the Federal Granting Agency such as the United States Department of Housing and Urban Development (HUD) and the Federal Aviation Administration (FAA) as applicable.

2.0 ORGANIZATIONS AFFECTED

All departments/divisions receiving Federal Awards.

3.0 REFERENCES

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards – Title 2 Code of Federal Regulations (2 CFR 200); State and Local guidelines will also apply based on awarding organization.

4.0 POLICY

4.1 General: This policy describes the procedure for the administrative responsibility of awards received as grants (or grant-like loans such as low-interest loans provided by the Washington State Public Works Board). The City, through designated staff and City officials, solicits and accepts awards from a variety of organizations for funding City programs and projects. Awards frequently require close coordination between different City departments and adherence to strict guidelines and requirements. This policy outlines the procedures and departmental roles and responsibilities to centrally coordinate and track citywide efforts in grant management and administration.

4.1.1 The Department that is requesting and/or administering the grant award shall be responsible for maintaining accurate and current information and complying with the general and specific guidelines and requirements of the grant award. This will include:

- being knowledgeable of grant award requirements,
- ensuring the City complies with said requirements,

ADMINISTRATIVE POLICY AND PROCEDURE	TITLE: GRANT MANAGEMENT ADMINISTRATIVE POLICY	INDEX NO: 100-25	PAGE 2 OF 10
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- providing accurate information to the Finance Department in the preparation of reports and requests for reimbursement of eligible costs, and
- maintaining the proper written and electronic documentation and financial records consistent with said requirements.

4.1.2 In the event more than one Department is involved in requesting or administering a grant award, the Departments involved will agree upon a designated lead Department. The lead Department will have overall responsibilities for administering the grant award consistent with this policy.

4.2 Internal Controls: The City of Auburn will maintain effective internal control over the Federal Award providing reasonable assurance that the City is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award.

4.2.1 The City will take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.

4.2.2 The City will take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive.

4.2.3 The City will follow the process workflow outlined in section 6.1.

4.3 Certification: To assure that expenditures are proper and in accordance with the terms and conditions of the Federal award and approved project budgets, the annual and final fiscal reports or vouchers requesting payment under the agreements must include a certification, signed by an official who is authorized to legally bind the non-Federal entity, which reads as follows: "By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise."

4.4 Advance Payments and Reimbursements: Payment methods must minimize the time elapsing between transfer of funds from the United States Treasury or the pass-through entity and the disbursement by the City of Auburn whether the payment is made by electronic transfer, or issuance or redemption of checks, warrants, or payment by other means.

4.4.1 Advanced payments must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash needs of the City to carry out the purpose of the approved program or project. Any advanced payments must be consolidated to cover anticipated cash needs.

4.4.2 The City shall minimize the time elapsed between receipt of federal aid funds and subsequent payment of incurred costs.

4.5 Allowable Costs: Federal awards will meet the following general criteria in order to be allowable except where otherwise authorized by statute.

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- 4.5.1 Be necessary and reasonable for the performance of the Federal award.
- 4.5.2 Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.
- 4.5.3 Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the City.
- 4.5.4 Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.
- 4.5.5 Be determined in accordance with generally accepted accounting principles (GAAP).
- 4.5.6 Not be included as cost or used to meet cost sharing or matching requirements of any other Federally-financed program in either the current or a prior period.
- 4.5.7 Be adequately documented.
- 4.6 Procurement: When procuring goods and services under a Federal award, the City will follow 2 CFR §200.318 General Procurement Standards through §200.326 Contract Provisions or City of Auburn purchasing procedures (Auburn City Code Chapters 3.10, 3.12, and 3.14), whichever is more restrictive.
 - 4.6.1 Contracts for more than the simplified acquisition threshold currently set at \$150,000 must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
 - 4.6.2 Contracts and sub-grants of amounts in excess of \$150,000 requires that the City will comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act and the Federal Water Pollution Control Act.
 - 4.6.3 The City will monitor procurements to avoid duplicative purchases. The City will continue to enter into inter-entity agreements to realize cost savings for shared goods and services when possible.
 - 4.6.4 The City will verify and document that vendors are not suspended or debarred from doing business with the Federal government.
- 4.7 Single Audit Act: The City, as a recipient of Federal funds, shall adhere to the Federal regulations outlined in 2 CFR §200.501 as well as all Federal and State statutes and regulations.
- 4.8 Closure: A project agreement end date will be established in accordance with 2 CFR §200.309. Any cost incurred after the project agreement end date are not eligible for Federal reimbursement.
- 4.9 Code of Conduct: The purpose of the Code of Conduct is to ensure the efficient, fair and professional administration of federal grant funds in compliance with 2 CFR §200.112, 2 CFR §200.318 and other applicable federal and state standards, regulations, and laws.

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- 4.9.1 The Code of Conduct applies to all elected officials, employees or agents of the City engaged in the award or administration of contracts supported by federal grant funds.
- 4.9.2 No elected official, employee or agent of the City shall participate in the selection, award or administration of a contract supported by federal grant funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the following has a financial or other interest in the firm selected for award:
- The City employee, elected official, or agent; or
 - Any member of their immediate family; or
 - Their partner; or
 - An organization which employs, or is about to employ any of the above.
- 4.9.3 The City of Auburn's elected officials, employees or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors or subcontractors.
- 4.9.4 To the extent permitted by federal, state or local laws or regulations, violation of these standards may cause penalties, sanctions or other disciplinary actions to be taken against the City's elected officials, employees or agents, or the contractors, potential contractors, subcontractors or their agents. Any potential conflict of interest will be disclosed in writing to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy.

5.0 PROCEDURES

The purpose of these procedures is to ensure inter-departmental coordination in the identification of grant opportunities, to ensure consistency in the management of grants the City receives, and oversight in management and compliance with the guidelines and restrictions as required by the grantor.

5.1 Grant Application

- 5.1.1 Request to Apply. Prior to submitting an application for an award, the Department pursuing the grant award shall obtain the required approval signatures (i.e. Department Director, Mayor).
- 5.1.2 Legal Review. If necessary, the responsible Department will review the grant and grant application with the City's Legal Department to identify any potential legal issues that the City should be aware of.
- 5.1.3 Submittal of Award Application. Once approval or direction is received to pursue the award, the Department charged with the responsibility for implementing the award will prepare the necessary application paperwork and, if necessary, seek approval of the City Council.

5.2 Grant Award, Obligation and Management

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5.2.1 Award Review and Acceptance. Once the award is received, the responsible Department will accept the award only if the grantor's terms and conditions can be satisfactorily met by the City. Administrative and Legislative acceptance of an award will be subject to the following limitations:

- Department Directors may approve awards up to and including \$10,000.00.
- Mayoral approval is required for awards between \$10,001.00 up to and including \$50,000.00.
- Council approval is required for awards of \$50,001.00 and up.

5.3 Project Number. The responsible Department will request the Finance Department establish a project number. The purpose of the project number is to enable the accurate accounting of revenues and expenses related to the project. No project can be started or executed without a project number.

5.4 Reporting. The responsible Department will serve as the single point of contact with the grantor and will be responsible for the preparation and submittal of reports to the grantor and for complying with the guidelines and requirements of the award. The responsible Department will maintain a detailed project folder that will contain, at a minimum, all official correspondence concerning the award including City memoranda, resolutions or ordinances; award letter; grantor guidelines and restrictions; written communications between the City and the grantor including copies of emails and any other documents necessary for the effective management of the award.

5.4.1 The Finance Department will be the responsible department in preparing the necessary financial information for reimbursements and any reports that are necessary for reimbursements.

5.5 Matches – City budget identified. Some awards prescribe a matching requirement in which the City must provide a financial match to qualify for the award. In the event of a required match, the responsible Department will work with the Finance Department to ensure sufficient budget is identified, and if necessary, to request a budget amendment.

5.6 Award Compliance - Issues. Periodically, compliance issues associated with award guidelines and conditions may occur. The Department charged with administering the award will be responsible for keeping the Mayor and Finance Department informed of any award compliance issues and resolution undertaken to address the issue. Resolution will be documented in the City's grant award files.

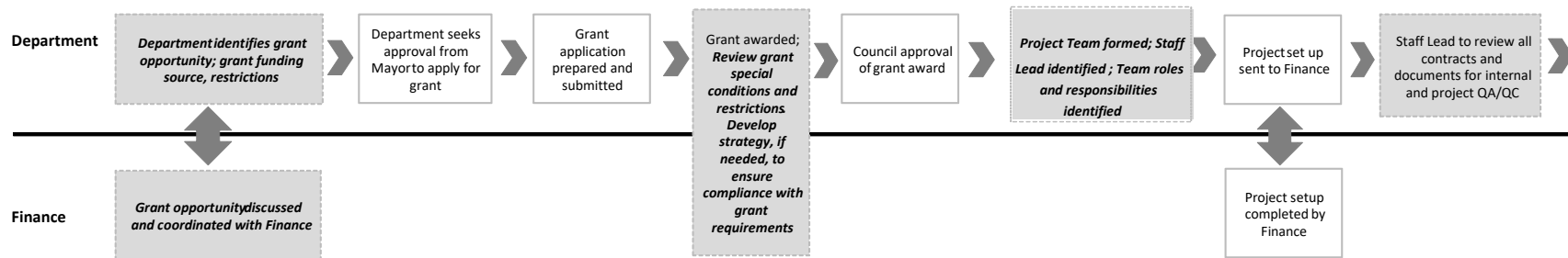
5.7 Loans. Loans represent a strategic means for the City to leverage its limited cash resources to fund programs and projects. However, as a loan represents a liability that must be repaid by the City, the responsible Department will coordinate with the Finance Department to ensure sufficient resources are available to repay the loan. If necessary, a budget amendment will be prepared to appropriate resources to repay the loan.

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6.0. Process Flow Chart

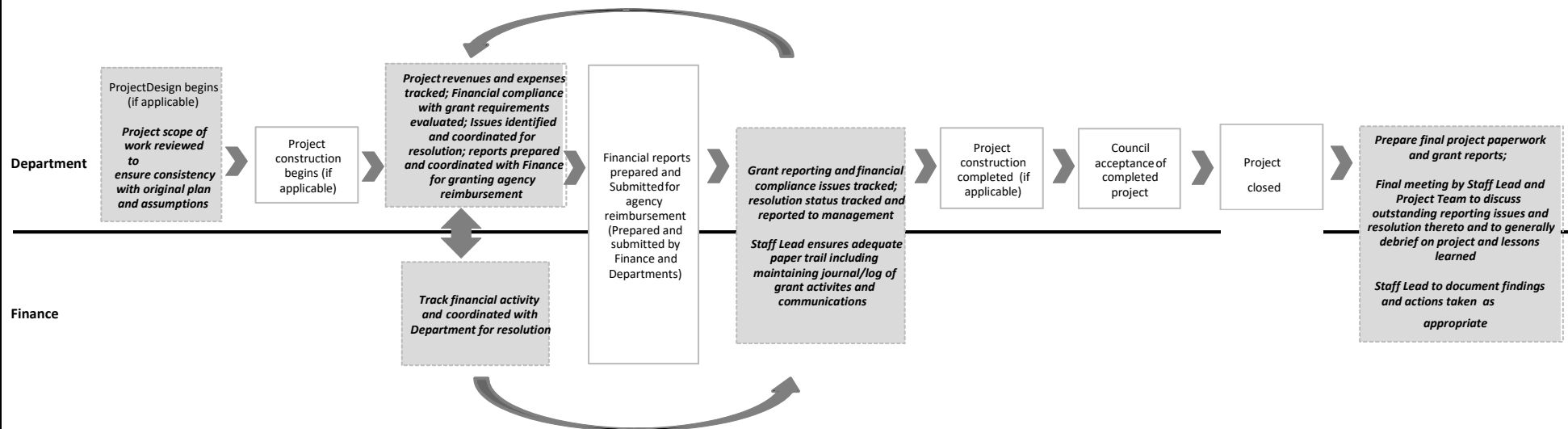
Figure 6.1 generally describes the process under which awards will be tracked.

Figure 6.1: Process Flow Diagram



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Figure 6.1: Process Flow Diagram (continued)



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7.0. Glossary

The following is a summary of key references and terms used in this policy.

References

Title 2 of the Code of Federal Regulations (2 CFR 200). Developed by the Office of Management and Budget (OMB), this guidance establishes uniform administrative requirements, cost principles, and audit requirements for federal awards. The requirements aim to reduce the risk of fraud, waste, and abuse of federal funds and places heavy emphasis on written policies and procedures. The focus of these policies and procedures should be to ensure that those in the organization who carry out the objectives of the award understand:

- The federal statutes, regulations, and terms and conditions of the award
- How to evaluate and properly monitor compliance
- The steps to take if non-compliance is identified

For further information, refer to:

<https://www.gpo.gov/fdsys/pkg/CFR-2017-title2-vol1/pdf/CFR-2017-title2-vol1-part200.pdf>

Specific state and local regulations may also apply. These regulations can vary based upon the unique conditions and circumstances of each grant award. City staff should take due care in determining the specific state and local applicable regulations that apply to their respective project and to appropriately document, understand, and comply with the conditions and restrictions within these regulations.

Terms

Award – An award refers to financial resources provided to the City in the form of a loan, grant or contract from a federal, state, regional or local government or private for-profit or non-profit entity.

Award Compliance – This term refers to the general and specific requirements and provisions that must be satisfactorily met by the City and demonstrated to the awarding agency. Fulfilling the award requirements as provided by the awarding agency is important as variances thereto can become subject to an audit finding.

Department – This term refers to any, singular or in combination, of the City's operating Departments.

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Finance Department – This term refers to the City's Finance Department.

General and Specific Audit Requirements – General audit requirements refers to federal, state and local audit compliance requirements. Specific audit requirements typically are specific to individual awards and can vary in complexity based upon the awarding agency. The responsible department should take due care to carefully review and comply with the general and specific requirements of the award in question.

Program or Project – This term refers to the City operating program or capital facilities project that is supported by the award.

Responsible Department – This term refers to the City operating department that is designated as the lead City department responsible for managing the program or project funded by the award.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5326 (30 Minutes) (Coleman)

Date:

November 7, 2017

Department:**Attachments:****Budget Impact:**

[Resolution No. 5326](#)

[AVHS Addendum](#)

Administrative Recommendation:

Discussion only.

Background Summary:

The City of Auburn entered into an agreement with Auburn Valley Humane Society (AVHS) to operate an animal shelter and related services beginning January 1, 2012. The agreement runs through December 31, 2019. The City currently administers the animal licensing and would like to have AVHS provide those services through the remaining term of their contract. Attached is a resolution to authorize the Mayor to execute an amendment to the contract. The amendment to the contract is noted as Exhibit A to the resolution.

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

Coleman

Meeting Date: November 13, 2017

Item Number:

RESOLUTION NO. 5326

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO THE AGREEMENT WITH THE AUBURN VALLEY HUMANE SOCIETY TO PROVIDE ANIMAL LICENSING SERVICES.

WHEREAS, the City has contracted for Animal Control Authority in the operation of an animal shelter and related services with the Auburn Valley Humane Society; and

WHEREAS, each appreciates that contracting for such services provides a number of mutually beneficial advantages; and

WHEREAS, in order to provide further advantages for each of the parties they agree that the Agreement referred above should be amended to include an addendum for animal licensing services;

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

Section 1. That the Mayor is hereby authorized to execute an addendum to the Agreement between the City and the Auburn Valley Humane Society to include animal licensing services. The addendum to the Agreement shall be in substantial conformity with the addendum attached hereto as Exhibit A and incorporated herein by this reference.

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

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

Dated and Signed this _____ day of _____, 2017.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

Exhibit A

**ADDENDUM TO THE AGREEMENT
BETWEEN THE CITY OF AUBURN AND THE AUBURN VALLEY HUMANE
SOCIETY RELATING TO ANIMAL LICENSING SERVICES**

THIS ADDENDUM is made and entered into this ____ day of _____, 20____, by and between the **CITY OF AUBURN**, a municipal corporation of the State of Washington (hereinafter referred to as the “City”), and the **AUBURN VALLEY HUMANE SOCIETY**, a Washington nonprofit corporation, whose address is 4910 A Street SE, Auburn, Washington (hereinafter referred to as the “AVHS”), as an Addendum to the Agreement (hereinafter referred to as the “Addendum”) between the parties for Animal Control Authority in the operation of an animal shelter executed on the 1st day of January, 2012.

W I T N E S S E T H:

WHEREAS, the parties hereto have heretofore contracted for Animal Control Authority in the operation of an animal shelter and related services and each appreciates that contracting for such services provides a number of mutually beneficial advantages, and in order to provide further advantages for each of the parties, they agree that the Agreement referred to above should be amended as provided hereinbelow.

NOW THEREFORE in consideration of their mutual covenants, conditions and promises, the PARTIES HERETO HEREBY AGREE as follows:

ITEM ONE REVISION TO Section II. Term of Addendum: That Section of the Agreement is amended to read as follows:

Add the following language: The initial term of the Addendum regarding Animal Licensing Services (in addition to the Animal Control Services specified in the original agreement) shall commence on the _____ after the date of execution and shall expire on the 31st day of December, 2019. If AVHS is not in default of this Addendum, AVHS shall have the right to seven (7) twelve month renewal options with. For each subsequent year of this Addendum, the

minimum annual amount for the annual fixed payment shall increase by an amount equal to the previous year's annual Seattle-Tacoma-Bremerton CPI-W (August to August) with a minimum increase of three percent (3%). Extensions may be exercised based on the mutual written agreement of both AVHS and City with no less than 90 days' notice of intent to renew by AVHS.

ITEM TWO REVISION TO Section III AVHS Fees: That Section of the Agreement is amended to read as follows:

In return for services (in addition to the Animal Control Services specified in the original agreement) provided by AVHS, as described in the Addendum, the City shall pay to AVHS \$140,250.00 (One Hundred Forty Thousand Two Hundred Fifty) annually as a fixed payment and a onetime \$7,500.00 (Seven Thousand Five Hundred) cost for set up which will not be reoccurring in future years. An additional Payment for variable costs in the amount of \$5.55 per license issued will also be made. AVHS will provide reports showing the number of licenses issued. Payments shall be made quarterly with the first payment scheduled to begin on January 1, 2018.

ITEM THREE REVISION TO Section IV. A, Operations and Service: That Section of the Agreement is amended to read as follows:

Amend item 4 to include new paragraph: AVHS will make available to the City, for inspection or audit, all work related records and documents associated with Animal Licensing Services during normal business hours.

Add new paragraph 17: AVHS will provide animal licensing services for the City of Auburn as listed in Exhibit A – Scope of Services.

Add new paragraph 18: AVHS will begin processing licenses ____ days after the date the contract commencement date.

- a. AVHS will obtain historical license data files (Data) within ____ days after the contract is executed and enter the Data into their proprietary database.

Add new paragraph 19: AVHS will increase license sales at an average of 18% (Eighteen) year over year during the initial term of this addendum or a total of 36% for two years.

Add new paragraph 19: AVHS agrees that it will not use personal data collected on behalf of City for any purposes other than for performance of the services and other purposes under this Addendum without the express written consent of City, except as provided in the Addendum or applicable laws. AVHS specifically agrees that it will not intentionally sell, transfer, or release personal data it has collected in fulfilling the terms of this Addendum to any third party. AVHS agrees that any intentional sales, transfer or release of animal licensing data represents an event of default and City has the right to terminate this Addendum.

In the event that this Addendum is terminated in accordance with Section XI. G, Termination of Licensing Services, AVHS agrees to return and/or transfer all animal licensing Data to City within ten (10) days after receiving payment in full at the completion of the final term of this Addendum. AVHS will provide licensing Data to City in a readily importable format.

AVHS agree that records it acquires or creates as a result of this Addendum are subject to Washington State's Public Records Act (PRA), Chapter 42.56 of the Revised Code of Washington. AVHS will not release any records, but will instead refer any person requesting Data related to this Addendum to the Auburn City Clerk's Office. AVHS will respond to any request from the City within 2 working days. If AVHS believes that any records in its possession are exempt from disclosure under the PRA, it must notify the City Clerk of the basis for the exemption. If the exemption is based on trade secrets or proprietary information AVHS agrees to defend and indemnify and hold the City harmless from all costs, including fines and attorney's fees, that the City may incur based on asserting those exemptions.

ITEM FOUR Revision to Section XI Termination: That section of the agreement is amended to read as follows:

Add new language to paragraph G:

- a. Termination of Animal Licensing Services for cause: City may, at its option and without prejudice to any other remedy it may be entitled by law or in equity, or in equity, or elsewhere under this agreement, terminate further work under this Addendum due to a material default by AVHS in the performance of the services under this Addendum, but if and only if AVHS fails to cure the default within 30 days after being given written notice of such default by City.
- b. Termination for convenience. City may terminate this Addendum without cause upon ninety (90) days written notice to AVHS. AVHS may also terminate the Addendum without cause upon ninety (90) days written notice to the City.
- c. In the event of termination, AVHS will be paid for those services through the date this Addendum expires or as of the effective date of the termination. AVHS will be reimbursed for any supplies ordered before the date of the notice of termination.
- d. In the event this Addendum is terminated in accordance with Termination: Section XI.G (a) or (b), AVHS agrees to return and/or transfer all animal licensing data to City within ten (10) days after receiving payment in full at the completion of the final term of this Addendum. AVHS will provide licensing data to the City in a readily-importable format.

ITEM FIVE REMAINING TERMS UNCHANGED: That all other provisions of the Agreement between the parties for Animal Control Authority in the operation of an animal shelter and related services executed on the 1st day of January, 2012, shall remain unchanged, and in full force and effect.

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

(OTHER PARTY)

CITY OF AUBURN

By: _____

By: _____

Its: _____

Nancy Backus, Mayor

Attest:

Attest:

By: _____

By: _____

Its: _____

Danielle E. Daskam, Auburn City Clerk

Approved as to form:

Approved as to form:

Attorney for (Other Party)

Daniel B. Heid, Auburn City Attorney

Exhibit 1-Scope of Services

1. Manage the daily operations of animal licensing including the processing of licensing mail from pet owners, processing license sales reports, entering licensing data, providing customer service and depositing licensing revenue.
2. Provide authorized registrars (City, veterinarian's, humane society's, for example) with reasonable quantities of supplies necessary to sell license tags. License tag supplies are to be printed in one color with the design and layout to be determined by AVHS
3. AVHS is responsible for ordering license tags to AVHS's specifications. The cost to purchase tags and to ship tags to AVHS and authorized registrar's will be paid directly by AVHS.
4. AVHS is responsible to work with current licensing vendor to obtain license information (Data) and enter data into their database.
5. Enter all new and renewal licenses into AVHS's proprietary database.
6. Process and mail license tags within ten business days after receipt of the licensing payment.
7. Issue replacement tags to residents whose tags have been lost, stolen or damaged.
8. Mail renewal and reminder notices to pet owners who have a prior license. Mailing timelines to be mutually agreed upon.
9. Track and report monthly sales from authorized registrar's participating in the animal licensing program and keep records of all registrar's tag inventories and provide this information on the monthly report to the City. AVHS will communicate directly with registrar's as requested by the City.
10. Provide a monthly report, by the 10th business day of the subsequent month, of all animals licensed during the month. Format of the report is to be mutually agreed upon but should include a summary of the types and number of licenses issued, receipts for each type of license and detail of each license number issued and the amount receipts for each license.
11. Provide statistical reports as requested within a timely manner. Depending on the type of information requested, AVHS can provide most reports within five business days.
12. Provide access to licensing data online to appropriate personnel via AVHS's proprietary website, Pet Point, at no additional charge.
13. Respond to and communicate with animal control officer inquiries or animal owners requests in timely manner, usually 48 hours.
14. Communicate with residents by phone, mail or email as needed.
15. Comply with Auburn City Code governing animal licensing.
16. Deposit all animal license receipts collected for pet licenses into the City's bank account. AVHS shall deposit receipts no less than once per week on the same business day each week. All transaction information related to the deposit, via a cash receipts report, shall be provided to the City, along with the deposit slip, within 24 hours after the deposit. For example, a Monday deposit will include all transactions from the previous week, Sunday through Saturday. All credit card receipts will be directed to the City's

bank account and the City will be responsible for transaction fees associated with credit card receipts. For each day there are credit card transactions, AVHS will provide the detail of the transaction(s) to the City within 24 hours. The City will supply AVHS with deposit slips and bags.

17. AVHS will be responsible for ensuring all transactions via credit card meet PCI (Payment Card Industry) and DSS (Data Security Standards) requirements.
18. AVHS will provide to the city within one business day of deposit the deposit slip, detailed cash receipt reports from their POS system showing daily by payment type (cash/checks/CC), credit card batch settlement tape, and a cover sheet showing the reconciliation of deposit to their POS system generated reports.
19. AVHS will be responsible to set up a separate merchant account with BlueFin to be used solely for credit card transactions for Pet Licensing. The merchant account will be associated with/linked to the City's bank account. The city will have the ability to log into the account online to research any issues and print monthly credit card statement.
20. AVHS will respond within one business day to questions by the city with regards to any discrepancies between deposit slip, supporting reports, and banking/CC information. AVHS will be responsible to assist the city with any reconciliation issues.
21. For any bank returned checks that were deposited by AVHS related to the licensing revenue the city will provide to AVHS a copy of returned items. It is the responsibility of AVHS to contact the customer and attempt to rectify the returned item. At the time the check is returned from the bank to the City the City Pet License Revenue account will be charged the amount of the returned check.
22. For other locations AVHS sets up for Pet Licensing stations, the licensing revenue will be receipted in by AVHS and be part of the AVHS deposit to the city's bank account. Receipts made at a City Pet Licensing location will be processed through the City cash receipting system and be charged to the animal licensing revenue account. The City will provide to AVHS the Animal Licensing Application.
23. AVHS will provide to the City, by September 30th of each year, the marketing plan and estimated cost for the subsequent year. (Marketing is any media or other special event. It will not include outreach efforts by AVHS staff to coordinate licensing with other similar agencies or amnesty programs. These are considered part of the Animal Licensing Services performed by AVHS.) The City, along with AVHS, will approve the plan and budget for the estimated cost. AVHS will deploy the marketing plan and administer all contracts associated with the marketing plan.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6664 - Property Tax Levy (15 Minutes)
(Coleman)

Date:

November 8, 2017

Department:

Finance

Attachments:

[Ordinance No. 6664](#)

[Memo](#)

Budget Impact:**Administrative Recommendation:**

City Council to introduce and adopt Ordinance No. 6664, establishing the Property Tax levy for calendar year 2018

Background Summary:

Proposed Ordinance No. 6664 establishes the 2018 Property Tax Levy based upon preliminary information from King County. It represents an increase over the 2017 levy of \$209,894 plus the increase due to new construction and refund levy. King County will not finalize the City's assessed valuation (AV), new construction, and refund levies until December. Therefore, the levy is based upon preliminary information as it is scheduled for Council adoption on November 20, 2017. The following table summarizes the 2018 Property Tax levy:

Table 1. 2018 Property Tax Levy Calculations	
2017 property tax levy	\$ 20,989,379
1.000% increase	209,894
Estimated new construction	329,502
Estimated refund levy	19,654
Total Estimated property tax levy	\$ 21,548,429

As of this date the County has preliminarily established the 2018 assessed valuation (including estimated new construction) for the City of Auburn at \$10.551 billion which is a 10.4% increase over the 2017 level of \$9.555 billion. The total 2018 Property Tax Levy will be distributed to the General Fund to support general governmental operations.

Reviewed by Council Committees:

Planning And Community Development

Councilmember:**Staff:**

Coleman

Meeting Date: November 13, 2017

Item Number:

ORDINANCE NO. 6 6 6 4

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, ESTABLISHING THE LEVY FOR REGULAR PROPERTY TAXES BY THE CITY OF AUBURN FOR COLLECTION IN 2018 FOR GENERAL CITY OPERATIONAL PURPOSES IN THE AMOUNT OF \$21,548,429.00

WHEREAS, the City Council of the City of Auburn has met and considered its budget for the calendar year 2018; and

WHEREAS, pursuant to RCW 84.55.120 the City Council held public hearings on November 20, 2017 and December 4, 2017, after proper notice was given, to consider the City of Auburn's 2018 budget and the regular property tax levy to support it; and

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

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

Section 1. Regular property taxes for collection in the City of Auburn for the year 2018 are authorized in the amount of \$21,548,163.00. Not including

the addition of new construction and improvements to property, any increases related to the value of state assessed property, and any refund levies available, the regular property tax levy for 2018 collection represents an increase from regular property taxes levied for collection in 2017 of \$209,894 which is a 1.0% increase in revenue from the previous year.

Section 2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of the Ordinance, as it being hereby expressly declared that this Ordinance and each section, subsection, sentence, clause or phrase hereof would have been prepared, proposed, adopted and approved and ratified irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid or unconstitutional.

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

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

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS
MAYOR

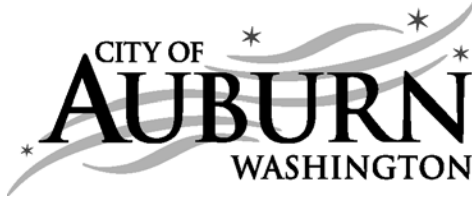
ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

PUBLISHED: _____



Interoffice Memorandum

To: City Council
From: Shelley Coleman, Finance Director
CC: Nancy Backus, Mayor
Date: November 7, 2017
Re: 2018 Property Tax Ordinance No. 6664

Attached is proposed Ordinance No. 6664, establishing the 2018 Property Tax Levy. The 2018 Property Tax Levy is based upon preliminary information from King County as of November 7, 2017, and represents an increase over the 2017 levy of \$209,894, not including new construction and the refund levy.

The estimated increase on new construction is \$329,502 and the refund levy is \$19,654. King County will not finalize the City's assessed valuation (AV) and new construction until December therefore the levy will be based upon preliminary information as it is scheduled for Council adoption on November 27, 2017. The following table summarizes the 2018 Property Tax levy:

Table 1. 2018 Property Tax Levy Calculations

2017 property tax levy	\$ 20,989,379
1.000% increase	209,894
Estimated new construction	329,502
Refund levy	19,654
Estimated Property Tax Levy	\$ 21,548,429

As of this date the County has preliminarily established the 2018 assessed valuation (including estimated new construction) for the City of Auburn at \$10,551,422,027 which is a 10.4% increase over the 2017 level of \$9,555,039,113.

The total 2018 Property Tax Levy will be distributed to the General Fund to support general governmental operations.

Attachments:

- ❖ 1. Ordinance No. 6664



AGENDA BILL APPROVAL FORM

Agenda Subject:

Budget Amendment #4 (Mid-Biennium Correction) (20 Minutes) November 8, 2017
(Coleman)

Date:**Department:**

Finance

Attachments:

[Memo](#)

[Schedule A](#)

[Schedule B](#)

[Attachment 1](#)

[Attachment 2](#)

Budget Impact:**Administrative Recommendation:**

Discussion Only

Background Summary:

Budget Amendment #4 represents the fourth budget amendment for the 2017-2018 biennium and the first budget amendment for 2018. For details, see the attached transmittal memorandum and supporting materials.

Changes from the proposed budget amendment reviewed by Council at the September 25 study session are highlighted in red in the attached memo, and include:

- Increased costs associated with the Central Parking Garage; and
- Restoration of funding for projects for which REET funding was diverted to Street Preservation projects.

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

Coleman

Meeting Date: November 13, 2017

Item Number:



Interoffice Memorandum

To: City Council
From: Shelley Coleman, Finance Director
CC: Nancy Backus, Mayor
Date: November 8, 2017
Re: Ordinance #6666 – 2017-2018 Budget Amendment #4

The City's biennial 2017-2018 budget was approved by Council as two one-year appropriations. Budget Amendments #1 and #2 amended the budget for calendar year 2017. Budget Amendment #3, which will also amend the 2017 budget, will be brought to Council for consideration later this year.

This amendment will be the fourth budget amendment for the biennium and the first budget amendment for calendar year 2018. The purpose of this amendment is to 1) amend the 2018 budget for changes that occurred in 2017 for which there is an ongoing fiscal impact; 2) to carry forward capital project budgets that are not anticipated to be completed in 2017 and adjust other project budgets to match the 2018-2023 Capital Facilities Plan (CFP); 3) to establish budget spending authority for new programs and other expected changes in 2018; and 4) to allocate REET funds to three new street projects. Proposed amendments to the 2018 budget are as follows:

Adjustments of 2018 beginning fund balance due to 2017 budget amendments. Each approved budget amendment in 2017 (in BAs #1 and #2) that amended the 2017 budgeted ending fund balance also affects the budgeted 2018 beginning fund balance. These adjustments, which affect most funds, increase 2018 budgeted fund balance by \$21,136,521.

Continuation of previously approved requests by Council. Items in this category were previously approved by Council in 2017 and are ongoing items that need to be included in the 2018 budget. In total, these items reduce budgeted 2018 ending fund balance by \$465,400, and include:

- Revenue adjustments that are expected to continue in 2018 (such as property and utility taxes);
- Ongoing costs associated with the new Administrative Assistant FTE added in BA#2; and
- Corrections for unbudgeted items, not included in the adopted 2018 budget.

New funding requests. This category includes project adjustments as well as new funding requests and other adjustments. In aggregate, these items increase budgeted 2018 ending fund balance by \$2,612,400.

Project adjustments include requested project expenses that were previously approved in 2017 but will require carry forward to 2018, as well as other changes to project budgets to align with the 2018-2023 Capital Facilities Plan (CFP) that is scheduled to be adopted in December. Please refer to Attachment 1 for project revenue and expense budget changes in the Arterial Street Fund (#102), Local Street Fund (#103), Arterial Street Preservation Fund (#105), Mitigation Fees Fund (#124), Parks

Construction Fund (#321), Capital Improvements Fund (#328), Local Revitalization Fund (#330), Water Utility Capital Fund (#460), Sewer Utility Capital Fund (#461), Storm Drainage Utility Capital Fund (#462), Facilities Fund (#505), and the Equipment Rental Capital Fund (#560).

This budget amendment also restores REET funding, which had been diverted to street projects, to the Tenth Green and Surrounds Rebuild project and Public Art program.

Other requests include revenue adjustments to reflect new revenue sources and increases in existing revenue streams; requests to add new staffing; requests for increased funding for existing programs, and funding requests for new projects or programs.

This budget amendment adds budget for the Auburn central parking garage and includes painting the exterior and ramp work.

In this budget amendment, three new positions are being requested:

- Economic Development Coordinator, Administration Department (1.0 FTE, \$121,400): Funding is requested to hire an Economic Development Coordinator to provide capacity to implement the strategies identified in the 10-Year Economic Development Strategic Plan.
- Maintenance Worker I-CDL, Storm Utility Fund (2.0 FTEs; \$173,500): Funding is requested to hire two additional maintenance workers to focus on inspection, cleaning, and repair of the storm drainage system based on the requirements of the Department of Ecology's National Pollution Discharge Elimination System (NPDES) permit.

Funding for street preservation projects. Based on the recommendation of the *ad hoc* committee on \$20 car tab fees, this amendment would reduce 2018 ending fund balance by \$2,212,400 by:

- Reallocating REET funds within the Capital Improvements Fund (Fund 328) by deferring certain projects (see Attachment 2), plus adding a one-time transfer of \$1,300,000 from the Cumulative Reserve Fund.
- Funding three streets projects from those funds:
 - West Valley Highway Paving \$ 350,000
 - Arterial Street Preservation Program \$ 1,200,000
 - S. 277th Street Pavement Preservation \$ 662,400
 - Balance to Fund 328 for future projects \$ 679,100

The following table summarizes the current and revised budget as a result of this amendment.

Table 1: 2017 Budget as Amended

2018 Adopted Budget	\$ 266,871,607
Budget Amendment #4 (Ord #6666)	<u>26,133,821</u>
2018 Budget as Amended	\$ 293,005,428

Attachments:

- ❖ 1. Summary of CIP changes per 2018-2023 CFP.
- ❖ 2. Recommended reallocation of REET funds and transfer from cumulative reserves for street preservation projects, per the *ad hoc* committee on \$20 car tab fees.

Schedule A
Summary of 2018 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6666)

	Beg. Fund Balance	2018 Revenues	2018 Expenditures	Ending Fund Balance
General Fund (#001)				
2018 Adopted Budget	12,623,309	66,091,810	72,860,044	5,855,075
BA#4 (Ordinance #6XXX, Proposed):	2,512,021	897,200	1,938,200	1,471,021
General Fund Revenues:				
Incr property tax revenues to reflect use of banked capacity (from BA#1)	-	500,000	-	500,000
Revenue from City Traffic School (from BA#2)	-	40,000	-	40,000
Adjust budget for expected utility taxes (from BA#2)	-	170,900	-	170,900
Mayor's Office / Administration:				
New FTE: Administrative Assistant (from BA#2)	-	-	93,200	(93,200)
Funding for homeless resources and sheltering	-	-	337,400	(337,400)
Web-based business licensing database system (with partial grant funding)	-	65,000	122,500	(57,500)
New FTE: Economic Development Coordinator	-	-	121,400	(121,400)
Finance Department:				
Correct budget for position #1430-002 (from BA#1)	-	-	85,100	(85,100)
Police Department:				
Incr pension budget for Records Division (underbudgeted) (from BA#1)	-	-	46,800	(46,800)
Add budget for holidays worked (previously unbudgeted) (from BA#1)	-	-	300,000	(300,000)
Add budget for comp time and other cashouts (from BA#1)	-	-	400,000	(400,000)
Transfer appropriation for Police vehicles in POL.0023 to Fund 560 (T/F to F560)	-	-	-	-
001.21.521.200.64 MACHINERY & EQUIPMENT			(130,300)	
001.98.597.100.55 OPERATING TRANSFERS OUT			130,300	
Accept reimb from CJTC / add supernumerary position (from BA#1)	-	121,300	118,600	2,700
Automatic vehicle location for Police vehicles	-	-	22,500	(22,500)
Human Resources Department:				
Increase budget for King County District Court costs	-	-	135,000	(135,000)
Streets Department:				
Restore funding for position #4270-001, not included in 2018 budget	-	-	68,100	(68,100)
Non-Departmental:				
Adjust beginning fund balance for budget amendments in 2017	2,512,021	-	-	2,512,021
Increase budget for Central Parking Garage O&M expenses	-	-	87,600	(87,600)
Revised 2018 Budget - Fund 001	15,135,330	66,989,010	74,798,244	7,326,096

Schedule A
Summary of 2018 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6666)

	Beg. Fund Balance	2018 Revenues	2018 Expenditures	Ending Fund Balance
Arterial Street Fund (#102)				
2018 Adopted Budget	1,376,814	6,215,417	6,643,292	948,939
BA#4 (Ordinance #6XXX, Proposed):	425,575	(4,353,700)	(4,089,800)	161,675
Adjust beginning fund balance for budget amendments in 2017	80,675	-	-	80,675
Add'l funding for transit partnership services related to increased Sounder service	-	-	140,000	(140,000)
Adjustments to capital projects per 2018-2023 CFP	344,900	(4,423,700)	(4,299,800)	221,000
Rebudget funding for Kersey Way study (asbd11) (Transfer In from F124)	-	20,000	20,000	-
Rebudget funding for A St SE/Lakeland Hills Way Intersection proj (T/F frm F124)	-	50,000	50,000	-
Revised 2018 Budget - Fund 102	1,802,389	1,861,717	2,553,492	1,110,614
Local Street Fund (#103)				
2018 Adopted Budget	893,143	1,909,100	2,418,270	383,973
BA#4 (Ordinance #6XXX, Proposed):	459,491	-	150,000	309,491
Adjust beginning fund balance for budget amendments in 2017	309,491	-	-	309,491
Adjustments to capital projects per 2018-2023 CFP	150,000	-	150,000	-
Revised 2018 Budget - Fund 103	1,352,634	1,909,100	2,568,270	693,464
Hotel/Motel Tax Fund (#104)				
2018 Adopted Budget	84,044	113,700	113,700	84,044
BA#4 (Ordinance #6XXX, Proposed):	96,102	-	-	96,102
Adjust beginning fund balance for budget amendments in 2017	96,102	-	-	96,102
Revised 2018 Budget - Fund 104	180,146	113,700	113,700	180,146

Schedule A
Summary of 2018 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6666)

	Beg. Fund Balance	2018 Revenues	2018 Expenditures	Ending Fund Balance
Arterial Street Preservation Fund (#105)				
2018 Adopted Budget	366,008	3,067,340	2,880,440	552,908
BA#4 (Ordinance #6XXX, Proposed):	1,043,817	2,658,000	2,290,500	1,411,317
Funding for West Valley Highway paving project (T/F from F328)	-	350,000	350,000	-
Funding for Arterial Street Preservation projects (T/F from F328)	-	1,200,000	1,200,000	-
Adjust beginning fund balance for budget amendments in 2017	247,717	-	-	247,717
Adjust budget for expected utility taxes (from BA#2)	-	34,100	-	34,100
Funding for S. 277th St. Pavement Preservation project (T/F from F328)	-	1,324,800	1,324,800	-
Adjustments to capital projects per 2018-2023 CFP	796,100	(250,900)	(584,300)	1,129,500
Revised 2018 Budget - Fund 105	1,409,825	5,725,340	5,170,940	1,964,225
Drug Forfeiture Fund (#117)				
2018 Adopted Budget	193,981	87,100	253,221	27,860
BA#4 (Ordinance #6XXX, Proposed):	95,555	-	-	95,555
Adjust beginning fund balance for budget amendments in 2017	95,555	-	-	95,555
Revised 2018 Budget - Fund 117	289,536	87,100	253,221	123,415
Housing & Comm Develop Fund (#119)				
2018 Adopted Budget	52,455	460,000	468,446	44,009
BA#4 (Ordinance #6XXX, Proposed):	(10,001)	-	-	(10,001)
Adjust beginning fund balance for budget amendments in 2017	(10,001)	-	-	(10,001)
Revised 2018 Budget - Fund 119	42,454	460,000	468,446	34,008
Recreation Trails Fund (#120)				
2018 Adopted Budget	56,998	7,340	-	64,338
BA#4 (Ordinance #6XXX, Proposed):	164	-	-	164
Adjust beginning fund balance for budget amendments in 2017	164	-	-	164
Revised 2018 Budget - Fund 120	57,162	7,340	-	64,502

Schedule A
Summary of 2018 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6666)

	Beg. Fund Balance	2018 Revenues	2018 Expenditures	Ending Fund Balance
BIA Fund (#121)				
2018 Adopted Budget	48,716	55,200	55,000	48,916
BA#4 (Ordinance #6XXX, Proposed):	9,956	-	-	9,956
Adjust beginning fund balance for budget amendments in 2017	9,956	-	-	9,956
Revised 2018 Budget - Fund 121	58,672	55,200	55,000	58,872
Cumulative Reserve Fund (#122)				
2018 Adopted Budget	7,366,699	20,500	250,000	7,137,199
BA#4 (Ordinance #6XXX, Proposed):	2,121,600	-	1,300,000	821,600
Adjust beginning fund balance for budget amendments in 2017	2,121,600	-	-	2,121,600
Transfer reserves to Fund 328 for street preservation projects	-	-	1,300,000	(1,300,000)
Revised 2018 Budget - Fund 122	9,488,299	20,500	1,550,000	7,958,799
Mitigation Fees Fund (#124)				
2018 Adopted Budget	4,429,481	1,520,200	1,219,817	4,729,864
BA#4 (Ordinance #6XXX, Proposed):	4,823,782	-	160,600	4,663,182
Adjust beginning fund balance for budget amendments in 2017	4,597,182	-	-	4,597,182
Trail and other improvements to West Auburn Lake Property (Transfer to F321)	-	-	100,000	(100,000)
Adjustments of transfers for capital projects per 2018-2023 CFP	226,600	-	(9,400)	236,000
Rebudget funding for Kersey Way study (asbd11) (Transfer to F102)	-	-	20,000	(20,000)
Rebudget funding for A St SE/Lakeland Hills Way Intersection proj (T/F to F102)	-	-	50,000	(50,000)
Revised 2018 Budget - Fund 124	9,253,263	1,520,200	1,380,417	9,393,046
LID Guarantee Fund (#249)				
2018 Adopted Budget	-	-	-	-
BA#4 (Ordinance #6XXX, Proposed):	1,588	-	-	1,588
Adjust beginning fund balance for budget amendments in 2017	1,588	-	-	1,588
Revised 2018 Budget - Fund 249	1,588	-	-	1,588

Schedule A
Summary of 2018 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6666)

	Beg. Fund Balance	2018 Revenues	2018 Expenditures	Ending Fund Balance
LID 350 Fund (#275)				
2018 Adopted Budget	11,959	7,812	7,246	12,525
BA#4 (Ordinance #6XXX, Proposed):	(1,349)	-	-	(1,349)
Adjust beginning fund balance for budget amendments in 2017	(1,349)	-	-	(1,349)
Revised 2018 Budget - Fund 275	10,610	7,812	7,246	11,176
Parks Construction Fund (#321)				
2018 Adopted Budget	282,116	664,590	872,000	74,706
BA#4 (Ordinance #6XXX, Proposed):	550,460	750,000	816,400	484,060
Adjust beginning fund balance for budget amendments in 2017	484,060	-	-	484,060
Trail and other improvements to West Auburn Lake Property (Transfer from F124)	-	100,000	100,000	-
Adjustments to capital projects per 2018-2023 CFP	66,400	623,000	689,400	-
Restore Tenth Green and Surrounds Rebuild project with unobligated REET funds	-	27,000	27,000	-
Revised 2018 Budget - Fund 321	832,576	1,414,590	1,688,400	558,766
Capital Improvements Fund (#328)				
2018 Adopted Budget	7,797,299	3,869,857	4,015,148	7,652,008
BA#4 (Ordinance #6XXX, Proposed):	985,286	1,101,600	1,584,000	502,886
Adjust beginning fund balance for budget amendments in 2017	690,286	-	-	690,286
Adjustments to capital projects per 2018-2023 CFP	210,000	(398,400)	(970,400)	782,000
Transfer from Cumulative Reserve Fund for street preservation projects	-	1,300,000	-	1,300,000
Web based HVAC upgrade for Council chambers (Transfer from F505)	-	200,000	200,000	-
Restore Tenth Green and Surrounds Rebuild project with unobligated REET funds	-	-	27,000	(27,000)
Restore Public Art project with unobligated REET funds	85,000	-	115,000	(30,000)
Funding for West Valley Highway paving project (Transfer to F105)	-	-	350,000	(350,000)
Funding for Arterial Street Preservation program projects (Transfer to F105)	-	-	1,200,000	(1,200,000)
Funding for S. 277th St. Pavement Preservation project (Transfer to F105)	-	-	662,400	(662,400)
Revised 2018 Budget - Fund 328	8,782,585	4,971,457	5,599,148	8,154,894

Schedule A
Summary of 2018 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6666)

	Beg. Fund Balance	2018 Revenues	2018 Expenditures	Ending Fund Balance
Local Revitalization Fund (#330)				
2018 Adopted Budget	-	-	-	-
BA#4 (Ordinance #6XXX, Proposed):	41,100	-	40,500	600
Adjust beginning fund balance for budget amendments in 2017	600	-	-	600
Adjustments to capital projects per 2018-2023 CFP	40,500	-	40,500	-
Revised 2018 Budget - Fund 330	41,100	-	40,500	600
Water Fund (#430)				
2018 Adopted Budget	4,675,993	15,432,455	15,464,336	4,644,112
BA#4 (Ordinance #6XXX, Proposed):	1,454,806	-	135,800	1,319,006
Adjust beginning fund balance for budget amendments in 2017	1,417,306	-	-	1,417,306
Correct budget for position #1430-002 (from BA#1)	-	-	4,000	(4,000)
Adjust budget for expected utility taxes (from BA#2)	-	-	95,000	(95,000)
Increase budget for Central Parking Garage O&M expenses	-	-	11,800	(11,800)
Adjust operating transfers to F560 for capital projects per 2018-2023 CFP	37,500	-	25,000	12,500
Revised 2018 Budget - Fund 430	6,130,799	15,432,455	15,600,136	5,963,118
Sewer Fund (#431)				
2018 Adopted Budget	1,234,710	8,237,670	7,793,219	1,679,161
BA#4 (Ordinance #6XXX, Proposed):	893,757	-	101,300	792,457
Adjust beginning fund balance for budget amendments in 2017	856,257	-	-	856,257
Correct budget for position #1430-002 (from BA#1)	-	-	3,000	(3,000)
Adjust budget for expected utility taxes (from BA#2)	-	-	65,000	(65,000)
Adjust operating transfers to F560 for capital projects per 2018-2023 CFP	37,500	-	25,000	12,500
Increase budget for Central Parking Garage O&M expenses	-	-	8,300	(8,300)
Revised 2018 Budget - Fund 431	2,128,467	8,237,670	7,894,519	2,471,618

Schedule A
Summary of 2018 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6666)

	Beg. Fund Balance	2018 Revenues	2018 Expenditures	Ending Fund Balance
Storm Drainage Fund (#432)				
2018 Adopted Budget	1,776,980	9,320,902	9,561,770	1,536,112
BA#4 (Ordinance #6XXX, Proposed):	(221,507)	-	257,200	(478,707)
Adjust beginning fund balance for budget amendments in 2017	(259,007)	-	-	(259,007)
Increase budget for Central Parking Garage O&M expenses	-	-	10,700	(10,700)
Correct budget for position #1430-002 (from BA#1)	-	-	3,000	(3,000)
Adjust operating transfers to F560 for capital projects per 2018-2023 CFP	37,500	-	25,000	12,500
NEW FTEs: two Maintenance Worker I positions	-	-	173,500	(173,500)
Adjust budget for expected utility taxes (from BA#2)	-	-	45,000	(45,000)
Revised 2018 Budget - Fund 432	1,555,473	9,320,902	9,818,970	1,057,405
Sewer Metro Sub Fund (#433)				
2018 Adopted Budget	2,318,495	18,190,923	18,250,200	2,259,218
BA#4 (Ordinance #6XXX, Proposed):	297,317	-	-	297,317
Adjust beginning fund balance for budget amendments in 2017	297,317	-	-	297,317
Revised 2018 Budget - Fund 433	2,615,812	18,190,923	18,250,200	2,556,535
Solid Waste Fund (#434)				
2018 Adopted Budget	4,233,901	16,065,850	15,691,927	4,607,824
BA#4 (Ordinance #6XXX, Proposed):	493,334	(1,012,900)	(751,700)	232,134
Adjust beginning fund balance for budget amendments in 2017	493,334	-	-	493,334
Correct budget for position #1430-002 (from BA#1)	-	-	1,000	(1,000)
Adjust budget to reflect extension of solid waste contract with Republic Services	-	(1,012,900)	(752,700)	(260,200)
Revised 2018 Budget - Fund 434	4,727,235	15,052,950	14,940,227	4,839,958

Schedule A
Summary of 2018 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6666)

	Beg. Fund Balance	2018 Revenues	2018 Expenditures	Ending Fund Balance
Airport Fund (#435)				
2018 Adopted Budget	324,165	829,800	693,975	459,990
BA#4 (Ordinance #6XXX, Proposed):	26,635	19,000	90,100	(44,465)
Adjust beginning fund balance for budget amendments in 2017	26,635	-	-	26,635
Add budget to repay interfund loan (from BA#1)	-	-	40,100	(40,100)
Increase revenues for change in security charge (from BA#2)	-	19,000	-	19,000
Competitive Market Assessment / Long-Term Rate Study for the Auburn Airport	-	-	50,000	(50,000)
Revised 2018 Budget - Fund 435	350,800	848,800	784,075	415,525
Cemetery Fund (#436)				
2018 Adopted Budget	243,909	1,183,800	1,197,391	230,318
BA#4 (Ordinance #6XXX, Proposed):	16,243	-	1,000	15,243
Adjust beginning fund balance for budget amendments in 2017	16,243	-	-	16,243
Correct budget for position #1430-002 (from BA#1)	-	-	1,000	(1,000)
Revised 2018 Budget - Fund 436	260,152	1,183,800	1,198,391	245,561
Water Capital Fund (#460)				
2018 Adopted Budget	946,053	5,000,000	5,086,586	859,467
BA#4 (Ordinance #6XXX, Proposed):	(304,998)	287,500	(777,400)	759,902
Adjust beginning fund balance for budget amendments in 2017	(857,498)	-	-	(857,498)
Adjustments to capital projects per 2018-2023 CFP	552,500	287,500	(777,400)	1,617,400
Revised 2018 Budget - Fund 460	641,055	5,287,500	4,309,186	1,619,369

Schedule A
Summary of 2018 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6666)

	Beg. Fund Balance	2018 Revenues	2018 Expenditures	Ending Fund Balance
Sewer Capital Fund (#461)				
2018 Adopted Budget	7,821,219	600,000	1,414,000	7,007,219
BA#4 (Ordinance #6XXX, Proposed):	3,881,858	-	257,000	3,624,858
Adjust beginning fund balance for budget amendments in 2017	3,531,858	-	-	3,531,858
Incr budget for Pump Station Telemetry Imprvmnts from 2017 savings in other proj	140,000	-	140,000	-
New: Pump Station Electrical Improvements funded from savings in other project	-	-	-	-
New Project 461.00.590.100.65 CONSTRUCTION PROJECTS			141,000	
Sewer Pump Station Repl Proj 461.00.590.100.65 CONSTRUCTION PROJECTS			(141,000)	
Adjustments to capital projects per 2018-2023 CFP	210,000	-	117,000	93,000
Revised 2018 Budget - Fund 461	11,703,077	600,000	1,671,000	10,632,077
Storm Drainage Capital Fund (#462)				
2018 Adopted Budget	10,347,143	1,800,000	1,536,000	10,611,143
BA#4 (Ordinance #6XXX, Proposed):	1,097,153	-	638,100	459,053
Adjust beginning fund balance for budget amendments in 2017	314,053	-	-	314,053
Auburn Way South, 2nd to Main St. Storm Improvements (cpXXXX)	-	-	125,000	(125,000)
Adjustments to capital projects per 2018-2023 CFP	783,100	-	513,100	270,000
Revised 2018 Budget - Fund 462	11,444,296	1,800,000	2,174,100	11,070,196
Airport Capital Fund (#465)				
2018 Adopted Budget	111,743	1,741,667	1,853,334	76
BA#4 (Ordinance #6XXX, Proposed):	92,892	527,800	555,600	65,092
Adjust beginning fund balance for budget amendments in 2017	92,892	-	-	92,892
Move funding for purchase of runway safety area from 2021 to 2018	-	527,800	555,600	(27,800)
Revised 2018 Budget - Fund 465	204,635	2,269,467	2,408,934	65,168

Schedule A
Summary of 2018 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6666)

	Beg. Fund Balance	2018 Revenues	2018 Expenditures	Ending Fund Balance
Cemetery Capital Fund (#466)				
2018 Adopted Budget	157,301	-	-	157,301
BA#4 (Ordinance #6XXX, Proposed):	99,332	75,000	75,000	99,332
Adjust beginning fund balance for budget amendments in 2017	99,332	-	-	99,332
Fund asphalt repair work at Mountain View Cemetery (Transfer from F701)	-	75,000	75,000	-
Revised 2018 Budget - Fund 466	256,633	75,000	75,000	256,633
Insurance Fund (#501)				
2018 Adopted Budget	1,084,209	1,500	241,230	844,479
BA#4 (Ordinance #6XXX, Proposed):	743,711	-	-	743,711
Adjust beginning fund balance for budget amendments in 2017	743,711	-	-	743,711
Revised 2018 Budget - Fund 501	1,827,920	1,500	241,230	1,588,190
Workers' Comp Fund (#503)				
2018 Adopted Budget	993,145	1,103,700	862,683	1,234,162
BA#4 (Ordinance #6XXX, Proposed):	227,246	-	-	227,246
Adjust beginning fund balance for budget amendments in 2017	227,246	-	-	227,246
Revised 2018 Budget - Fund 503	1,220,391	1,103,700	862,683	1,461,408
Facilities Fund (#505)				
2018 Adopted Budget	1,285,575	3,875,400	3,911,293	1,249,682
BA#4 (Ordinance #6XXX, Proposed):	(21,903)	(285,000)	(85,000)	(221,903)
Adjust beginning fund balance for budget amendments in 2017	(21,903)	-	-	(21,903)
Adjustments to capital projects per 2018-2023 CFP	-	(450,000)	(450,000)	-
Web based HVAC upgrade for Council chambers (Transfer to F328)	-	-	200,000	(200,000)
Increase budget for Central Parking Garage O&M expenses	-	165,000	165,000	-
Revised 2018 Budget - Fund 505	1,263,672	3,590,400	3,826,293	1,027,779

Schedule A
Summary of 2018 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6666)

	Beg. Fund Balance	2018 Revenues	2018 Expenditures	Ending Fund Balance
Innovation & Technology Fund (#518)				
2018 Adopted Budget	435,128	6,598,327	6,063,932	969,523
BA#4 (Ordinance #6XXX, Proposed):	1,103,567	362,400	135,000	1,330,967
Funding for major upgrade to the City's CRW system	-	-	50,000	(50,000)
Adjust beginning fund balance for budget amendments in 2017	1,103,567	-	-	1,103,567
Correct interfund revenue to match charges to departments/funds	-	362,400	-	362,400
Migrate help desk software to service desk solution	-	-	80,000	(80,000)
New FTE: Administrative Assistant (from BA#2)	-	-	5,000	(5,000)
Revised 2018 Budget - Fund 518	1,538,695	6,960,727	6,198,932	2,300,490
Equipment Rental Fund (#550)				
2018 Adopted Budget	2,483,429	3,049,383	2,829,409	2,703,403
BA#4 (Ordinance #6XXX, Proposed):	440,448	-	(88,800)	529,248
Adjust beginning fund balance for budget amendments in 2017	440,448	-	-	440,448
Correct budget for position #1430-002 (from BA#1)	-	-	2,100	(2,100)
Move budget for capital lease from capital to oper subfund (from BA#1)	-	-	41,500	(41,500)
Remove salary and benefits for deactivated M&O Support Manager position	-	-	(132,400)	132,400
Revised 2018 Budget - Fund 550	2,923,877	3,049,383	2,740,609	3,232,651
Equipment Rental Capital Fund (#560)				
2018 Adopted Budget	1,376,943	1,703,631	1,506,851	1,573,723
BA#4 (Ordinance #6XXX, Proposed):	1,066,352	230,300	188,800	1,107,852
Adjust beginning fund balance for budget amendments in 2017	1,066,352	-	-	1,066,352
Move budget for capital lease from capital to oper subfund (from BA#1)	-	-	(41,500)	41,500
Transfer appropriation for Police vehicles in POL 0023 to Fund 560 (T/F from GF)	-	130,300	130,300	-
Adjust operating transfers to F560 for capital projects per 2018-2023 CFP	-	100,000	100,000	-
Revised 2018 Budget - Fund 560	2,443,295	1,933,931	1,695,651	2,681,575

Schedule A
Summary of 2018 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6666)

	Beg. Fund Balance	2018 Revenues	2018 Expenditures	Ending Fund Balance
IT Capital Fund (#568)				
2018 Amended Budget	1,079,683	205,000	1,033,800	250,883
BA#4 (Ordinance #6XXX, Proposed):	337,694	22,500	22,500	337,694
Adjust beginning fund balance for budget amendments in 2017	337,694	-	-	337,694
Automatic vehicle location for Police vehicles	-	22,500	22,500	-
Revised 2018 Budget - Fund 568	1,417,377	227,500	1,056,300	588,577
Fire Pension Fund (#611)				
2018 Adopted Budget	2,324,182	84,000	178,225	2,229,957
BA#4 (Ordinance #6XXX, Proposed):	(48,293)	-	42,800	(91,093)
Correct budget for position #1430-002 (from BA#1)	-	-	1,000	(1,000)
Adjust beginning fund balance for budget amendments in 2017	(48,293)	-	-	(48,293)
Incr salary & benefits for Battalion Chief and Fire Marshall per CBA (from BA#1)	-	-	41,800	(41,800)
Revised 2018 Budget - Fund 611	2,275,889	84,000	221,025	2,138,864
Cemetery Endowment Fund (#701)				
2018 Adopted Budget	1,758,279	39,900	-	1,798,179
BA#4 (Ordinance #6XXX, Proposed):	23,330	-	75,000	(51,670)
Adjust beginning fund balance for budget amendments in 2017	23,330	-	-	23,330
Fund asphalt repair work at Mountain View Cemetery (Transfer to F466)	-	-	75,000	(75,000)
Revised 2018 Budget - Fund 701	1,781,609	39,900	75,000	1,746,509
Grand Total - All Funds				
2018 Adopted Budget	82,595,207	184,276,400	192,349,311	74,522,296
TOTAL BA#4 (Ordinance #6XXX, Proposed)	24,854,121	1,279,700	5,062,700	21,071,121
Revised 2018 Budget	107,449,328	185,556,100	197,412,011	95,593,417
		293,005,428		293,005,428

Schedule B

2018 Appropriations by Fund

Fund	2018 Adopted Budget	BA#4 (Ord #6666)	Total Amendments	Revised Budget
General Fund (#001)	78,715,119	3,409,221	3,409,221	82,124,340
Arterial Street Fund (#102)	7,592,231	(3,928,125)	(3,928,125)	3,664,106
Local Street Fund (#103)	2,802,243	459,491	459,491	3,261,734
Hotel Motel Fund (#104)	197,744	96,102	96,102	293,846
Arterial Street Preservation Fund (#105)	3,433,348	3,701,817	3,701,817	7,135,165
Drug Forfeiture Fund (#117)	281,081	95,555	95,555	376,636
Housing and Community Development Grant Fund (#119)	512,455	(10,001)	(10,001)	502,454
Recreation Trails Fund (#120)	64,338	164	164	64,502
Business Improvement Area Fund (#121)	103,916	9,956	9,956	113,872
Cumulative Reserve Fund (#122)	7,387,199	2,121,600	2,121,600	9,508,799
Mitigation Fees Fund (#124)	5,949,681	4,823,782	4,823,782	10,773,463
1998 Library Fund (#229)	282,150	-	-	282,150
2010 Annex A&B Bond Debt Fund (#230)	1,675,120	-	-	1,675,120
2010 C&D Local Revitalization Debt Fund (#231)	589,595	-	-	589,595
SCORE Debt Service Fund (#238)	2,021,294	-	-	2,021,294
LID Guarantee Fund (#249)	-	1,588	1,588	1,588
LID #350 (#275)	19,771	(1,349)	(1,349)	18,422
Golf/Cemetery 2016 Refunding (#276)	554,367	-	-	554,367
Municipal Park Construction Fund (#321)	946,706	1,300,460	1,300,460	2,247,166
Capital Improvements Fund (#328)	11,667,156	2,086,886	2,086,886	13,754,042
Local Revitalization Fund (#330)	-	41,100	41,100	41,100
Water Fund (#430)	20,108,448	1,454,806	1,454,806	21,563,254
Sewer Fund (#431)	9,472,380	893,757	893,757	10,366,137
Storm Drainage Fund (#432)	11,097,882	(221,507)	(221,507)	10,876,375
Sewer Metro Fund (#433)	20,509,418	297,317	297,317	20,806,735
Solid Waste Fund (#434)	20,299,751	(519,566)	(519,566)	19,780,185
Airport Fund (#435)	1,153,965	45,635	45,635	1,199,600
Cemetery Fund (#436)	1,427,709	16,243	16,243	1,443,952
Water Capital Fund (#460)	5,946,053	(17,498)	(17,498)	5,928,555
Sewer Capital Fund (#461)	8,421,219	3,881,858	3,881,858	12,303,077
Storm Drainage Capital Fund (#462)	12,147,143	1,097,153	1,097,153	13,244,296
Airport Capital Fund (#465)	1,853,410	620,692	620,692	2,474,102
Cemetery Capital Fund (#466)	157,301	174,332	174,332	331,633
Insurance Fund (#501)	1,085,709	743,711	743,711	1,829,420
Workers Compensation Self Insurance Fund (#503)	2,096,845	227,246	227,246	2,324,091
Facilities Fund (#505)	5,160,975	(306,903)	(306,903)	4,854,072
Innovation and Technology Fund (#518)	7,033,455	1,465,967	1,465,967	8,499,422
Equipment Rental Fund (#550)	5,532,812	440,448	440,448	5,973,260
Equipment Rental Capital Fund (#560)	3,080,574	1,296,652	1,296,652	4,377,226
IT Capital Fund (#568)	1,284,683	360,194	360,194	1,644,877
Fire Pension Fund (#611)	2,408,182	(48,293)	(48,293)	2,359,889
Cemetery Endowment Fund (#701)	1,798,179	23,330	23,330	1,821,509
Total	266,871,607	26,133,821	26,133,821	293,005,428

Attachment 1

Summary of CIP Changes per 2018-2023 CFP

GRAND TOTAL

\$ 3,717,600 \$ (3,865,500) \$ (3,402,800) \$ 3,254,900

Fund	Project	Beginning Fund Balance	Revenues	Expenditures	Ending Fund Balance
102 Arterial Streets	cp1502 37th St SE & A St SE Traffic Signal Safety Imp	34,400	355,600	390,000	-
	cp1707 A St SE Corridor Signal Safety & Op. Imp	35,500	319,700	355,200	-
	cp1110 A Street SE Safety Improvements	55,000	-	55,000	-
	asbd24 Auburn Regional Growth Center Access Imp		(500,000)	(500,000)	-
	cp1114 Auburn Way S & 12th St SE Intersection Improvements	150,000	-	150,000	-
	asbd05 AWN & 1st Street NE Signal Improvements		-	(50,000)	50,000
	asbd23 AWS / SR-164 Sidewalk Improvements		(208,000)	(260,000)	52,000
	cp1705 AWS / SR-164 Sidewalk Improvements		-	52,000	(52,000)
	asbd07 Citywide Arterial Bicycle & Safety Improvements		-	(100,000)	100,000
	asbd14 Evergreen Heights Safe Routes to School Improvements		(410,000)	(210,000)	(200,000)
	cp1416 F Street SE Non-Motorized Improvements		(2,352,000)	(2,502,000)	150,000
	cp1701 ITS Dynamic Message Signs		(120,000)	(50,000)	(70,000)
	asbd18 Lea Hill Segment 1 - R St NE to 105th PI SE		200,000	200,000	-
	asbd12 M Street NE - E Main St to 4th St NE		(300,000)	(300,000)	-
	asbd21 M Street SE & 29th St SE Intersection Safety Imp	50,000	-	50,000	-
	cp1406 Main Street Signal Upgrades	20,000	-	20,000	-
	asbd26 Riverwalk Drive SE Non-Motorized Improvements		(125,000)	(250,000)	125,000
	asbd25 Stewart Road - Lake Tapps Parkway Corridor		(34,000)	(100,000)	66,000
	asbd20 West Valley Highway Improvements		(100,000)	(100,000)	-
	cp1513 22nd St NE & I St NE Intersection		(1,175,000)	(1,175,000)	-
	asbd11 Kersey Way Study		20,000	20,000	-
	asbd15 A St SE & Lakeland Hills Wy SE Intersection Sfty & Imp		50,000	50,000	-
	asbd13 West Valley Highway Improvements		25,000	25,000	-
	TOTAL	344,900	(4,353,700)	(4,229,800)	221,000
103 Local Streets	sobd02 Local Street Improvement Program	150,000	-	150,000	-
	TOTAL	150,000	-	150,000	-
105 Arterial Street Preservation	cp1521 15th St NE/NW Preservation	750,000	750,000	1,500,000	-
	cp1502 37th St SE & A St SE Traffic Signal Safety Imp	46,100	-	46,100	-
	spbd01 Annual Street Preservation Program		-	(400,000)	400,000
	spbd04 Auburn Way N Preservation Phase 2		(889,700)	(1,508,000)	618,300
	spbd05 Auburn Way N Preservation Phase 3		(111,200)	(222,400)	111,200
	TOTAL	796,100	(250,900)	(584,300)	1,129,500

Attachment 1

Summary of CIP Changes per 2018-2023 CFP

<u>Fund</u>	<u>Project</u>	<u>Beginning Fund Balance</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Ending Fund Balance</u>
124 Mitigation Fees	asbd24 Auburn Regional Growth Center Access Imp			(100,000)	100,000
	cp1315 City Wetland Mitigation projects	26,600		26,600	-
	asbd14 Evergreen Heights Safe Routes to School Improvements			(57,000)	57,000
	cp1416 F Street SE Non-Motorized Improvements			(190,000)	190,000
	gpbd11 Lakeland Hills Nature Area			150,000	(150,000)
	asbd18 Lea Hill Segment 1 - R St NE to 105th PI SE			200,000	(200,000)
	asbd12 M Street NE - E Main St to 4th St NE			(20,000)	20,000
	gpbd13 Mary Olson Farm - Watts Property Acquisition			125,000	(125,000)
	asbd25 Stewart Road - Lake Tapps Parkway Corridor			(34,000)	34,000
	gpbd06 Sunset Park	200,000		200,000	-
	asbd20 West Valley Highway Improvements			(100,000)	100,000
	cp1513 22nd St NE & I St NE Intersection			(235,000)	235,000
	West Auburn Lake Property			100,000	(100,000)
	asbd11 Kersey Way Study			20,000	(20,000)
	asbd15 A St SE & Lakeland Hills Wy SE Intersection Sfty & Imp			50,000	(50,000)
	asbd13 West Valley Highway Improvements			25,000	(25,000)
	TOTAL	226,600	-	160,600	66,000
321 Parks Construction	gpbd22 Les Gove Campus Security Cameras	20,000	-	20,000	-
	gpbd13 Mary Olson Farm - Watts Property Acquisition		250,000	250,000	-
	gpbd04 Park Acquisitions / Development	46,400	-	46,400	-
	gpbd06 Sunset Park		400,000	400,000	-
	Public Art	-	-	-	-
	West Auburn Lake Property		100,000	100,000	-
	TOTAL	66,400	750,000	816,400	-
328 Capital Improvements	cp1611 Auburn Environmental Park Boardwalk - Phase 2		(800,000)	(800,000)	-
	cp1705 AWS / SR-164 Sidewalk Improvements	210,000	375,000	670,000	(85,000)
	cp1315 City Wetland Mitigation projects		26,600	26,600	-
	erbd02 M&O Lunchroom Expansion		-	37,500	(37,500)
	gcdb05 Restore Public Art project with unobligated REET funds	85,000	-	115,000	(30,000)
	10thgrn Restore 10th Green rebuild proj w/ unobligated REET func		-	27,000	(27,000)
	TOTAL	295,000	(398,400)	76,100	(179,500)

Attachment 1

Summary of CIP Changes per 2018-2023 CFP

<u>Fund</u>	<u>Project</u>	<u>Beginning Fund Balance</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Ending Fund Balance</u>
330 Local Revitalization	cp1616 City Downtown Public Parking Lot Reconfiguration	40,500	-	40,500	-
	TOTAL	40,500	-	40,500	-
430 Water Operations	erbd02 M&O Lunchroom Expansion	37,500	-	37,500	-
	erbd03 M&O Master Planning	-	-	(12,500)	12,500
	TOTAL	37,500	-	25,000	12,500
431 Sewer Operations	erbd02 M&O Lunchroom Expansion	37,500	-	37,500	-
	erbd03 M&O Master Planning	-	-	(12,500)	12,500
	TOTAL	37,500	-	25,000	12,500
432 Storm Operations	erbd02 M&O Lunchroom Expansion	37,500	-	37,500	-
	erbd03 M&O Master Planning	-	-	(12,500)	12,500
	TOTAL	37,500	-	25,000	12,500
460 Water Capital					
	cp1513 22nd St NE & I St NE Intersection		-	(275,000)	275,000
	wabd08 Algona Well 1 Decommissioning		-	(39,000)	39,000
	wabd14 Auburn Regional Growth Center Access Improvements		-	(50,000)	50,000
	cp1218 Auburn Way S Muckleshoot Plaza to Dogwood	10,000	-	10,000	-
	wabd07 Coal Creek Springs Rehabilitation		-	(800,000)	800,000
	cp1603 Coal Creek Springs Transmission Main Rpl		-	(183,400)	183,400
	cp1416 F Street SE Non-Motorized Improvements		-	(250,000)	250,000
	cp1107 Fulmer Well Field Improvements	10,000	-	10,000	-
	cp1617 Lea Hill PRV Stations Improvement	10,000	-	10,000	-
	wabd13 M Street NE Widening		-	(20,000)	20,000
	cp1709 Reservoir 1 Seismic Control Valve	12,500	87,500	100,000	-
	wabd04 Utilities Field Operations Center	100,000	200,000	300,000	-
	cp1317 Water Meter & Billing System Improvements	400,000	-	400,000	-
	cp1417 West Hill Springs Improvements	10,000	-	10,000	-
	TOTAL	552,500	287,500	(777,400)	1,617,400

Attachment 1

Summary of CIP Changes per 2018-2023 CFP

<u>Fund</u>	<u>Project</u>	<u>Beginning Fund Balance</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Ending Fund Balance</u>
461 Sewer Capital	cp1520 B Street NW Reconstruction	10,000	-	10,000	-
	cp1416 F Street SE Non-Motorized Improvements		-	(88,000)	88,000
	sebd08 M Street NE Widening		-	(5,000)	5,000
	sebd06 Siphon Assessment	100,000	-	100,000	-
	wabd04 Utilities Field Operations Center	100,000	-	100,000	-
	sebd09 Pump Station Telemetry Improvements	140,000	-	140,000	-
	cp1512 Pump Station Electrical Improvements		-	(141,000)	141,000
	sebd05 Pump Station Replacement / Improvements	-	-	141,000	(141,000)
TOTAL		350,000	-	257,000	93,000
462 Storm Capital	cp1312 Academy Dr, SE 312 St Se, & D St Storm Improvements	600,000	-	600,000	-
	cp1316 East Ridge Manor Storm Drainage Improvements	83,100	-	83,100	-
	sdbd07 Hillside Drainage Assessment		-	(125,000)	125,000
	sdbd14 Riverwalk Drive SE Non-Motorized Improvements		-	(50,000)	50,000
	sdbd13 S. 330th St. & 46th Pl. S. Storm Improvement		-	(20,000)	20,000
	wabd04 Utilities Field Operations Center	100,000	-	100,000	-
	sdbd12 Vegetation Sorting Facility		-	(75,000)	75,000
	TOTAL	783,100	-	513,100	270,000
560 ER&R Capital	erbd02 M&O Lunchroom Expansion		150,000	150,000	-
	erbd03 M&O Master Planning		(50,000)	(50,000)	-
	TOTAL	-	100,000	100,000	-

Attachment 2

Funding for street preservation projects (in Fund 328) per the recommendation of the *ad hoc* committee on \$20 car tab fees

Source	Dept	Project/Program	CIP	Amount	
				2017	2018
REET					
	CDPW	Auburn Environmental Boardwalk - Phase 2	CP1611	75,000	
		Downtown Wayfinding Program	GCBD03	25,000	35,000
		Citywide Bridge Railing Replacements	GCBD08	99,000	100,000
		Citywide Street Lighting Improvements	CP1711	50,000	100,000
	Parks	Mary Olson Farm/Watts Property Acquisition	GPBD13	125,000	
		Public Art	GCBD02	133,000	30,000
		Lakeland Hills Nature Area	GPBD11	25,000	150,000
		Rebuild the Tenth Green and Surrounds			27,000
	Facilities	M&O Vehicle Storage Bay Improvements	CP0711	25,000	
		M&O Vehicle Bay Maintenance	CP1223	62,500	
		M&O Fuel Tank Replacement	ERBD01	17,500	
		M&O Lunchroom Expansion	ERBD02	37,500	
		M&O Master Planning	ERBD03	12,500	12,500
		City Hall Exterior Structural Repairs			250,000
		City Hall Roof Replacement			200,000
Fund Balance					
	GF	Projected surplus fund balance		1,300,000	
Total				1,987,000	904,500
GRAND TOTAL				\$ 2,891,500	



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5319 - 2018 Fee Schedule (15 Minutes) (Heid)

Date:

November 8, 2017

Department:

City Attorney

Attachments:

[Resolution](#)

[Fee schedule](#)

Budget Impact:**Administrative Recommendation:**

Discussion only

Background Summary:

Consistent with the city's process of reviewing, setting, and identifying fees associated with city services, a review of the current fees has been completed with the intention of identifying the amounts of such fees as consistent with the cost of the city (so that the fees cover city expenses).

Amendments of the fee schedule have, thus, then included in the attachment to Resolution number 5319, to be effective in 2018. Each of the departments within the city, which has fees for which the department is responsible has participated in the evaluation of fee levels and recommendations set forth in the resolution.

Reviewed by Council Committees:**Councilmember:**

Meeting Date: November 13, 2017

Staff:

Item Number:

RESOLUTION NO. 5319

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, AMENDING
THE CITY OF AUBURN FEE SCHEDULE TO
ADJUST FOR 2018 FEES

WHEREAS, in connection with the municipal functions and operations of the City of Auburn, the City provides various services, a number of which entail fees; and

WHEREAS, the City Council provided for the adoption of a Fee Schedule with the passage of Ordinance 5707; and

WHEREAS, in the course of reviewing City fees, and in keeping with the philosophy of setting City fees in amounts reflective of actual costs, and in further keeping with the intent to make City fees and charges consistently accessible, it is appropriate to review and amend the fees and charges for City applications and activities for which fees are charged to adjust for changes to be effective January 2018.

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

Section 1. The City of Auburn Fee Schedule is hereby amended as set forth in the attached "Exhibit A" and

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

Section 3. That this Resolution shall take effect and be in full force upon passage and signatures hereon and on January 1, 2018.

Dated and Signed this _____ day of _____, 2017.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

Exhibit “A”

CITY OF AUBURN FEE SCHEDULE FEES FOR CITY PERMITS, LICENSES, PUBLICATIONS, AND ACTIONS

Effective January 1, 2018

A. PLANNING FEES (Per Ordinance No. 5707, Ordinance No. 5715, Ordinance No. 5819, Resolution No. 3797, Resolution No. 3953, Resolution No. 4070, Resolution No. 4117, Resolution No. 4143, Ordinance No. 6077, Resolution No. 4272, Resolution No. 4424, Ordinance No. 6276, Resolution No. 4552, Ordinance No. 6295, Resolution No. 4868, Resolution No. 4880, Resolution 4964, Ordinance 6477, Resolution No. 5016, Resolution 5114, Resolution No. 5181, Resolution No. 5213, Resolution No. 5228, Resolution No. 5255, ~~and~~ Resolution No. 5312, and Resolution No. 5319.)

1. Application Fees: Applications for any action identified below shall not be accepted for filing, unless otherwise noted, until the fees per the below schedule have been paid to the City. ¹	
Additional Meeting Fee (beyond the specified number)	\$267 <u>275</u> .00 per meeting
Additional Re-submittal Fee (covers one re-submittal for all land use actions <u>applied after 3 city reviews of the application</u>)	\$65 <u>67</u> .00 per re-submittal
<u>Address Assignment</u>	\$107.00 <u>per address</u>
Administrative Use Permits (covers 1 meeting with staff after which additional meeting fees apply)	\$90 <u>933</u> .00
Appeal of Administrative Decisions issued under Chapter 1.25, Title 15, Title 16, Title 17 or Title 18 to Hearing Examiner ¹ . Hearing Examiner costs are included within the appeal fee and are therefore not billed separately.	\$1,030 <u>1,061</u> .00
Binding Site Plan ² (covers 2 meetings with staff after which additional meeting fees apply)	\$1,173 <u>1,208</u> .00 + \$64 <u>66</u> .00/lot
Boundary Line Adjustment ¹ :	
Residential	\$534 <u>550</u> .00
Non-Residential (includes mixed use projects)	\$880 <u>906</u> .00
Boundary Line Elimination ¹	\$515 <u>530</u> .00
Comprehensive Plan Map Amendments ³ (covers 2 meetings with staff after which additional meeting fees apply)	\$2,132 <u>2,196</u> .00 (includes rezone application fee)
Comprehensive Plan Text Amendments ³ (covers 2 meetings with staff after which additional meeting fees apply)	\$1,030 <u>1,061</u> .00
Conditional Use Permits ^{1, 6} (covers 2 meetings with staff after which additional meeting fees apply)	
Residential	\$1,030 <u>1,061</u> .00 + Hearing Examiner expenses.

¹ Please note that the City of Auburn may collect a review fee on behalf of the Valley Regional Fire Authority for certain land use and/or environmental reviews which fee is collected in addition to the City's required fees.

² Per Auburn City Code, a modification to an approved binding site plan shall be processed in the same manner as the original binding site plan approval. Therefore, the specified fee shall apply to a new or modified binding site plan approval request.

³ Fees for amendments to text or maps of the Comprehensive Plan apply only where an applicant seeks an amendment affecting specific properties rather than the City generally or property within the City generally.

All Other (includes mixed use projects)	\$2,060 <u>2,122</u> .00 + Hearing Examiner expenses.
Conditional Use Permits ⁴ – Minor Adjustment (covers 1 meeting with staff after which additional meeting fees apply) Residential All Other (includes mixed use projects)	\$426 <u>439</u> .00 \$574 <u>588</u> .00
Critical Areas Review: Required on-site mitigation, monitoring & reporting ⁵ Critical Areas Reasonable Use Determination City review of environmental studies, plans or reports (whether submitted with another city application or not and includes one re-submittal) Critical Areas Variance – administrative Critical Areas Variance – hearing examiner ^{1, 6}	\$309 <u>318</u> .00 + actual costs for inspection and report preparation by contracted professional. \$267 <u>275</u> .00 \$267 <u>275</u> .00/study, plan or report \$267 <u>275</u> .00 \$4000 <u>1,030</u> .00 + total hourly charge for Hearing Examiner + associated expenses to be paid by applicant prior to issuance of final decision.
Current Use Taxation (covers 1 meeting with staff after which additional meeting fees apply)	\$824 <u>849</u> .00
Development Agreement – Amendment	\$2,266 <u>2,334</u> .00 + \$626 <u>4</u> .00/lot or dwelling unit
Downtown Urban Center Design Review <u>and/or Major Modifications to Already Issued Design Review Decisions</u> (covers 1 meeting with staff after which additional meeting fees apply)	\$1,173 <u>1,208</u> .00
<u>Downtown Urban Center Design Review Minor Modification (applies to already issued design review decisions)</u>	\$196 <u>.00</u>
Environmental Review (covers 1 meeting with staff after which additional meeting fees apply) SEPA Checklist review ¹ (includes City issuance of DNS, MDNS, or DS as appropriate)	\$826 <u>851</u> .00 + \$267 <u>275</u> .00 /required study

⁴ Per Auburn City Code, a major adjustment to an approved conditional use permit shall be processed in the same manner as the original conditional use permit approval. Therefore, the specified fee shall apply to a new request for conditional use permit approval or a request for a major adjustment to a previously approved conditional use permit approval.

⁵ For monitoring required over multiple years, the total monitoring fee for the required monitoring period shall be paid prior to final plat approval or issuance of Certificate of Occupancy or release of required financial security.

Revised or Supplemental SEPA Checklist review ¹ (includes City issuance of Addendum, if appropriate)	\$360 <u>371</u> .00 + \$267 <u>275</u> .00 /required study
SEPA 3 rd Party Review	Actual costs
Environmental Impact Statement	\$826 <u>851</u> .00 + actual costs for preparation of draft & final statements including labor, materials, mailing & other actual costs relating to the drafting & circulating of the EIS.
Final Plats – Subdivisions (covers 2 meetings with staff after which additional meeting fees apply and 1 re-submittal)	\$1,564 <u>1,611</u> .00 + \$54 <u>56</u> .00/lot
Final Plats – Short Plats (covers 1 meeting with staff after which additional meeting fees apply and 1 re-submittal)	\$773 <u>796</u> .00 + \$26 <u>27</u> .00/lot
Flexible Development Alternatives Application Review (covers 1 meeting with staff after which additional meeting fees apply and 1 re-submittal)	\$1,173 <u>1,208</u> .00
Hearing Examiner – Conduct of Hearing and Preparation of Decision ⁶	Total hourly charge for hearing examiner plus associated expenses to be paid by applicant prior to issuance of final decision
Floodplain Development Permit: <u>Level One</u>	\$267 <u>275</u> .00
<u>Floodplain Development Permit: Level Two – Habitat impact Assessment Floodplain Habitat Impact Assessment Report Review</u>	\$540 <u>.00</u>
<u>Floodplain Development Permit: Level Three – Habitat Impact Assessment & Hydraulic Analysis (Hydraulic Analysis to be Conducted by Outside Third Party Consultant) Floodplain Habitat Mitigation Plan Review</u>	\$258 <u>540</u> .00 + <u>Third Party Review Fees</u>
<u>Mitigation Plan Review Associated with a Floodplain Development Permit Combined Floodplain Habitat Assessment/Mitigation Plan Review</u>	\$545 <u>275</u> .00
City Acknowledgement Review of FEMA Flood Map Revision Application	\$403 <u>106</u> .00
Mining Permits (covers 3 meetings with staff after which additional meeting fees apply)	\$3,732 <u>3,844</u> .00
Miscellaneous Administrative Decisions (i.g. sign area deviation, written interpretations)	\$545 <u>530</u> .00
Multi-Family/Mixed Use Design Standards Compliance Review (application covers 1 meeting with staff after which additional fees apply)	\$1,173 <u>1,208</u> .00

⁶ The total cost for the Hearing Examiner is the responsibility of the applicant and is in addition to the relevant application fee for applications requiring a public hearing before the Hearing Examiner (e.g. conditional use permit). The applicant will be billed separately for Hearing Examiner fees after the Hearing Examiner has provided an invoice to the City that itemizes expenses incurred as a result of their services.

Plat Alteration or Vacation ⁶ (application covers 1 meeting with staff after which additional fees apply)	\$1,030 <u>1,060</u> .00/request + Hearing Examiner expenses.
Plat Modification (application covers 1 meeting with staff after which additional fees apply)	\$1,030 <u>1,060</u> .00/request
Preliminary Plats – Subdivisions ^{1, 6} (application covers 3 meetings with staff after which additional fees apply)	\$3,090 <u>3,183</u> .00 + \$124 <u>128</u> .00/lot + Hearing Examiner expenses.
Preliminary Plats – Short Plats ¹ (application covers 1 meeting with staff after which additional fees apply)	\$1,492 <u>1,537</u> .00 + \$62 <u>64</u> .00/lot
Preliminary Site Plan Review (non-PUD) (application covers 1 meeting with staff after which additional fees apply)	\$1,066 <u>1,098</u> .00
Pre-application Meeting (application covers 1 meeting with staff after which additional fees apply)	\$267 <u>275</u> .00 – fee will be applied towards any related application made within six months <u>one year</u> of the date the pre-application meeting was held
PUD – Major Adjustment ⁷ (application covers 2 meetings with staff after which additional fees apply)	\$2,635 <u>2,714</u> .00
Public Notice Boards: 2' x 4' public notice board 4' x 4' public notice board	\$83 <u>85</u> .00 \$140 <u>144</u> .00
Rezone – (zoning map amendment) ⁸ (<u>application covers 2 meetings with staff after which additional fees apply</u>)	\$1,813 <u>1,867</u> .00
School Impact Fee Collection: ⁹ Per Single Family Dwelling Unit Per Multi-Family Dwelling Unit	\$54 <u>56</u> .00 \$27 <u>28</u> .00
Shoreline (application covers 1 meeting with staff after which additional fees apply): Shoreline Exemption Determination Shoreline Conditional Use Permit ⁶ Shoreline Substantial Development Permit ⁶ Shoreline Variance ⁶	\$224 <u>228</u> .00 \$1,173 <u>1,208</u> .00 + Hearing Examiner expenses. \$1,173 <u>1,208</u> .00 + Hearing Examiner expenses. \$1,173 <u>1,208</u> .00 + Hearing Examiner expenses.
Short Plat Modification (application covers 1 meeting with staff after which additional fees apply)	\$267 <u>275</u> .00/requested modification

⁷ A prior City Code amendment eliminated Planned Unit Developments (PUD). The PUD fees included herein are applicable only to the existing previously approved PUDs.

⁸ ~~Application fee covers 2 meetings with staff after which additional meeting fees apply.~~

⁹ The City collects an application fee to cover the reasonable cost of administration of the school impact fee program.

<u>Sign Permit</u> ¹⁰	<u>\$103.00</u>
Site Plan Approval – PUD, Residential ⁹ (application covers 1 meeting with staff after which additional fees apply)	<u>\$1,1731,208.00</u> + <u>\$6466.00</u> /lot or unit
Site Plan Approval - PUD, Non-residential ⁹ (application covers 1 meeting with staff after which additional fees apply)	<u>\$1,1731,208.00</u> + <u>\$6466.00</u> /lot or unit
Special Home Occupation Permits	<u>\$267275.00</u>
<u>Third Party Review of Reports</u>	<u>\$172.00 + Actual Costs of Consultant</u>
Three-Party Outside Utility Extension Agreement - Site Specific Review (application covers 1 meeting with staff after which additional fees apply)	<u>\$1,0661,098.00</u> + plus the City's actual costs in performing under the terms of the agreement as negotiated between the parties
Type I Temporary Use Permit	<u>\$99102.00</u> + <u>\$5052.00</u> per extension request
Type II Temporary Use Permit	<u>\$148153.00</u> + <u>\$5052.00</u> per extension request
Variance ¹ (inclusive of Special Exceptions): Per each residence on a single family lot Administrative Variance before Hearing Examiner	<u>\$267275.00</u> <u>\$592610.00</u> <u>\$1,0001,030.00</u>
Water/Sewer Certificate ¹ (outside of city limits for other than <u>one</u> single-family <u>residence</u>)	<u>\$320330.00</u>
Zoning Certification Letter: Residential Non-Residential (includes mixed use development)	<u>\$5456.00</u> <u>\$407110.00</u>
Zoning Code Text Amendment (application covers 1 meeting with staff after which additional fees apply)	<u>\$1,0661,098.00</u>
2. BOOKS, MAPS, MATERIALS: ¹¹ (<i>pursuant to Resolution No. 3953</i>)	
Comprehensive Plan	Cost of Production
Downtown Plan	Cost of Production
Downtown Plan Appendices	Cost of Production
Copies of Codes and Ordinances	Cost of Production
Maps	Cost of Production
3. LAND CLEARING, GRADING AND FILLING FEES (<i>Per Ordinance No. 6146, Resolution No. 4272 Resolution No. 4424, and Resolution No. 5255, and Resolution No. 5319.</i>)	
Land Clearing: Base Fee (for up to 1 acre) 1 to 5 acres Over 5 acres	<u>\$320330.00</u> Base Fee + <u>\$117121.00</u> /acre Base Fee + <u>\$8689.00</u> /acre
Grading and Filling Fees: <u>Base Fee without FAC (for up to 500 cubic yards)</u> Base Fee <u>with FAC</u> (for up to 500 cubic yards) 500 to 250,000 cubic yards Over 250,000 cubic yards	<u>\$552.00</u> <u>\$320330.00</u> Base Fee + \$0.12/cubic yard Base Fee + \$0.02/cubic yard

¹⁰ The City collects an application fee to cover the reasonable cost of zoning compliance review in addition to the building permit application fee identified in Table 1-A, below.

¹¹ Prices for printed materials do not include any taxes.

4. BUILDING FEES (*per Ordinance 5715, Ordinance 5819, Resolution No. 3773, Resolution No. 3797, Resolution No. 3818, Resolution No. 3953, Resolution No. 4143, Ordinance No. 6146, Resolution No. 4272, Resolution No. 4424, Resolution No. 5134, and Resolution No. 5255, and Resolution No. 5319.*)

- a. Building Permit Fees:** Building permit fees are based upon a project's construction valuation as set forth by the International Code Council (ICC). ICC's construction valuation table is hereby incorporated into the City of Auburn's fees schedule. Construction valuations will be updated on January 1st of each year. The fee for each International Building Code, International Residential Code, Washington State Energy Code or Washington State Indoor Air Quality Code building permit shall be as set forth in Table 1-A, below.¹²

¹² Please note that the City of Auburn may collect a review fee for the Valley Regional Fire Authority for certain permit applications that is collected in addition to the City's required fees.

Table 1-A BUILDING PERMIT FEES	
TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$32.00
\$501.00 to \$2,000.00	\$32.00 for the first \$500.00 plus \$6.00 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$122.00 for the first \$2,000.00 plus \$18.60 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$549.80 for the first \$25,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$899.80 for the first \$50,000.00 plus \$10.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,399.80 for the first \$100,000.00 plus \$9.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$4,999.80 for the first \$500,000.00 plus \$8.00 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,000.00 and up	\$8,999.80 for the first \$1,000,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof
Other Inspections and Fees: 1. Inspections outside of normal business hours..... \$6365.00 per hour ¹ (minimum charge – two hours) 2. Reinspection fees assessed under provisions of Section 109.4.13 \$6365.00 per hour ¹ 3. Inspections for which no fee is specifically indicated \$6365.00 per hour ¹ (minimum charge – one half hour) 4. Additional plan review required by changes, additions or revisions to plans \$6365.00 per hour ¹ (minimum charge – one half hour) 5. For use of outside consultants for plan checking and inspections, or both Actual costs ²	
FOOTNOTES: ¹ Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved. ² Actual costs include administrative and overhead costs.	
b. Mechanical Permit Fees: The fee for each permit issued under provisions of the International Mechanical Code, International Fuel Gas Code, NFPA 54 (National Fuel Gas Code), NFPA 58 (Liquefied Petroleum Gas Code), or the mechanical device provisions of the International Residential Code shall be as set forth in Table 2-A, below. For new single-family dwellings a flat rate permit fee of \$185.00 may be charged in lieu of fees as prescribed in Table 2-A. For new multi-family dwellings, a flat rate permit fee of \$125129.00 may be charged in lieu of fees prescribed in Table 2-A.	
Table 2-A MECHANICAL PERMIT FEES	
Permit Issuance and Heaters: 1. For the issuance of each mechanical permit..... \$2526.00 2. For issuing each supplemental permit for which the original permit has not expired, been canceled or finalized \$9.00 32. In addition to the base mechanical permit fee, each mechanical fixture shall include a charge of..... \$12.00	
Other Inspections and Fees: 1. Inspections outside of normal business hours, per hour (minimum charge -- two hours) \$6365.00 2. Reinspection fees assessed under provisions of Section 109.4.13 \$61.003. Inspections for which no fee is specifically indicated, per hour (minimum charge -- one-half hour) \$6365.00 3. Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed (minimum charge -- one-half hour) \$6365.00 * Or the total cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.	
c. Plumbing Code Permit Fees: For new single-family dwellings a flat rate permit fee of \$185191.00 may be charged in lieu of fees as prescribed in Table 3-A. For new multi-family dwellings, a flat rate permit fee of \$125.00 may be charged in lieu of fees prescribed in Table 3-A.	

Table 3-A PLUMBING PERMIT FEES

Permit Issuance:	
1. For issuing each permit	\$2526.00
2. For issuing each supplemental permit	\$12.00
32. In addition to the base mechanical permit fee, each mechanical fixture shall include a charge of	\$10.00
Other Inspections and Fees:	
1. Inspections outside of normal business hours	\$6365.00
2. Reinspection fee	\$6365.00
3. Inspections for which no fee is specifically indicated	\$6365.00
4. Additional plan review required by changes, additions or revisions to approved plans (minimum charge - one-half hour)	\$6365.00
*Per hour for each hour worked or the total hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of all the employees involved.	
d. Demolition Permit Fees: Demolition permits shall be charged a base fee of \$126 130.00 .	
Fees: Permit fees shall be assessed in accordance with this section. Fees specified shall be adjusted for inflation each year based upon the Seattle Consumer Price Index. Fees shall be rounded down to nearest whole dollar.	
Appeal Fees: The fee for appeals of codes adopted pursuant to ACC Chapter 15 shall be \$140 113.00 plus total hearing examiner costs.	
Plan Review Fees: When submitted documents are required by Section 106.3 of the Construction Administrative Code, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee as shown in Table 1-A. The plan review fees specified in this section are separate fees from the permit fees and in addition to permit fees.	
Temporary Certificate of Occupancy Fees: There shall be a fee equal to \$260.00 ten percent of the building permit fee for issuance of a temporary certificate of occupancy <u>and a fee of \$130.00 for any subsequent extensions requested.</u>	
5. ADMINISTRATIVE PROCEDURES AND MISCELLANEOUS INSPECTIONS: In addition to any other fees specified in this chapter, there shall be a fee schedule for certain administrative procedures not otherwise included as set forth in the following schedule of fees:	
Adult Family Home Inspection	\$160 165.00
Demolition, permit and inspections	Per Table 1-A
Relocation (pre-inspection)	Per Table 1-A
Housing Inspection	Actual City Cost, minimum \$21.00
Change of Use	Per Table 1-A
Sign Permits	Unless except by Ch. 18.56 ACC, the fee shall accompany each application for a sign permit. The amount of the fee shall be based upon the value of the sign pursuant to Table 1-A.
6. RENTAL HOUSING BUSINESS LICENSE FEES (Per Resolution No. 4601, Ordinance No. 5882, Resolution No. 4272, Resolution No. 4424 and Ordinance 6477):	
a. The fee for a license to operate rental housing businesses in the City, as defined in Chapter 5.22 of the Auburn City Code (ACC) shall be based on the total number of units as follows: One to four dwelling units Five to 24 dwelling units Twenty-five or more dwelling units Communal residence	 \$53.00/year \$106.00/year \$212.00/year \$150.00/year
b. The fee for a license to operate rental housing businesses in the city shall be for the license year from January 1 to December 31, and each applicant must pay the full fee for the	

current license year or any portion thereof during which the applicant has engaged in the operation of rental housing businesses.
c. The rental housing business license fee required by this chapter is in lieu of, and not in addition to, the general business license fee required by Chapters 5.05 and 5.10 of the Auburn City Code (ACC); provided, however, that any person required to obtain a rental housing business license must also obtain a general business license, at no cost, pursuant to Chapters 5.05 and 5.10 of the Auburn City Code (ACC).
d. Notwithstanding the provisions of sub-section (1) of this section, the fee for operating rental housing facilities for any single individual, partnership, corporation or entity shall not exceed \$424.00 per license period.
Rental housing business license renewals shall be for the period January 1 through December 31 of each year.

B. ENGINEERING AND PUBLIC WORKS FEES

1. Transportation Impact Fee Rate Schedule: (Per Ordinance No. 5763 as amended by Resolution No. 3953, Ordinance No. 6005, Resolution No. 4103, Resolution No. 4424, Resolution 4964, Resolution No. 5114, Resolution No. 5181, and Resolution No. 5255, <u>and Resolution No. 5319.</u>)					
Land Use	ITE Land Use Code	Independent Variable	Trip Rate	Non-Downtown Fee Rate	Downtown Fee Rate
<i>Industrial</i>					
General Light Industrial	110	sf/gfa	0.97	\$7.888.02	-
General Heavy Industrial	120	sf/gfa	0.68	\$6.196.30	-
Industrial Park	130	sf/gfa	0.85	\$6.917.03	-
Manufacturing	140	sf/gfa	0.73	\$3.563.62	-
Warehousing	150	sf/gfa	0.32	\$3.643.70	-
Mini-Warehouse/Storage	151	sf/gfa	0.26	\$1.941.98	-
<i>Residential</i>					
Single-Family (detached)	210	du	1.00	\$4,459.894,537.89	\$3,612.513,675.69
Multi-Family	220-233	du	0.62	\$2,923.142,974.26	\$2,367.742,409.15
Mobile Home	240	du	0.59	\$2,105.072,141.88	-
Senior Housing	251, 252	du	0.27	\$963.34980.18	\$780.30793.95
<i>Lodging</i>					
Hotel	310	room	0.60	\$3,058.213,111.69	\$2,477.152,520.47
Motel	320	room	0.47	\$2,395.602,437.49	-
<i>Recreational</i>					
Movie Theater	444, 445	seat	0.08	\$199.29202.78	\$147.48150.06
Health Club	492, 493	sf/gfa	3.53	\$10.4610.64	\$7.747.88

Land Use	ITE Land Use Code	Independent Variable	Trip Rate	Non-Downtown Fee Rate	Downtown Fee Rate
<i>Institutional</i>					
Elementary School	520	student	0.15	\$259.95264.49	\$192.36195.73
Middle School/Jr. High	522	student	0.16	\$440.38448.08	\$325.88331.58
High School	530	student	0.13	\$490.33498.91	\$362.85369.19
Church	560	sf/gfa	0.55	\$2.592.64	\$1.921.95
Day Care Center	565	sf/gfa	12.34	\$23.5924.00	\$17.4517.76
Library	590	sf/gfa	7.30	\$11.8612.07	\$8.788.93
<i>Medical</i>					

Hospital	610	sf/gfa	0.93	\$4.744.82	\$3.843.91
Asst. Living, Nursing Home	254, 620	bed	0.22	\$784.94 <u>798.67</u>	-
Office					
General Office	710, 715, 750	sf/gfa	1.49	\$8.728.87	\$5.936.03
Medical Office	720	sf/gfa	3.57	\$16.38 <u>16.66</u>	\$11.14 <u>11.33</u>
Post Office	732	sf/gfa	11.22	\$18.23 <u>18.55</u>	\$12.40 <u>12.61</u>
Retail					
Free Standing Discount Superstore	813	sf/gla	4.35	\$8.388.53	\$6.206.31
Free Standing Discount Store	815	sf/gla	4.98	\$11.06 <u>11.26</u>	\$8.198.33
Hardware/Paint Store	816	sf/gla	4.84	\$7.76 <u>7.90</u>	\$5.745.84
Shopping Center	820	sf/gla	3.71	\$6.55 <u>6.67</u>	\$4.854.93
Car Sales – New	841	sf/gla	2.59	\$12.15 <u>12.36</u>	\$8.999.14
Car Sales – Used	N/A	space	0.28	\$1,312.99 <u>1,355.95</u>	\$971.61 <u>988.61</u>
Automobile Parts Sales	843	sf/gla	5.98	\$7.38 <u>7.51</u>	\$5.465.56
Tire Store	848	sf/gla	4.15	\$8.388.52	\$6.206.31
Supermarket	850	sf/gla	9.48	\$16.24 <u>16.52</u>	\$12.01 <u>12.22</u>
Convenience Market	851	sf/gla	52.41	\$33.86 <u>34.45</u>	\$25.06 <u>25.49</u>
Home Improvement Store	862	sf/gla	2.33	\$3.24 <u>3.30</u>	\$2.40 <u>2.44</u>
Drugstore w/o Drive-Through	880	sf/gla	8.40	\$8.55 <u>8.70</u>	\$6.336.44
Drugstore w/ Drive-Through	881	sf/gla	9.91	\$10.95 <u>11.14</u>	\$8.108.24
Furniture Store	890	sf/gla	0.45	\$0.46 <u>0.47</u>	\$0.340.35

Land Use	ITE Land Use Code	Independent Variable	Trip Rate	Non-Downtown Fee Rate	Downtown Fee Rate
Services					
Drive-in Bank	912	sf/gfa	24.30	\$24.62 <u>25.05</u>	\$18.22 <u>18.54</u>
Quality Restaurant	931	sf/gfa	7.49	\$18.17 <u>18.49</u>	\$13.45 <u>13.68</u>
High Turnover Restaurant	932	sf/gfa	9.85	\$16.46 <u>16.74</u>	\$12.18 <u>12.39</u>
Fast Food Restaurant w/o Drive-Through	933	sf/gfa	26.15	\$33.99 <u>34.58</u>	\$25.15 <u>25.59</u>
Fast Food Restaurant w/ Drive-Through	934	sf/gfa	32.65	\$42.44 <u>43.18</u>	\$31.40 <u>31.95</u>
Espresso Stand w/ Drive-Through	938	sf/gfa	75.00	\$32.49 <u>33.06</u>	\$24.05 <u>24.47</u>
Auto Care Center	942	sf/gfa	3.11	\$6.10 <u>6.21</u>	\$4.52 <u>4.60</u>

Service Station	944	vfp	13.87	\$17,426.45 <u>17,731.23</u>	\$12,895.58 <u>13,121.11</u>
Service Station w/ Mini-Mart	945	vfp	13.51	\$12,876.94 <u>13,102.15</u>	\$9,528.93 <u>9,695.59</u>
Lakeland PUD (Per Ordinance No. 4867 as amended by Resolution No. 2955, Ordinance No. 6176 and Resolution No. 5181.)					
Detached Single-Family Residential Unit	N/A	du	n/a	\$1,273.93 <u>1,307.06</u>	-
Attached Single-Family/Multi-Family Unit	N/A	du	n/a	\$826.87 <u>848.37</u>	-
Senior-Family Unit	N/A	du	n/a	\$284.14 <u>291.53</u>	-
Commercial/Retail Units	N/A	sf/gfa	n/a	\$3.34 <u>3.39</u>	-
Administrative Fee for Independent Fee Calculation					\$200.00
Notes: A. Basic trip rates are based on the ITE Trip Generation Manual, 9th Edition. B. Impact fee rate calculation is based upon the following methodology: – Basic Trip Rate = PM Peak Hour Trip Generation (per unit of measure) – Basic Trip Rate x Percent of New Trips x Trip Length Adjustment x Per Trip Fee/(divide by) 1,000 for rate per square foot (where applicable) = Impact Fee Rate (per unit of measure) C. For land uses not specifically identified here, trip generation rates could be derived from ITE or a special study by the applicant. D. sf/GFA= Square feet Gross Floor Area; sf/GLA= Square Feet Gross Leasable Area; VFP=Vehicle Fueling Position. E. Projects eligible for the Downtown Fee Rate are those located entirely within the boundary identified on Figure 1.					

2. Truck-Dependant Land Use Supplementary Transportation Impact Fee Rate Schedule:
(Per Resolution No. 4122, Resolution No. 4424, ~~and Resolution No. 5181,~~ and Resolution No. 5319.)

Land Use	ITE Land Use Code	Independent Variable	Truck Trip Rate	Impact Fee Rate (per sf)
Industrial				
Light Industry/Manufacturing	110, 130, 140	sf/gfa	\$0.06	\$0.11 <u>0.12</u>
Heavy Industry	120	sf/gfa	\$0.04	\$0.09 <u>0.07</u>
Retail				
Shopping Center	820	sf/gla	\$0.01	\$0.04 <u>02</u>
Car Sales	841	sf/gfa	\$0.09	\$0.16 <u>0.14</u>
Supermarket	850	sf/gfa	\$0.33	\$0.64 <u>0.62</u>
Free-Standing Discount Store	813, 815, 861, 863, 864	sf/gfa	\$0.10	\$0.19 <u>0.19</u>
Home Improvement Store	862	sf/gfa	\$0.37	\$0.70 <u>0.70</u>

Land Use	ITE Land Use Code	Independent Variable	Truck Trip Rate	Impact Fee Rate (per sf)
Services				
Restaurant	931, 932	sf/gfa	0.63	\$1.20 <u>1.18</u>
Fast Food Restaurant	933, 934	sf/gfa	2.87	\$5.54 <u>5.41</u>

Notes:

- A. ITE Land Use Code based on ITE Trip Generation, 9th Edition
- B. Impact fee rate calculation is based upon the following methodology:
 - Truck Trip Rate = Daily Truck Trip Generation (per unit of measure)
 - Truck Trip Rate x Per Trip Fee = Impact Fee Rate (per unit of measure)
- C. For land uses not specifically identified in the table, trip generation rates could be derived from a special study by the applicant.
- D. sf /gfa=square feet of gross floor area

3. Impact Fees By Land Use – Revenue Credit = 20% (Per Ordinance No. 5977, Resolution 3953, and Resolution No. 4022)

Land Use	Total Fire & EMS Cost per Unit of Development	Adjustment (Revenue Credit) at 20%	Fire and EMS Impact Fee per Unit of Development
Residential – All calculations below are per dwelling unit – Total x Number of Units			
Single Family, Duplex, Mobile Home	\$362.66	\$72.53	\$290.13
Multi-Family	\$383.09	\$76.62	\$306.47
Non-Residential – All calculations below are per square foot - Total x Square Feet			
Hotel/Motel	\$0.53	\$0.11	\$0.42
Hospital/Clinic	\$1.05	\$0.21	\$0.84
Group Living	\$2.63	\$0.53	\$2.10
Office	\$0.29	\$0.06	\$0.23
Retail	\$0.62	\$0.12	\$0.50
Restaurant/Bar/Lounge	\$1.62	\$0.32	\$1.30
Industrial/Manufacturing	\$0.11	\$0.02	\$0.09

Leisure/Outdoors	\$1.08	\$0.22	\$0.86
Agriculture	\$0.71	\$0.14	\$0.57
Church	\$0.38	\$0.08	\$0.30
Schools/Colleges	\$1.07	\$0.21	\$0.86
Government/Public Buildings	\$1.81	\$0.36	\$0.86
Casino	\$3.78	\$0.77	\$3.01
Jails	\$21.99	\$4.40	\$17.59

4. Facility Extension Fees: *(Per Ordinance No. 5791 and amended by Ordinance No. 5819, Resolution No. 3953, Resolution No. 4272, Resolution No. 4424, ~~and~~ Resolution No. 5114, ~~and~~ Resolution No. 5319.)*

The Facility Extension Application Fee is \$~~569~~52.00, plus \$~~172~~67.00 for each Facility (Water, Sanitary Sewer, Storm Drainage, Street, private street and private storm systems within private streets).

Facility Extension Fees are the summation of the following categories (a+b+c+d), or \$~~1,710~~660.00, whichever is greater.

- a. For the combined linear footage of water, sewer, storm drainage and private storm drainage within private streets:

The first 0 lineal feet (LF) to 1000 LF is charged at \$~~5.70~~50 per LF plus,
The next 1001 LF to 2500 LF is charged at \$~~2.90~~80 per LF plus,
Any additional over 2500 LF is charged at \$~~1.70~~65 per LF.

- b. For the linear footage of streets and private streets:

The first 0 LF to 500 LF will be charged at \$~~76.10~~90 per LF plus,
The next 501 LF to 1000 LF will be charged at \$~~4.20~~40 per LF plus,
Any additional over 1000 LF will be charged at \$1.10 per LF.

- c. For non-linear extensions such as pump stations or traffic signals, the extension fee will be determined by the City Engineer based on an estimate of the City's labor Cost associated with the plan review, inspection, and administration of the application.

- d. For that portion of the water or sewer facility located outside City Limits, but within existing County (King or Pierce) right-of-way, an additional fee of \$~~457~~44.00 plus \$~~5.10~~90 per LF of the combined water and sewer extension located in the existing County right-of-way applies.

Facility Extension Fees will be paid as follows:

- a. Forty percent (40%) at the time of execution of the facility extension agreement.
b. Sixty percent (60%) upon the City's approval of the construction drawings and prior to the start of construction.

Additional Review:

Each additional plan review beyond a 3rd review prior to plan approval will require an additional fee of \$~~527~~42.00 be paid at the time of the additional review submittal. If the review requires more than 8 hours of staff time to complete an additional fee of \$~~64~~4.00 per hour will be charged and must be paid prior to plan approval.

Additional plan review required by changes, additions or revisions to plans during construction will require an additional fee of \$~~264~~56.00 be paid at the time the additional review is submitted and prior to any review being completed. If the review requires more

than 4 hours of staff time to complete an additional fee of \$64.00 per hour will be charged and must be paid prior to plan approval.	
5. Right-of Way Use Permit Fees: (Per Ordinance No. 6125, and Resolution No. 5255, and Resolution No. 5319.)	
Type A – Banner	\$5 20.00
Type B – Short Term	\$6 20.00
Type C – Long Term	\$25 80.00 for the 1 st year (or any term longer than 30 days and less than 1 year)/ \$10 30.00 for each additional year (or portion thereof) up to 5 years
Type D – Hauling	\$10 30.00 + estimated staff time @ \$5 2.00 per hour
Street Closure – Type B or C	\$9 30.00
Sidewalk Closure – Type B or C	\$6 20.00
Parking Closure – Type B or C	\$6 20.00
6. Franchise Agreements: (Per Ordinance No. 6546, Resolution No. 5114, and Resolution No. 5255, and Resolution No. 5319.)	
Application/Renewal/Amendment Application Fee (ACC 13.36.040, ACC 20.06.120, ACC 20.06.130)	\$5, 150000.00 Nonrefundable Initial Fee + plus the City's actual costs incurred in excess of \$5, 150000.00 . Initial Fee is due at time of application any additional costs beyond the initial fee is due prior to the effective date of the agreement.
Annual Administration Fee (ACC 20.04.170)	Actual City Costs
Annual CATV Franchise Fee (ACC 13.36.230)	5% of Gross Revenue for the prior three months.
Other Annual Franchise Fee (ACC 20.06.100)	Statutorily Permissible Percent of Gross Revenue
7. Public Way Agreements: (Per Ordinance No. 6546, Resolution No. 5114, and Resolution No. 5319.)	
Application/Renewal Application Fee (ACC 20.04.020, ACC 20.04.120)	\$5, 015000.00 nonrefundable Initial Fee + plus the City's actual costs incurred in excess of \$5, 150000.00 . Initial Fee is due at time of application any additional costs beyond the initial fee is due prior to the effective date of the agreement.
Annual Fee (ACC 20.04.170)	Actual City Costs
8. Right-of-Way Vacations: (Per Resolution No. 4143, and Resolution No. 5114, and Resolution No. 5319.)	
Application Fee	\$1,5 4500.00
Land Value Compensation	Per ACC 12.48.085
9. Utility System Development Fees: (Per Ordinance No. 5819 and amended by Resolution No. 3797, Resolution No. 3953, Resolution No. 4272, Resolution No. 4424, Resolution No. 5114, Resolution No. 5134, Resolution No. 5181, and Resolution No. 5255, and Resolution No. 5319.) For all utilities, a charge in lieu of assessment or payback charges may be applicable for the proportional share of the utility line being connected to.	

a. Water Utility: Connection fees are comprised of a Water Service Installation Permit Fee and the System Development Charge as follows:

Meter Size (In Inches)	Water Service Installation Permit Fee			System Development Charge (SDC)
		Water Service & Meter Box Installed by City ^{(2)**}		
		Paved Street	Unpaved Street	
¾ or less	\$375 345.00	\$3,700 3,660.00 ^{#(3)}	\$2,150 2,125.00	\$6,630 6,519.00
1	\$430 405.00	\$3,750 3,720.00 ^{#(3)}	\$2,200 2,185.00	\$6,630 6,519.00
1-1/2	\$1,010 915.00	\$5,300 5,185.00 ^{#(3)}	\$3,800 3,650.00	\$22,077 21,708.00
2	\$1,080 975.00	\$5,750 5,625.00 ^{#(3)}	\$4,200 4,090.00	\$35,336 34,745.00
3	Actual Cost	By Applicant Actual Cost	By Applicant Actual Cost	\$70,738 69,556.00
4	Actual Cost	By Applicant Actual Cost	By Applicant Actual Cost	\$110,516 108,669.00
6	Actual Cost	By Applicant Actual Cost	By Applicant Actual Cost	\$220,968 217,274.00
8	Actual Cost	Actual Cost By Applicant	By Applicant Actual Cost	\$353,562 347,652.00
10	Actual Cost	By Applicant Actual Cost	By Applicant Actual Cost	\$508,298 499,804.00

^{(1)*} Installation of a water meter done by the City and the service either already exists or has been installed by the ~~developer~~Applicant.

^{(2)**} Installation of the entire water service is done by the City.

^{(3)#} If meter installation or retrofit involves installation of a fire sprinkler line, fee is Actual Cost.

b. Sanitary Sewer Utility: Connection fees are comprised of a Permit Fee and the System Development Charge as follows:

Type	Permit Fee	System Development Charge (SDC)*
New Connection ^{(4)*}	\$ 190 185.00	\$ 2,460 2,419.00 Per RCE ^{(5)**}
Side Sewer Repair on Private Property	\$78.00	
Side Sewer Repair in Right-of-Way*	\$155.00	
Grinder <u>P</u> ump (<u>New Connection</u>) ⁽⁴⁾	\$ 265 255.00	\$ 2460.00 per RCE ⁽⁵⁾
Demolition Cap (cap side sewer before building demolition)	\$78.00	
Tenant Improvement ⁽⁴⁾	\$ 60 55.00	\$ 2,460 2,419.00 Per <u>n</u> et Increase in RCE's ^{(5)**}

^{(4)*} All construction is the responsibility of the Applicant. If a new connection or repair requires work within City right-of-way, a Construction Permit (EXC - see Section 11) is required in addition to the Sewer Permit. If a new connection requires work within City right-of-way, a construction permit is required in addition to the sewer permit.

^{(5)**} RCE, Residential Customer Equivalent - An RCE shall be as defined by the King County Department of Natural Resources.

NOTE: In addition to City sanitary sewer connection fees, King County will impose a ~~there shall be a~~ sanitary sewer connection fee (King County Capacity Charge) ~~imposed by King County for improvements in King County's regional sewer system, in accordance with King County Code 28.84.050. King County will bill customers directly for this charge once the sewer work is complete.~~

~~This charge is not to be paid to the City. to pay Capital Improvement fees to King County per the King County Rate Schedule.~~

c. Storm Drainage Utility: (Per Resolution No. 4566 and amended by Resolution No. 5181, ~~and Resolution No. 5255, and Resolution No. 5319.~~)

Connection fees are comprised of a Permit Fee and the System Development Charge as follows:

Type	<u>Permit Fee⁽⁶⁾</u>		System Development Charge (SDC)
	<u>Level 1</u>	<u>\$215.00</u>	
	<u>Level 2</u>	<u>\$415.00</u>	
	<u>Level 3 ⁽⁷⁾</u>	<u>Base Fee = \$1,485.00 for up to 10,000 SF of disturbed area</u> <u>Cumulative Additional Fee #1 = Base Fee + \$415.00 for 10,001 SF up to 43,560 SF (1 Acre) of disturbed area</u> <u>Cumulative Additional Fee #2 = Cumulative Additional Fee #1 + \$105.00 per whole or partial Acre disturbed over 1 Acre</u>	
	<u>Level 1</u>	<u>\$215.00</u>	
	<u>Level 2</u>	<u>\$415.00</u>	
	<u>Level 3 ⁽⁷⁾</u>	<u>Base Fee = \$1,485.00 for up to 10,000 SF of disturbed area</u> <u>Cumulative Additional Fee #1 = Base Fee + \$415.00 for 10,001 SF up to 43,560 SF (1 Acre) of disturbed area</u> <u>Cumulative Additional Fee #2 = Cumulative Additional Fee #1 + \$105.00 per whole or partial Acre disturbed over 1 Acre</u>	

***ESU, Equivalent Service Unit – A configuration of development of hard surfaces¹³ estimated to contribute an amount of runoff to the City's storm drainage system which is approximately equal to that created by the average single family residential parcel. One ESU is considered equal to 2,600 square feet of parcel coverage by hard surfaces. Per ACC 13.48.010.**

When calculating the total SDC, a credit will be applied for the existing hard surface area (New total SDC minus calculated SDC for existing hard surface area using the definition of hard surface as given in ACC 13.48.010).

STORM PERMIT FEE

<u>Permit Level**</u>	<u>Permit Fee</u>
<u>Level 1</u>	<u>\$210.00</u>
<u>Level 2</u>	<u>\$400.00</u>
<u>Level 3</u>	<u>Base Fee + the Cumulative Additional Fees as indicated below:</u> <u>Base Fee = \$1,440.00 for up to 10,000 SF of disturbed area</u> <u>Cumulative Additional Fee #1 = Base Fee + \$400.00 for 10,001 SF up to 43,560 SF (1 Acre) of disturbed area</u> <u>Cumulative Additional Fee #2 = Cumulative Additional Fee #1 + \$100.00 per Acre for each additional disturbed Acre over 1 Acre</u>

^{(6)**}Permit levels are determined as follows:

- Level 1 permits are for all projects that are not located in a Critical Area and add or replace less than 2,000 square feet of hard surface area; and/or disturb less than 7,000 square feet of land.

¹³ ~~Hard Surfaces include impervious surfaces, permeable pavements, and vegetated roofs.~~

Note: Single-family residential projects disturbing 500 square feet or less may not require a permit.

- Level 2 permits are for all projects that add or replace 2,000 to 4,999 square feet of hard surface area; or disturb 7,000 square feet or more of land.
- Level 3 permits are for all projects that add 5,000 square feet or more of hard surface area, or convert $\frac{3}{4}$ acres or more of native vegetation to lawn/landscaped area, or convert 2.5 acres or more of native vegetation to pasture, or the new plus replaced hard surface area is 5,000 square feet or more and the value of improvements exceeds 50% of the assessed value of existing improvements.

(7) Level 3 permit is calculated as the Base Fee plus the Cumulative Additional Fees described herein.

(8) ESU, Equivalent Service Unit - A configuration of development of hard surfaces (which include impervious surfaces, permeable pavements, and vegetated roofs) estimated to contribute an amount of runoff to the City's storm drainage system which is approximately equal to that created by the average single family residential parcel. Although gravel surfaces are considered a hard surface under ACC 13.48.010, existing gravel surfaces are not included in the calculation of the SDCs. One ESU is considered equal to 2,600 square feet of parcel coverage by hard surfaces. Per ACC 13.48.010.

When calculating the total SDC, a credit will be applied for the existing hard surface area except existing gravel surfaces (e.g., new total SDC minus calculated SDC for existing hard surface area using the definition of hard surface as given in ACC 13.48.010).

10. Other Utility Fees: (Per Ordinance No. 5819, Ordinance No. 5944, Resolution No. 3797, Resolution No. 3953, Resolution No. 4424, Resolution No. 5114, Resolution No. 5134, and Resolution No. 5255, and Resolution No. 5319.)

Fireline Connection Permit (\leq 3-inch fire service line)	\$140 135.00
Hydrant Permit and Inspection Fee	\$245 238.00
Hydrant Meter Monthly Rate	\$48.04
Fire Hydrant Meter Wrench – Refundable Deposit- ¹⁴⁽¹⁾	\$40 38.00
Refundable Deposit —Hydrant Meter with RPBA, Valve, and Wrench — Refundable Deposit ^{(1) (2)2}	\$2,045 1,985.00
<u>Hydrant Meter Water Use Charge (if equipment not returned for final reading)</u>	<u>\$700.00</u>
Water Meter Test Fee, 2" or less	\$225 217.00
Water Meter Test Fee, greater than 2"	At Actual Cost
Water Meter Removal Fee (3/4" to 1") – (service line remains)	\$310 300.00
Water Meter Removal Fee (1-1/2" to 2") – (service line remains)	\$925 900.00
Water Meter Removal Fee (3" and larger) – (service line remains)	At Actual Cost
Water Service Abandonment/Removal Permit (<u>City</u> abandons <u>s</u> at main, removes <u>s</u> meter and box)	\$2,990 2,900.00
<u>Water Meter Relocation Permit by City</u>	<u>Same as Water Service Installation Permit Fee, see 9.a.</u>
<u>Meter Damage/Tamper Repair Permit</u>	<u>\$500.00 plus Meter Cost, if applicable</u>
<u>Water Service Alteration/Repair Permit on Private Property (by Applicant)</u>	<u>\$80.00</u>
<u>Backflow Permit for Premises Isolation (internal or external)</u>	<u>\$80.00</u>
<u>Re-Locate Fee (if <45 days from initial locates)</u>	<u>\$200.00</u>

¹⁴ ~~If the equipment is not returned or is returned in a damaged condition, the deposit amount shall be forfeited.~~

Side Sewer Repair Permit on Private Property	\$80.00
Side Sewer Repair Permit in Right-of-Way⁽³⁾	\$160.00
Demolition Cap Permit (cap side sewer before building demolition)	\$80.00
Side Sewer Relocation/Replacement Permit	\$130.00
Oil/Water Separator Permit	\$205.00
Grease Interceptor Permit⁽³⁾	\$205.00
Storm Drainage Repair Permit – Existing Private System on Private Property	\$80 75.00
Storm Drainage Repair Permit – Existing System in Public Right-of-Way/Easement ⁴⁵⁽³⁾	\$160 425.00
Payback Administration Fees: (per Ordinance No. 5954)	
Application Fee	\$5 1500 .00
Processing Fee	\$1,0 3000 .00
Area of Special Benefit Analysis	\$5 1500 .00
Transaction/Collection Fee	\$3 1000 .00
Recording Fee	\$84.00
Outside Professional Services	Time & Materials
Convenience shut off	\$25.00
Delinquent shut off	\$25.00
Late charge	1% per month of outstanding bill or \$15.00 minimum, whichever is greater
Unauthorized turn on/off	\$60.00
Delinquent meter pull	\$65.00
Unauthorized fire line or water hook up	\$100.00 a day fine from date of discovery
Returned checks each	\$20.00
Refusal of access per day	\$30.00
Closing final read	\$30.00
New account setup	\$25.00
Bill tenant	\$25.00
After-hours water turn on/off	\$30.00
Escrow estimates	\$25.00
<p>(1)If the equipment is not returned or is returned in a damaged condition, the deposit amount shall be forfeited.</p> <p>(2)Each year, the hydrant meter with RPBA, Valve, and Wrench must be returned to City no later than December 1 for maintenance and final annual meter reading. The deposit amount shall be forfeited if the equipment is not returned to the City by the deadline.</p> <p>(3)If repair or new construction requires work within City right-of-way, including a new connection to the City's system, a Construction Permit (EXC - see Section 11) is required in addition to the permit.</p>	
11. Construction Permits: (Per Ordinance No. 5817, Resolution No. 3953, Resolution No. 4272, and Resolution No. 4424, and Resolution No. 5319.)	
Basic Fee (BF)	\$15 40 .500
Hourly Inspection Rate (HIR):	

⁴⁵ ~~If a repair requires work within City right-of-way, a construction permit is required in addition to the storm drainage repair permit.~~

Normal Business Hours		\$5 4 ² .00
After Hours (includes weeknights, weekends, and holidays and will be charged at the after hours HIR x the duration of the work)		\$8 3 ⁰ .00
For Excavation Type Work:		Additional Fee (AF)
Length of Excavation (feet)		
31 – 100 feet of excavation length		\$5 4 ² .00
101 – 250 feet of excavation length		\$1 60 ⁵ 5.00
251 – 500 feet of excavation length		\$2 67 ⁵ 9.00
501 – 750 feet of excavation length		\$3 73 ⁶ 2.00
751 – 1000 feet of excavation length		\$4 80 ⁶ 6.00
Fee Calculation:		
Permit Fee = BF + AF (for the appropriate length of excavation)		
If the excavation exceeds 1,000 linear feet		
Permit Fee = BF + \$4 80 ⁶ 6.00 + (HIR x (length of excavation – 1000/100))		
For Non-Excavation Type Work: This work includes any work in the public right-of-way that is not covered by any other permits and includes such things as overhead utility work, geotechnical borings, horizontal directional drilling and vault installation.		
Permit Fee = BF + (HIR x Permit Duration in Days)		
In Lieu of Fee: In lieu of the above standard rates, the city engineer or his/her designee may calculate the fee based upon current labor rates for administrative and inspection staff after developing an estimate of staff effort involved. For projects that are expected to involve significantly more than 1,000 feet of street excavation or when the scope or duration cannot be accurately estimated, the city engineer may establish a deposit account to manage permittee deposits in advance of permit issuance for reimbursing actual labor costs of administering the permit. Such deposit accounts will not be interest bearing and will be closed at the end of the permitted work when a final accounting of the permit administration cost shall be calculated and a final bill or credit issued to the permittee.		
12. Memorial Sign Program: (Per Ordinance No. 6137, and Ordinance No. 6149, <u>and Resolution No. 5319</u>)		
Memorial Sign		\$15 5 ⁰ .00
13. Special Permits: (Per Ordinance No. 5817 and amended by Resolution No. 3953, Resolution No. 4272, and Resolution No. 4424, <u>and Resolution No. 5319.</u>)		
Permit Type	Base Fee	Additional Per Linear Foot
Sidewalk	\$5 6 ⁴ .00	\$1.10/foot for each foot over 25 linear feet
Residential Driveway	\$5 6 ⁴ .00	\$1. 70 ⁶ 5/foot for each foot over 20 linear feet*
Commercial Driveway	\$1 10 ⁹ 7.00	\$2.20/foot for each foot over 48 linear feet*
*Driveway widths are based on the width of the driveway apron in the right-of-way.		
14. Street Payback Agreements: (Per Ordinance No. 6319, and Resolution No. 4624, <u>and Resolution No. 5319.</u>)		
Application Fee		\$5 15 ⁰ 0.00
Processing Fee		\$1,0 30 ⁰ 0.00
Assessment Reimbursement Area Analysis		\$1,0 30 ⁰ 0.00
Transaction/Collection Fee		\$3 10 ⁰ 0.00
<u>Recording Fee</u>		<u>\$84.00</u>
Outside Professional Services (when needed)		Time and Materials

C. ANIMAL LICENSING FEES AND PENALTIES *(Per Resolution No. 4868):*

1. Animal License Fees		
Type	Comments	Cost
Juvenile	8 weeks to 6 months of age	\$15.00
Altered	Proof of spay/neuter required	\$30.00
Unaltered		\$60.00
Senior	Proof that pet is altered and proof that owner is 62 years of age or older consistent with ACC 13.24 is required.	\$15.00
Disabled	Proof that pet is altered and proof of disability required	\$15.00
Service Animal	With a signed statement, on the City Form, indicating that the owner of the animal has a disability and that the animal is a service animal, no license fee shall be charged by the City.	\$0
Replacement Tag		\$5.00
2. Late Payment Penalty		
Days Past Expiration	Type	Additional Cost
45-90	Late Fee	\$15.00
91-135	Late Fee	\$20.00
136-364	Late Fee	\$30.00
365 or more	Late Fee	\$30.00 + prior year's license fee

D. AUBURN MUNICIPAL AIRPORT FEES (Per Ordinance No. 5707, amended by Ordinance No. 5715 and Ordinance No. 5819, and amended by Resolution No. 3784, Resolution 3797, Resolution No. 3841, Resolution No. 3953, Resolution No. 4117, Resolution No. 4270, Resolution No. 4414, Resolution 4734, Resolution No. 4880, Resolution No. 5016, Resolution No. 5114, Resolution No. 5181, Resolution No. 5213, ~~and~~ Resolution No. 5255, and Resolution No. 5319.)

1. Lease Fees

Lease Type:

Open G-D	\$200.00 <u>210.00</u>
Open C	\$234.00 <u>250.00</u>
Closed J	\$335.00 <u>372.00</u>
Closed H	\$375.00 <u>401.00</u>
Closed Y & Z	\$435.00 <u>465.00</u>
Closed Y1 & Z22	
Outside Tiedowns	\$560.00 <u>599.00</u>
Storage Rows H-D	\$75.00 <u>80.00</u>
Storage Units (185 sq. ft. – Buildings Y&Z)	\$126.00 <u>135.00</u>
Storage Units (298 sq. ft.)	\$111.00 <u>119.00</u>
Storage Units (380 sq. ft. – Buildings Y&Z)	\$135.00 <u>144.00</u>
	\$170.00 <u>182.00</u>

A security surcharge of \$10.00 per month is charged, in addition to the base monthly rental fees provided in this section, for each tie-down, each hangar door and each storage rental area, which security surcharge fees are to be used for the provision of increased security at the Auburn Municipal Airport (approved by Ordinance No. 5500 on January 16, 2001). For the purposes hereof, each tie-down consists of the structures/facilities necessary to accommodate one (1) regular sized light aircraft. Furthermore, the hangar doors to which the security surcharge applies includes all hangars located at the Auburn Municipal Airport, including those hangars built on land owned by the City but leased to private parties, and those hangars owned in a condominium type ownership.

The above lease and security surcharge amounts are subject to applicable leasehold taxes, which shall be paid by the tenant. The total charges, including the above lease rates plus lease hold tax and surcharge shall be reflected in monthly billing rates. Tenants shall be given notice as required by Ordinance or lease agreements. The Airport Lease rates shall be effective January 1, ~~2017~~2018.

Payments. Payments are due on the first of each month, past due as of the 5th and late as of the 15th. Payments not received by the 15th incur a \$25.00 late fee. Payments not received after 30 days from the due date incur an additional \$25.00 delinquency fee each month payment is delinquent.

Automatic gate electronic cards. One automatic gate electronic card will be issued to each City rental tenant free of charge. Any additional electronic cards requested by a tenant are subject to a \$25.00 fee. A \$15.00 fee refund applies to all serviceable returned cards. An additional \$25.00 replacement fee will be assessed against the tenant for all lost or damaged electronic cards. All electronic cards must be returned to the airport at the time of lease expiration.

Each lease shall include an initial payment of first and last months' rent plus a damage deposit in the amount of two times the monthly base rate. Each lease agreement shall also include terms that authorize the city to apply the damage deposit to outstanding charges on termination.

2. Daily Transient Parking (overnight)

Tie Down	\$5.00
Open "T"	\$25.00
Enclosed Hangar	\$35.00

3. Base Parking Fee – Designated Spaces

A base vehicle parking fee of ~~\$57.00~~\$61.00 per month per designated space is charged. There are ten designated spaces available on a first come basis for pilots to park or store a vehicle for an extended period of time. All airport rules and regulations apply. A Vehicle Storage Permit must be completed and appropriate fees paid. The storage of vehicles is for convenience for the users of the Auburn Airport and is month-to-month.

4. Additional Airport Fees

Gate Cards (each lease gets one card at no charge. Additional cards cost \$25.00. A \$15.00 refund applies to all serviceable returned cards.) Limit 2 Cards per space.	\$25.00
Annual Aeronautical Business License (<i>includes listing of your business on airport signs and airport webpage.</i>)	\$250.00
Hangar Waitlist Fee	\$50.00

5. Waiver of Fees for Governmental Entities or Governmental Affiliated Entities

The Mayor is authorized to waive a portion or all of any (otherwise) required fees for hangar space rental - if space is available - for governmental entities or government affiliated entities that provide community service(s) and public benefit(s) to residents, citizens and businesses of Auburn.

E. POLICE DEPARTMENT FEES *(Per Ordinance No. 5715 amended by Ordinance No. 6216, 5819, Resolution No. 3797, Resolution No. 3953, Resolution No. 4117, Resolution No. 4272, Resolution No. 4424, Ordinance 6216, Ordinance 6276, Resolution No. 4552, Resolution No. 5016, Resolution No. 5114, and Resolution No. 5255. False Alarm fees per Ordinance No. 6216 amended by Ordinance Nos. 6252 and 6345.)*

Type	Fees
Police Report/Collision Report (fee not charged where requested by victim or party involved)	\$13.25
Visa Letter	\$10.00
Fingerprinting Fees (fee not charged where taking of fingerprints is required by city)	as set by the FBI
Laminated Concealed Pistol License	\$3.50
Annual Alarm Registration Fees:	
Residential	\$24.00
Commercial	\$24.00
Residential Low Income Senior Citizen/Disabled Citizen	\$12.00
Late Registration Fee	\$25.00
Auburn Security Alarm License	\$10.00/each registered alarm user to a maximum of \$100.00 annually
Late License Fee	\$25.00
Reinstatement Fee	\$100.00 plus \$10.00/permitted user
False Alarm Service Fees	
Burglar False Alarm Service Fee*	\$100.00
Robbery, Panic and Burglary Crime in Progress False Alarm Fee*	\$200.00
Supplemental Fee for Non-permitted Alarm System, each alarm	\$200.00
Fee for false alarm caused by Monitoring Company or Alarm Installation Company employee	\$100.00
First Dispatch Report during time of suspension	
Each dispatch thereafter	\$25.00
Late Fee	\$25.00
Appeals	\$25.00

*The alarm administrator will waive the first false alarm fee following the installation of an alarm system at a particular address.

F. CITY CLERK FEES *(Per Ordinance No. 5715, Ordinance No. 5819, Resolution No. 3797, Resolution No. 4244, Resolution No. 5016, Resolution No. 5114 and Resolution No. 5312.)*

Type	Fees
Fees for public records – collection	
Non-certified photocopies of public records, printed copies of electronic public records when requested by the person requesting records	\$0.15 per page plus postage
Certified copies of public records	\$5.00 per document plus copying fees
Scanned public records into an electronic format	\$0.10 per page
Electronic files or attachments uploaded to email, cloud-based storage service or other means of electronic delivery	\$0.05 per each 4 electronic files
Transmission of public records in an electronic format	\$0.10 per gigabyte
Digital Storage Media or Device; Container or Envelope Used to Mail Copies to Requestor, and Postage	Actual Cost
	\$
	\$
Fees for Auburn City Code book and supplements	
Copy of Auburn City Code book (with latest supplement)	\$100.00 per code book
Supplements to the Auburn City Code book	\$11.00 per copy

G. CITY CEMETERY FEES (Per Ordinance 5715, Resolution No. 3797, Resolution No. 3953, Resolution No. 4027, Resolution No. 4103, Resolution No. 4117, Resolution No. 4272 Resolution No. 4424, Resolution No. 4552, Resolution No. 4675, Resolution 4778, Resolution No. 4880, Resolution 5114, Resolution No. 5134, Resolution No. 5181, ~~and~~ Resolution No. 5255, and Resolution No. 5319.)

Type	Fees
Graves	
Section 9A and 9B	\$2,795.00
All other adult graves	\$2,295.00 <u>\$2,395.00</u>
Child's Place	\$300.00
Double Depth (includes 2 burial spaces / 2 liners)	\$4,690.00 <u>\$4,790.00</u>
Section 9A and 9B (Quads and Upright monument plots)	
Section 9B (Plaza Estates)	\$5,995.00 each
	\$9,995.00 each
Ground Cremation Plots	
Centennial Um Garden (single)	\$995.00
Centennial Um Garden (double)	\$1,895.00
Section 9 Upright Section Um Plots (up to 4 urns)	\$3,195.00
Niches	
Mausoleum (top rows available only) – single	\$Sold Out
Centennial Columbarium II (1 or 2 urns) – Row 2	\$2,295.00
Centennial Columbarium II (1 or 2 urns) – Row 1	\$1,895.00 <u>\$1,995.00</u>
Chapel of Memories – Interior Niches* Range From	
12 x 12 Single	\$2,695.00 - \$3,995.00
12 x 18 Double	\$3,695.00 - \$6,495.00
12 x 24 Family (up to 3 urns)	\$6,995.00 - \$8,695.00
*The above niche prices include one bud vase per niche.	
Inurnment will be \$695.00 per occasion. See guidelines for additional pertinent information. A single inscription on the glass front is \$240 plus tax. Urn's to be purchased separately.	
Chapel of Memories – Exterior Niches*	
Rows 4, 5, & 6	\$2,695.00
Rows 2 & 3	\$2,295.00
Rows 1, 7, & 8	\$1,895.00 <u>\$1,995.00</u>
*If the niche (external) is to be used as a double niche, the inurnment, inscription and tax will be due when a second urn is placed. (Row 1 is the bottom row)	
OVERTIME WILL BE CHARGED AT \$175.00 PER HOUR AFTER 4:30 P.M., MONDAY THROUGH FRIDAY. THE SATURDAY SERVICE CHARGE IS \$795.00 FOR FULL INTERMENT AND \$425.00 FOR CREMATION SERVICES.	
Extended Land Use	\$495.00
Memorial Plaque - \$175 additional for inscription + tax	\$295.00
Services	
"Chapel of Memories" rental for services	\$350.00
Opening and Closing – Ground Burials	
Liner/Vault	\$1,495.00
Children's Place	\$490.00
Opening and Closing – Cremation	
ForestWalk	
Cremation Plot	\$795.00
Niche	\$695.00

Opening and Closing – Entombment

\$1,295.00

Marker Services

Flat Grass:	\$240.00 <u>\$265.00</u> + tax
Inscription	\$295.00 + tax
Setting Fee	\$150.00 + tax
Resetting Fee	\$175.00
New Inspection Fee for outside sales	
Upright	\$475.00 + tax
Setting Fee	\$390.00 + tax
Inscription	\$325.00
Resetting Fee	\$45.00 + tax
Vase Setting Fee	\$100.00
Recording Fee	\$175.00
Overtime Charge – per hour	
Saturday Service Fee	\$795.00
Full Interment	\$425.00 <u>\$450.00</u>
Cremation	

Materials

Flower Vases: (prices include vase setting fee)	
Standard	\$150.00
Deluxe Cast Zinc (gray or bronze zinc)	\$250.00
Deluxe Wall (brass)	\$250.00
Liners: Concrete Liner	\$795.00 + tax
Mountain View Vault	\$1,495 <u>\$1,695.00</u> + tax
Vault Installation	\$595.00 + tax
Double Depth	\$895.00 <u>\$995.00</u> + tax
<u>Urn Encasement</u>	\$250.00
Urn Encasement	<u>\$300.00</u> + tax

Forestwalk Informal Cremation Garden

Phase I: Single 3' Single Ground Plot	\$1,495.00
Phase I: Double 4' Plots	\$2,295.00
Phase II: Double 4' Double Ground Plot	\$2,195.00 <u>\$2,295.00</u> -
Wishing Well Scattering	\$3,995.00
Granite Memorials Start At	\$295.00
	\$395.00 + tax

H. PARKS, ARTS AND RECREATION (Per Resolution No. 3797 and amended by Resolution No. 3953, Resolution No. 4117, Resolution No. 4272, Resolution No. 4424, Ordinance No. 6276, Resolution No. 4552, Resolution No. 4880, Resolution No. 5016, Resolution No. 5181, Resolution No. 5228, ~~and~~ Resolution No. 5255, and Resolution No. 5319.)

LES GOVE <u>MULTI-PURPOSE</u> BUILDING	Resident	Non-Resident		
3-hour minimum <u>Monday – Sunday Seven days a week 9 a.m. – 11 p.m.</u>	\$20 <u>\$60.00/hour</u> <u>Per 3 hr block</u>	\$25 <u>\$75.00/hour</u> <u>Per 3 hr block</u>		
LES GOVE GYMNASIUM	Resident	Non-Resident	<u>Auburn Non-Profit</u>	<u>Other Non-Profit</u>
Gymnasium (athletics practice, birthday parties, etc.)	\$30 <u>\$45.00/hour</u> <u>+ Hourly Facility Attendant Fee When Required</u>	\$40 <u>\$55.00/hour</u> <u>+ Hourly Facility Attendant Fee When Required</u>	<u>\$35.00/hour</u>	<u>\$45.00/hour</u>
Gymnasium (tournaments, trade shows, fairs, etc.)	\$60 <u>\$75.00/hour</u> <u>+ Hourly Facility Attendant Fee When Required</u>	\$75 <u>\$90.00/hour</u> <u>+ Hourly Facility Attendant Fee When Required</u>	<u>\$60.00/hour</u>	<u>\$75.00/hour</u>
Damage Deposit	\$300.00	\$300.00	<u>\$300</u>	<u>\$300</u>
Optional Cleaning Fee	\$275.00	\$275.00	<u>\$275</u>	<u>\$275</u>
SENIOR ACTIVITY CENTER	Resident	Non-Resident	<u>Auburn Non-Profit</u>	<u>Other Non-Profit</u>
Full Facility Millennium Room (includes basic kitchen use) Available Friday evenings, Saturday and Sunday. Tables and chairs for up to 200 people max. 3 hr. minimum, 5:30-11 p.m. (Friday eve.); 5 hr. minimum, 9 a.m.-11 p.m. (weekend) Additional cleanup time is available after 11 p.m.	\$80.00/hour	\$100.00/hour	<u>\$60.00/hour</u>	<u>\$80.00/hour</u>

<u>Full Facility</u> Rental Package Friday night & Saturday: 4 hours Friday and up to 12 hours of <u>active</u> use on Saturday	\$1,200.00	\$1,500.00	<u>\$900.00</u>	<u>\$1,200.00</u>
<u>Full Facility</u> Rental Package Full Day Saturday or Full Day Sunday: up to 12 hours of <u>active</u> use on either day	\$1,000.00	\$1,300.00	<u>\$750.00</u>	<u>\$1,000.00</u>
<u>1/3 Millennium Rooms</u> <u>Friday only, 3 hour minimum, 5:30 – 11 p.m.,</u> <u>63 people per room maximum, 3 rooms</u> <u>available; weekend options available within</u> <u>60 days or less</u>	\$45.00/hour	\$55.00/hour	<u>\$35.00/hour</u>	<u>\$45.00/hour</u>
<u>Lions & Rotary Rooms</u> <u>Monday – Friday, 2 hour minimum, 5:30 – 11</u> <u>p.m., 40 people per room maximum;</u> <u>weekend options available within 60 days or</u> <u>less</u>	\$20 <u>\$35.00/hour</u> <u>wee</u> <u>kdays</u> <u>\$35.00/hour</u> <u>weekends</u>	\$25 <u>\$45.00/hour</u> <u>weekdays</u> <u>\$45.00/hour</u> <u>weekends</u>	<u>\$25.00/hour</u>	<u>\$35.00/hour</u>
*Additional Cleanup time available 11:00 p.m. – midnight	\$80.00	\$100.00	<u>\$60.00</u>	<u>\$80.00</u>
Damage & Cleaning Deposit (for Full Facility and Millennium room rentals) without alcohol	\$300.00	\$300.00	<u>\$300.00</u>	<u>\$300.00</u>
Damage & Cleaning Deposit (for Full Facility and Millennium room rentals) with alcohol (\$1,000,000.00 excess liability insurance required)	\$500.00	\$500.00	<u>\$500.00</u>	<u>\$500.00</u>
Optional cleaning fee (fee required with use of alcohol in facility)	\$275.00	\$275.00	<u>\$275.00</u>	<u>\$275.00</u>
Commercial kitchen <u>Kitchen added on to</u> <u>existing-with</u> room rental.	\$50.00 <u>\$20.00 (1-4</u> <u>hours)</u> <u>\$80.00 (5-12 hours)</u>	\$50.00 <u>\$20.00 (1-4</u> <u>hours)</u> <u>\$80.00 (5-12 hours)</u>	<u>\$20.00 (1-4 hours)</u> <u>\$80.00 (5-12 hours)</u>	<u>\$20.00 (1-4 hours)</u> <u>\$80.00 (5-12 hours)</u>
Use of dishes, tableware, pots, etc. added on to an existing room rental.	\$50.00	\$50.00		
Commercial kitchen and cookware during Senior Center operating hours.	\$15/hour	\$20/hour		

Commercial kitchen and cookware when Senior Center is closed (3 hour minimum)	\$25/hour	\$25/hour		
Basic Kitchen – Private and Commercial Use	\$205.00/hour	\$25.00/hour	\$20.00/hour	\$25.00/hour
AUBURN COMMUNITY & EVENT CENTER	<u>Resident</u>	<u>Non-Resident</u>	<u>Auburn Non-Profit</u>	<u>Other Non-Profit</u>
Full Community Room	<u>\$120.00/hour</u>	<u>\$150.00/hour</u>	<u>\$90.00/hour</u>	<u>\$120.00/hour</u>
2/3 Rooms of <u>Full Community Room</u>	<u>\$90.00/hour</u>	<u>\$120.00/hour</u>	<u>\$70.00/hour</u>	<u>\$90.00/hour</u>
1/3 Room of <u>Full Community Room</u>	<u>\$60.00/hour</u>	<u>\$80.00/hour</u>	<u>\$45.00/hour</u>	<u>\$60.00/hour</u>
Full Community Room (up to 12 hours)	<u>\$1,200.00</u>	<u>\$1,500.00</u>	<u>\$900.00</u>	<u>\$1,200.00</u>
Classroom <u>Classroom</u>	<u>\$20.00/hour</u>	<u>\$25.00/hour</u>	<u>\$15.00/hour</u>	<u>\$20.00/hour</u>
Kitchen (No residency requirement) with room rental.	\$50.00 <u>\$20.00 (1-4 hours)</u> <u>\$80.00 (5-12 hours)</u>	\$50.00 <u>\$20.00 (1-4 hours)</u> <u>\$80.00 (5-12 hours)</u>	<u>\$20.00 (1-4 hours)</u> <u>\$80.00 (5-12 hours)</u>	<u>\$20.00 (1-4 hours)</u> <u>\$80.00 (5-12 hours)</u>
<u>Kitchen – Private and Commercial Use</u>	<u>\$20.00/hour</u>	<u>\$25/hour</u>	<u>\$20.00/hour</u>	<u>\$25.00/hour</u>
Damage & Cleaning _Deposit for Full Facility without alcohol	<u>\$300.00</u>	<u>\$300.00</u>	<u>\$300.00</u>	<u>\$300.00</u>
Damage & Cleaning Deposit for Full Facility with alcohol (\$1,000,000.00 excess liability insurance required)	<u>\$500.00</u>	<u>\$500.00</u>	<u>\$500.00</u>	<u>\$500.00</u>
Optional cleaning fee (fee required with use of alcohol in facility)	<u>\$275.00</u>	<u>\$275.00</u>	<u>\$275.00</u> <u>\$275.00</u>	<u>\$275.00</u> <u>\$275.00</u>
THE RECEC	<u>\$90.00 per hour</u>	<u>\$120.00 per hour</u>	<u>\$70.00 per hour</u>	<u>\$90.00 per hour</u>
<u>Full Facility (Includes Rec Room & Lobby)</u>	<u>\$90.00/hour</u>	<u>\$120.00/ hour</u>	<u>\$70.00/ hour</u>	<u>\$90.00/ hour</u>
<u>Rec Room</u>	<u>\$60.00/hour</u>	<u>\$75.00/hour</u>	<u>\$45.00/hour</u>	<u>\$60.00/hour</u>

WILLIAM C. WARREN BUILDING	Resident	Non-Resident		
	\$40.00/hour	\$50.00/hour		
BACKYARD IDEA GARDEN	\$60.00/Half Day	\$75.00/Half Day		
	\$100.00/Full Day	\$125.00/Full Day		
BASEBALL/SOFTBALL/GRASS FIELDS (Reservations made in 1.5 hour increments)	Resident	Non-Resident		
Youth	\$107.00/1.5-hour	\$1310.00/1.5-hour		
Adult	\$2315.00/1.5-hour	\$320.00/1.5-hour		
Field Lights	\$320.00/1.5-hour	\$320.00/1.5-hour		
Field Maintenance	\$30.00 per field	\$30.00 per field		
BASEBALL/SOFTBALL/ FASTPITCH TOURNAMENTS (Reservations made for 1 or 2 day tournaments)	1 Day	2 Day		
Youth	\$700.00	\$1,000.00		
Adult	\$900.00	\$1,300.00		
Field Lights	\$320.00/1.5-hour	\$320.00/1.5-hour		
SYNTHETIC TURF FIELDS (Reservations made in 1.5 hour increments)	Resident	Non-Resident		
Youth	\$4530.00/1.5-hour	\$6040.00/1.5-hour		
Adult	\$640.00/1.5-hour	\$750.00/1.5-hour		
Field Lights	\$320.00/1.5-hour	\$320.00/1.5-hour		
GAME FARM WILDERNESS PARK CAMPGROUNDS	Resident	Non-Resident		
Daily, Open year round 7 nights maximum	\$25.00/night	\$25.00/night		
GAME FARM WILDERNESS PARK DAY CAMP Area	Resident/ Non-Resident	Non-Profit		
April 1 – October 15 Minimum Rental: 1 day	\$75.00/day	\$50.00/day		
PICNIC SHELTERS	Auburn-Residents	Non-Residents		
GAME FARM PARK	Half Day*	Full Day*	Half Day*	Full Day*
Single quadrant (max: 25)				
Monday – Friday	\$30.00	\$50.00	\$40.00	\$65.00
Saturday - Sunday	N/A	N/A	N/A	N/A
Full day				
Mon-Sun (Full Shelter) 1-99	\$120.00	\$200.00	\$150.00	\$250.00
Mon-Sun (Full Shelter) 100-199	\$180.00	\$300.00	\$225.00	\$375.00
Mon-Sun (Full Shelter) 200+ (must also rent amphitheater)	N/A	\$375.00	N/A	\$475.00
Amphitheater	\$75.00	\$125.00	\$100.00	\$175.00
ISAAC EVANS PARK	\$60.00	\$100.00	\$75.00	\$125.00

LEA HILL PARK	\$60.00	\$100.00	\$75.00	\$125.00
ROEGNER PARK	\$60.00	\$100.00	\$75.00	\$125.00
GAME FARM WILDERNESS PARK	\$60.00	\$100.00	\$75.00	\$125.00
LES GOVE PARK	\$60.00	\$100.00	\$75.00	\$125.00
SUNSET PARK				
Mon-Sun Single Quadrant (max: 25)	\$30.00	\$50.00	\$40.00	\$65.00
Mon-Sun (Full Shelter) 1-99	\$120.00	\$200.00	\$150.00	\$250.00
Mon-Sun (Full Shelter) 100-199	\$180.00	\$300.00	\$225.00	\$375.00
Mon-Sun (Full Shelter) 200+	NA	\$375.00	NA	\$475.00
PLAZA PARK *	Resident Group		Non-Resident Group	
Hourly rate	\$60.00		\$75.00	
Full day rate	\$360.00		\$450.00	
* Additional hourly fees may be applied based on event/staffing needs				
Rental Rate Schedule forAUBURN AVE THEATER	Resident		Non-Resident	
Weekdays Mon-Thur	\$170.00		\$215.00	
Weekend Days (Fri., Sat., and Sun.)	\$270.00		\$340.00	
Rate Schedule considers one day to be an 8 hour block of time.				
Damage deposit. The terms and conditions for full or partial refund of deposit apply to approval of Check-Out List, including theater, equipment plot restoration.	\$300.00		\$300.00	
Hourly commercial rate for meetings 2 hour min. for “4-wal” only of lobby, auditorium, and stage	\$35.00/hour		\$45.00/hour	
Equipment not included: Use of any theatrical equipment additional charge	\$35.00/hour		\$45.00/hour	
\$1,000,000 excess liability insurance required	Upon request		Upon request	
Custodial Fee	\$130.00		\$130.00	
Sound & Light Technician	\$30.00/hour		\$3530.00/hour	
Stage Hand	\$15.00/hour		\$15.00/hour	
Rental Rate Schedule for Commercial Filming	Resident		Non-Resident	
Permit Fee	\$50.00			
Still Photography/Training and Industrial Films, etc	\$50.00 per 1/2 day		\$100.00 per day	
Broadcast, Film, TV, Commercial, etc.	\$75.00 per 1/2 day		\$150.00 per day	
Electricity/Water Access, Park Maintenance Staff, Vehicle Access	Hourly staff cost			
Damage Deposit	\$100.00			
Impact Fees:				
Park Impact Fees	\$3,500.00 per residential dwelling unit			

I. MULTIMEDIA DUPLICATION *(Per Resolution No. 3953 and Resolution No. 4552.)*

Product	Cost
DVD Copy	\$10.00 per disk
CD Copy	\$5.00 per disk

J. INFORMATION SERVICES AND GIS¹⁶ *(Per Resolution No. 4272, Ordinance 6276, Resolution No. 4552, and Resolution No.4593 .)* Much of the City's geographic data is available for sale per the prices below plus Washington State sales tax. A signed public records request form is required. Most public records requests can be completed within seven to ten business days and will be delivered in ESRI Shapefile format without Metadata.

Product	Cost
Maps	
Existing Map	\$5.00 + tax
Custom Maps (any non-existing map)	\$50.00 per hour ¹⁷ + tax
Data	
Digital Data Requests	\$50.00 per hour ¹⁸ + tax
Miscellaneous	
CD-Rom	\$5.00 + tax
All other requests for data or information not specifically listed	\$50.00 per hour + tax

¹⁶ Hourly charge to complete any of the below (one hour minimum charge).

¹⁷ Hourly charge includes the cost of processing and providing custom map requests.

¹⁸ Hourly charge includes the cost of processing and providing digital data requests.

K. WAIVER OF FEES (*Per Resolution No. 5181*).

1. The Mayor is authorized to waive any fees for permits, licenses, publications and actions as authorized by Sections 2.03.030, 5.10.030 and 12.60.020 of the City Code.

2. The Mayor is also authorized to reduce, and is vested with to discretion to reduce in compelling cases, by up to 50% any fees for permits, publications and actions where the applicant – the party responsible for payment of such fees – is an organization exempt from taxation under 26 US 501(c)(3), and where the permit(s), publication(s) and/or action(s) relate directly to the provision of charitable services to residents of the City of Auburn. Charitable services are defined as events or services provided to the residents of Auburn free of charge and where the City is a sponsor of the specific event or service. For the purposes hereof, “compelling cases” mean instances where there is an extraordinary need (greatly beyond current and ordinary need) for the charitable services that would be able to be provided. The intent of this authorization is to empower the Mayor with sole discretion to waive some fees in unique situations where there is a greatly increased need for new charitable services to be provided, and where the reduction of fees to the City will not detrimentally impact the City’s ability to provide municipal services. This waiver does not include Impact Fees, System Development Charges, any fees related to Franchise or Public Way Agreements, Right-of-way Vacations, Right-of-Way Use Permits, Facility Extensions, Police Department Fees, Animal Licensing Fees and Penalties, Banner Permit Fees, or Cemetery or Parks fees.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Traffic Impact Fee Update (10 Minutes) (Snyder)

Date:

November 7, 2017

Department:

CD & PW

Attachments:

[Traffic Impact Fee Memo 2018](#)

Budget Impact:**Administrative Recommendation:**

Discuss the recommended update to the transportation impact fee program for 2018.

Background Summary:


Present the proposed 2018 update to the transportation impact fee, including changes to the project list and associated costs, changes in the number of growth trips, and a comparison with other jurisdictions.

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

Snyder

Meeting Date: November 13, 2017

Item Number:

	<p>Memorandum</p>
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TO: City Council, Mayor Backus

FROM: Community Development and Public Works

RE: DRAFT 2018 Transportation Impact Fee Update

DATE: November 1, 2017

The Community Development and Public Works Department is recommending an update to the Transportation Impact Fee program, to be consistent with the projects funding needs identified in the adopted 2018-2023 Transportation Improvement Program (TIP).

Purpose

The purpose of this memorandum is to present staff's recommendation for updating the Transportation Impact Fee program. The most recent update to the City's transportation impact fee occurred on January 1, 2017, and was based on the previous 2017-2022 TIP. Transportation impact fees are updated annually to stay current with the need to fund road capacity projects identified in the recently adopted 2018-2023 TIP. The update accounts for changes to the project list, updated funding needs, and the portion of each projects cost which is attributable to new development. The update also accounts for revised growth forecasts developed as part of the 2015 Comprehensive Transportation Plan Update. These changes will ensure that the collection of impact fees is consistent with the road capacity projects identified in the current TIP.

Impact Fee Project List Changes

Not all of the projects included in the TIP are included in the impact fee program. Only projects which increase vehicular capacity at intersections and along roadway segments are eligible to be included in the impact fee program. A list of the projects included in the impact fee calculations is included as an attachment to this memo.

The majority of the projects included in the impact fee are the same as last year, but have been updated to reflect current funding needs. Eight projects have been removed from the list because they have been completed, they are no longer funded by impact fees, they have been combined with other projects, or they have moved beyond year six in the current TIP, and one new project has been added based on identified capacity needs.

Impact Fee Project Cost Changes

Table 1 summarizes the total cost for the capacity projects which are included in the traffic impact fee program and the portion of this total cost which the traffic impact fee actually funds

(unfunded growth costs). The table also provides a comparison of the cost basis for the previous (2015 and 2016), current (2017), and proposed updates (2018).

Table 1. Impact Fee Project Cost Comparison

Year	Total Eligible Cost	Unfunded Growth Cost
2015	\$99,549,000	\$62,252,032
2016	\$104,425,000	\$61,985,000
2017	\$103,622,000	\$65,083,309
2018	\$107,666,000	\$67,123,000

As shown in the table, the total cost for the capacity projects has increase slightly relative to previous years. Consistent with that, the unfunded impact fee portion of the costs has also increased. The level of service analysis used to determine the existing deficiency potion and future growth portion of each project was updated based on the most recent count data collected by the City.

Citywide Growth Trips

The proposed 2018 update is based on the number of growth trips forecast from the recent model update completed as part of the 2015 comprehensive transportation plan update. This reflects current growth projections to 2035 of 16,100 trips

Proposed Citywide Transportation Impact Fees

The current cost per new PM Peak hour trip in the transportation impact fee rate schedule is \$3,823.76. The changes identified above increase the impact fee per weekday PM peak hour trip by \$65.86 to a total of \$3,889.62. The increase, approximately 2 percent, is attributable to the current amount of funding being sought through the impact fee program. This fee is applicable to all new uses citywide except in Lakeland Hills and the Downtown Urban Center (DUC) zone as described below.

Downtown Urban Center Zone Rate

In an effort to acknowledge the trip generation characteristics of the downtown urban center, the City added a second zone to the transportation impact fee program. The program charges reduced impact fees for development occurring in the downtown urban center. The applicable downtown area in which fees are reduced is shown in Figure 1.

Reduced impact fees for the downtown urban center account for anticipated reduced trip generation resulting from the availability of transit service (both bus and rail), the completeness of non-motorized facilities, and the close proximity of complementary land-uses (retail, commercial, medical, etc.). This provides a better nexus between transportation impact fees and the impacts of development in the downtown urban center.

The following reductions are used for each land use category in the downtown urban center:

<i>Residential, Lodging, and Medical</i>	<i>-19%</i>
<i>Recreation, Institutional, Retail, and Service</i>	<i>-26%</i>
<i>Office</i>	<i>-32%</i>

Citywide and separate Downtown Transportation Impact fee rates are shown in Table 2. National and local data was used to estimate the reductions for downtown land-uses in Auburn.

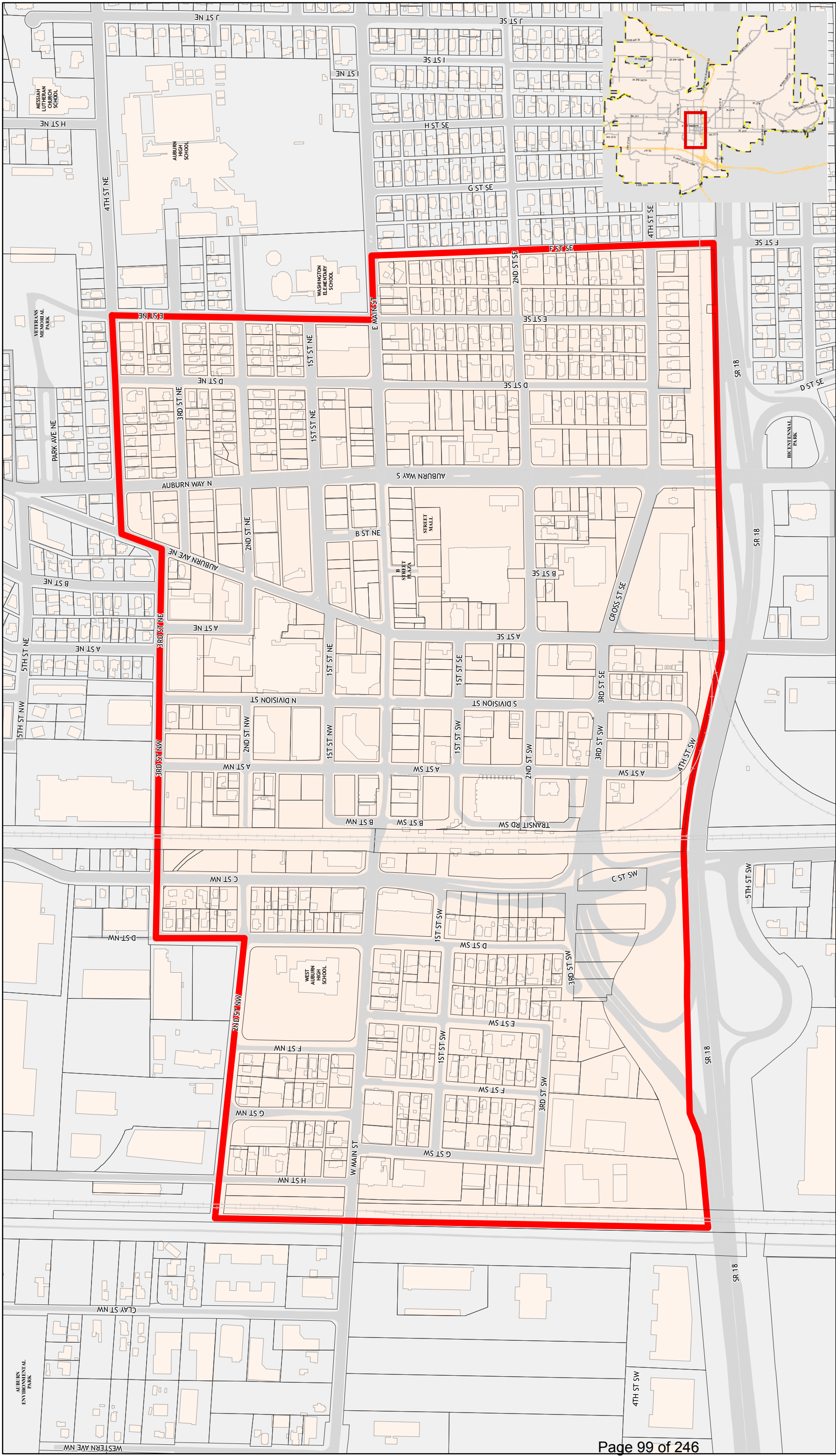
This approach is consistent with other local jurisdictions, including the City's of Federal Way and Kent.

Lakeland Hills Rate

Transportation mitigation fees for Lakeland Hills were established in 1998 by Resolution 2955. At that time the initial impact fees were identified for detached single-family units, attached single-family and multi-family units, senior family residential units, and commercial and retail space. The fees are updated annually based on the Consumer Price Index for the Seattle-Metropolitan area. The most recent annual data shows that during the previous 12 month period, prices have increased by 2.6 percent.

TIF Comparison by Agency

Included in your packet is a comparison of the basic transportation impact fee for 60 Western Washington Cities and 5 Counties. The comparison shows that Auburn's current fee is about average. Even with the increase proposed for next year, our fee would remain similar to Federal Way, and lower than Puyallup, Covington, Kent, Bonney Lake, and Maple Valley.



Auburn Downtown Map

Figure 1

1 INCH = 400 FEET

Printed On: 08/16/2010

Map ID : 1271



Urban Center Boundary (231.34 Acres)



Auburn City Limits

Table 2

ENGINEERING AND PUBLIC WORKS FEES

1. Transportation Impact Fee Rate Schedule: (Per Ordinance No. 5763 as amended by Resolution No. 3953, Ordinance No. 6005, Resolution No. 4103, Resolution No. 4424, Resolution 4964, Resolution No. 5114, Resolution No. 5181 and Resolution No. 5255.)					
Land Use	ITE Land Use Code	Independent Variable	Trip Rate	Non-Downtown Fee Rate	Downtown Fee Rate
Industrial					
General Light Industrial	110	sf/gfa	0.97	\$7.888.02	-
General Heavy Industrial	120	sf/gfa	0.68	\$6.196.30	-
Industrial Park	130	sf/gfa	0.85	\$6.917.03	-
Manufacturing	140	sf/gfa	0.73	\$3.563.62	-
Warehousing	150	sf/gfa	0.32	\$3.643.70	-
Mini-Warehouse/Storage	151	sf/gfa	0.26	\$1.941.98	-
Residential					
Single-Family (detached)	210	du	1.00	\$4,459.894,537.89	\$3,612.513,675.69
Multi-Family	220-233	du	0.62	\$2,923.142,974.26	\$2,367.742,409.15
Mobile Home	240	du	0.59	\$2,105.072,141.88	-
Senior Housing	251, 252	du	0.27	\$963.34980.18	\$780.30793.95
Lodging					
Hotel	310	room	0.60	\$3,058.213,111.69	\$2,477.152,520.47
Motel	320	room	0.47	\$2,395.602,437.49	-
Recreational					
Movie Theater	444, 445	seat	0.08	\$199.29202.78	\$147.48150.06
Health Club	492, 493	sf/gfa	3.53	\$10.4610.64	\$7.747.88

Land Use	ITE Land Use Code	Independent Variable	Trip Rate	Non-Downtown Fee Rate	Downtown Fee Rate
Institutional					
Elementary School	520	student	0.15	\$259.95264.49	\$192.36195.73
Middle School/Jr. High	522	student	0.16	\$440.38448.08	\$325.88331.58
High School	530	student	0.13	\$490.33498.91	\$362.85369.19
Church	560	sf/gfa	0.55	\$2.592.64	\$1.921.95
Day Care Center	565	sf/gfa	12.34	\$23.5924.00	\$17.4517.76
Library	590	sf/gfa	7.30	\$11.8612.07	\$8.788.93
Medical					
Hospital	610	sf/gfa	0.93	\$4.744.82	\$3.843.91

Asst. Living, Nursing Home	254, 620	bed	0.22	\$784.94 <u>798.67</u>	-
Office					
General Office	710, 715, 750	sf/gfa	1.49	\$8.72 <u>8.87</u>	\$5.93 <u>6.03</u>
Medical Office	720	sf/gfa	3.57	\$16.38 <u>16.66</u>	\$11.14 <u>11.33</u>
Post Office	732	sf/gfa	11.22	\$18.23 <u>18.55</u>	\$12.40 <u>12.61</u>
Retail					
Free Standing Discount Superstore	813	sf/gla	4.35	\$8.38 <u>8.53</u>	\$6.20 <u>6.31</u>
Free Standing Discount Store	815	sf/gla	4.98	\$11.06 <u>11.26</u>	\$8.19 <u>8.33</u>
Hardware/Paint Store	816	sf/gla	4.84	\$7.76 <u>7.90</u>	\$5.74 <u>5.84</u>
Shopping Center	820	sf/gla	3.71	\$6.55 <u>6.67</u>	\$4.85 <u>4.93</u>
Car Sales – New	841	sf/gla	2.59	\$12.15 <u>12.36</u>	\$8.99 <u>9.14</u>
Car Sales – Used	N/A	space	0.28	\$1,312.99 <u>1,355.95</u>	\$971.61 <u>988.61</u>
Automobile Parts Sales	843	sf/gla	5.98	\$7.38 <u>7.51</u>	\$5.46 <u>5.56</u>
Tire Store	848	sf/gla	4.15	\$8.38 <u>8.52</u>	\$6.20 <u>6.31</u>
Supermarket	850	sf/gla	9.48	\$16.24 <u>16.52</u>	\$12.01 <u>12.22</u>
Convenience Market	851	sf/gla	52.41	\$33.86 <u>34.45</u>	\$25.06 <u>25.49</u>
Home Improvement Store	862	sf/gla	2.33	\$3.24 <u>3.30</u>	\$2.40 <u>2.44</u>
Drugstore w/o Drive-Through	880	sf/gla	8.40	\$8.55 <u>8.70</u>	\$6.33 <u>6.44</u>
Drugstore w/ Drive-Through	881	sf/gla	9.91	\$10.95 <u>11.14</u>	\$8.10 <u>8.24</u>
Furniture Store	890	sf/gla	0.45	\$0.46 <u>0.47</u>	\$0.34 <u>0.35</u>

Land Use	ITE Land Use Code	Independent Variable	Trip Rate	Non-Downtown Fee Rate	Downtown Fee Rate
Services					
Drive-in Bank	912	sf/gfa	24.30	\$24.62 <u>25.05</u>	\$18.22 <u>18.54</u>
Quality Restaurant	931	sf/gfa	7.49	\$18.17 <u>18.49</u>	\$13.45 <u>13.68</u>
High Turnover Restaurant	932	sf/gfa	9.85	\$16.46 <u>16.74</u>	\$12.18 <u>12.39</u>
Fast Food Restaurant w/o Drive-Through	933	sf/gfa	26.15	\$33.99 <u>34.58</u>	\$25.15 <u>25.59</u>
Fast Food Restaurant w/ Drive-Through	934	sf/gfa	32.65	\$42.44 <u>43.18</u>	\$31.40 <u>31.95</u>
Espresso Stand w/ Drive-Through	938	sf/gfa	75.00	\$32.49 <u>33.06</u>	\$24.05 <u>24.47</u>
Auto Care Center	942	sf/gfa	3.11	\$6.10 <u>6.21</u>	\$4.52 <u>4.60</u>

Service Station	944	vfp	13.87	\$17,426.45 <u>17,731.23</u>	\$12,895.58 <u>13.121.11</u>
Service Station w/ Mini-Mart	945	vfp	13.51	\$12,876.94 <u>13,102.15</u>	\$9,528.93 <u>9,695.59</u>
Lakeland PUD (Per Ordinance No. 4867 as amended by Resolution No. 2955, Ordinance No. 6176 and Resolution No. 5181.)					
Detached Single-Family Residential Unit	N/A	du	n/a	\$1,273.93 <u>1,307.06</u>	-
Attached Single-Family/Multi-Family Unit	N/A	du	n/a	\$826.87 <u>848.37</u>	-
Senior-Family Unit	N/A	du	n/a	\$284.14 <u>291.53</u>	-
Commercial/Retail Units	N/A	sf/gfa	n/a	\$3.34 <u>3.39</u>	-
Administrative Fee for Independent Fee Calculation					\$200.00
Notes: A. Basic trip rates are based on the ITE Trip Generation Manual, 9th Edition. B. Impact fee rate calculation is based upon the following methodology: – Basic Trip Rate = PM Peak Hour Trip Generation (per unit of measure) – Basic Trip Rate x Percent of New Trips x Trip Length Adjustment x Per Trip Fee/(divide by) 1,000 for rate per square foot (where applicable) = Impact Fee Rate (per unit of measure) C. For land uses not specifically identified here, trip generation rates could be derived from ITE or a special study by the applicant. D. sf/GFA= Square feet Gross Floor Area; sf/GLA= Square Feet Gross Leasable Area; VFP=Vehicle Fueling Position. E. Projects eligible for the Downtown Fee Rate are those located entirely within the boundary identified on Figure 1.					

Traffic Impact Fee Project List

Ongoing TIP Projects to remain on the Transportation Impact Fee List

- TIP #1: A Street NW, Phase 1 (3rd St NW to 14th St NW)
- TIP #4: I Street NE Corridor (45th St NE to S 277th St)
- TIP #5: M Street Underpass (3rd St SE to 8th St SE)
- TIP #8: A Street NW, Phase 2 (W Main St to 3rd St NW)
- TIP #9: Auburn Way South Corridor Improvements (Hemlock to Poplar)
- TIP #10: F Street SE Non-Motorized Improvements (Downtown to Les Gove)
- TIP #11: M Street NE (E Main St to 4th St NE)
- TIP #12: BNSF Railyard Grade Separation
- TIP #15: 8th St NE Widening (Pike St NE to R St NE)
- TIP #16: 49th Street NE (Auburn Way N to M St SE)
- TIP #17: Harvey Rd NE/8th Street NE Intersection Improvements
- TIP #25: 46th Place S Realignment
- TIP #29: S 277th Street Environmental Monitoring
- TIP #38: C St SW & 15th St SW Intersection Improvements
- TIP #39: 124th Ave SE/SE 320th St Intersection Improvements
- TIP #40: 124th Ave SE Corridor, Phase 2
- TIP #41: R Street Bypass (M St SE to SR-18)
- TIP #42: SE 320th Corridor Improvements
- TIP #45: 124th Ave SE & SE 284th St Intersection Safety Improvements
- TIP #49: West Valley Highway Improvements
- TIP #51: Lake Tapps Parkway ITS Expansion
- TIP #52: A St SE & Lakeland Hills Way Intersection Safety & Capacity Improvements
- TIP #53: AWS/12th Street Intersection Improvements
- TIP #54: Kersey Way Study
- TIP #56: Evergreen Heights SRTS
- TIP #59: Auburn Regional Growth Center Access
- TIP #60: M Street SE Corridor (8th St SE to AWS)
- TIP #63: 29th St SE/R Street SE Intersection Improvements
- TIP #64: Lea Hill Road Segment 1 (R St NE to 105th Pl S)
- TIP #65: Lea Hill Road Segment 2 (105th Pl S to 112th Ave SE)
- TIP #66: Lea Hill Road Segment 3 (112th Ave SE to 124th Ave SE)
- TIP #72: West Valley Hwy Improvements

New TIP Projects to be added to the Transportation Impact Fee List

- TIP #6: A Street Loop

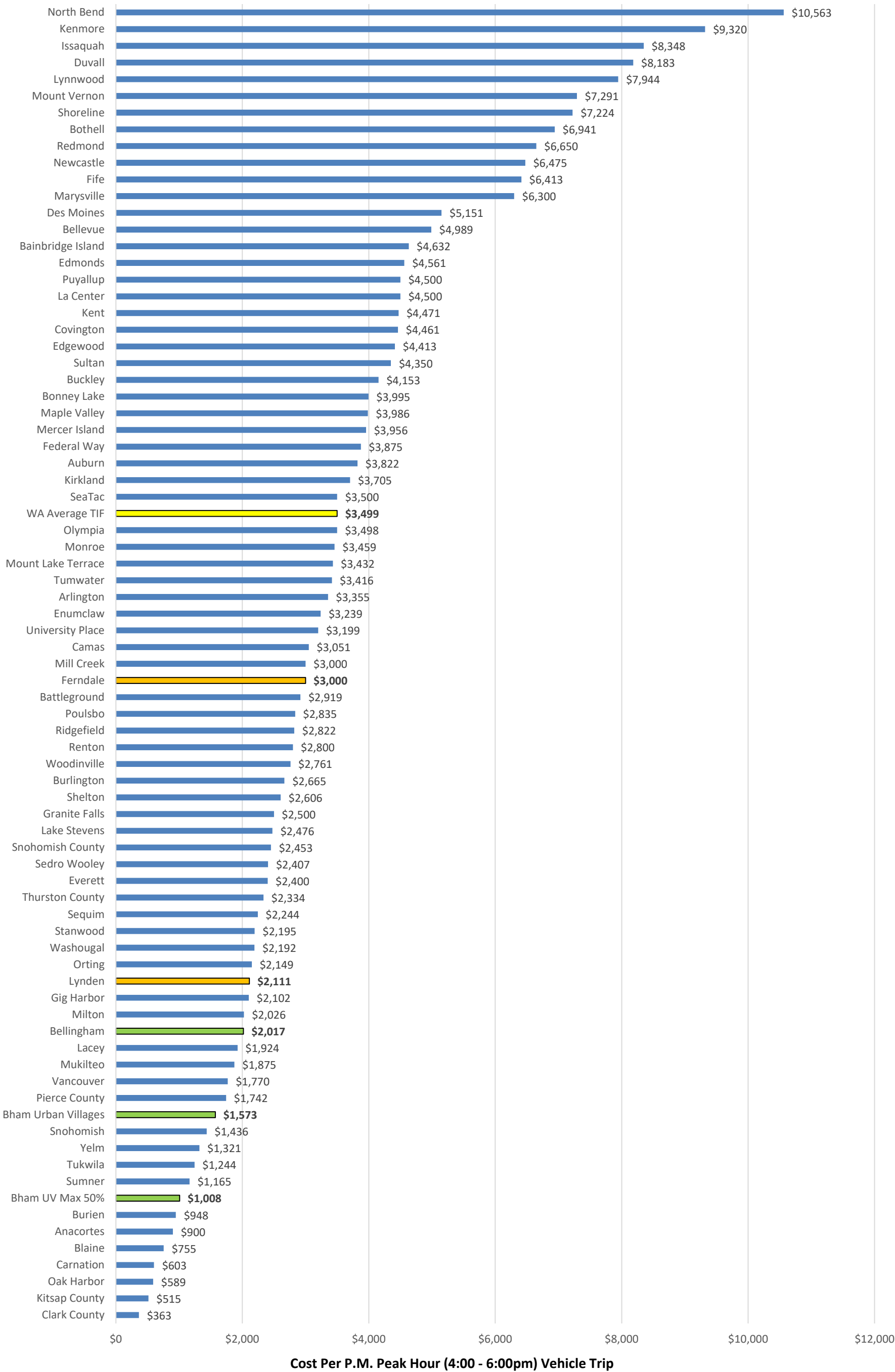
TIP Projects removed from the Transportation Impact Fee List

- TIP #6: S 277th Street Corridor
- TIP #13: Mohawk Plastics Site Mitigation
- TIP #14: M Street/12th Street Signal (combined with TIP #60)
- TIP #43: Auburn Way South Corridor Safety Improvements
- TIP #55: Auburn Way S Sidewalk
- TIP #67: A St SE Pedestrian Crossing Improvements
- TIP #69: I Street NE/22nd Street NE Roundabout
- TIP #74: R Street Extension

Comparison of 2017-2018 TIF Base Rates in 72* Cities and 5 Counties in Western Washington
With Whatcom County Cities and Bellingham's Urban Village TIF Reductions Highlighted for Emphasis

[*City of Sammamish, WA \$14,707 TIF base rate excluded from graphic due to size - see TIF rate table on next page]

Data compiled October 2017 by Chris Comeau, AICP-CTP, Transportation Planner, Bellingham Public Works ccomeau@cob.org or (360) 778-7946



AGENDA BILL APPROVAL FORM

Agenda Subject:

2018 VRFA Fee Schedule Update (10 Minutes) (Snyder)

Date:

November 8, 2017

Department:

Community Development &
Public Works

Attachments:

[Item A - VRFA 2018 Proposed Fee Schedule Summary](#)

[Item B - 2008 Strikeout 2018 Fee Schedule](#)

[Item C - 2018 Fee Schedule](#)

[Item D - VRFA Fee Schedule Comparison](#)

Budget Impact:**Administrative Recommendation:****Background Summary:**

The Valley Regional Fire Authority (VRFA) was established in 2007 under RCW 52.26 as a Fire Authority that serves the cities of Auburn, Algona, and Pacific. As a Fire Authority VRFA operates as a separate municipal corporation, with independent taxing authority, and within an independent taxing district.

While VRFA is a separate Fire Authority and is organizationally independent from the City of Auburn, VRFA continues to have a role in reviewing development proposals and conducting inspections during the construction process. Within VRFA it is the Fire Marshal's Office that performs these functions.

While VRFA has taxing authority within its jurisdictional boundary, tax payers do not fund all services offered by VRFA. In some instances there are fees charged to customers who are seeking direct service, e.g. a permit to construct a commercial building. In other words, permit customers pay a substantial portion of the direct service they are seeking, as opposed to the service being subsidized across the taxing district. Stated in yet another way, a residential tax payer who pays a portion of their property taxes to VRFA is generally not providing a significant level monetary contribution to a commercial real estate proposal or a new residential subdivision.

Since the Fire Authority was established in 2007, VRFA has collected fees for reviewing development plans and conducting construction inspections. In Auburn, VRFA fees are collected by the City and distributed to VRFA. This practice was put in place in order to ensure that Auburn could achieve a one-stop permitting shop. Instead of sending customers to a VRFA office to pay fees and apply for separate fire permits, customers can submit, pay and pick up permits at the City's Permit Center. More times than not, the customer never knows that they are interacting with, and paying, separate governmental entities.

Since 2008, VRFA's fees have remained unchanged. VRFA has begun a conversation with their Governance Board about modifying their fee schedule to make it more current. The Governance Board is comprised of the Mayor's of Auburn, Algona, and Pacific as well as two councilmembers from each City (Councilmember Pelosa and Councilmember DaCorsi).

While VRFA is a separate agency, with a separate Governance Board that has authority to establish its own service fees, the Auburn City Council has a role in endorsing fees that are collected by the City and distributed to other agencies (similar to Council's role in reviewing school district fees and taking action to authorize the collection of these external agency fees). Typically, City Council would provide this endorsement through action of a Resolution which then enables procedural efforts to occur that facilitate collection of the relevant fees and fee types.

The materials attached to this memo have been prepared by VRFA. Representatives from VRFA will be present during the November 13, 2017 Study Session discussion. They will present the proposal and be available to answer questions.

Reviewed by Council Committees:

Councilmember:

Staff:

Meeting Date: November 13, 2017

Item Number:



Valley Regional Fire Authority 2018 Proposed Fee Schedule Summary Document

The VRFA 2018 proposed fee schedule is a responsible and accurate calculation that represents the true cost of providing Fire Marshal Office services, Fire Ambulance transports, and Public Disclosure Request processing. VRFA added fees for public disclosure requests as outlined in RCW70.020.010 and WAC 246-08-400, and the updated base fee for ambulance transports and mileage charges. The VRFA Fire Marshal used the information in the NFPA 1730 Standard, as the formula for both calculating the hourly cost of an employee, and as a guide to evaluate how many hours it takes to perform each task, to arrive at the fee amounts listed in the revised schedule. We believe using an hourly rate model, as opposed to a valuation model, more accurately captures the recovery cost for our work and is more equitable and fair to our customers. Many of the services provided by the VRFA Fire Marshal's Office are covered under the fire service benefit charge, including all fire and life safety inspections. The fee schedule does not recover the cost to perform all work but is the basis for how we charge to recover a portion of our costs.

In comparison to other like agencies the VRFA fees are similar to other fire departments. Many other jurisdictions in the area use "valuation" as the basis for their fees. As stated above, we believe that an hourly rate model better represents what it cost to complete the work and doesn't unnecessarily charge higher rates for more costly projects. The VRFA residences and businesses in the VRFA service area pay the Fire Benefit Charge which provides for VRFA services. The VRFA does not feel that the Fire Benefit Charge should subsidize developers and business owners who require Fire Marshal Office services to improve or develop buildings and land in our service area.

In conclusion, we feel that the revised fee schedule accurately calculates fees based on our current operations. In addition, we feel the calculations used are responsible and compare well with like agencies in our area and the three cities we serve. Lastly, now that the new structure for the fee schedule is in place, we think that once approved it will only be necessary to consider inflationary adjustments in the foreseeable future.

EXHIBIT "A"

VALLEY REGIONAL FIRE AUTHORITY FEE SCHEDULE

All fees are **Effective January 1, 2008 2018** and will remain in effect unless amended by the VRFA Board of Governance.

ACTIVITY		FEE
1 BUILDING DEPARTMENT REVIEW (INCLUDING INITIAL INSPECTION)		
4 1.1	Commercial review from jurisdictional Building Departments-Occupancy Review	35% of Jurisdictional Fee ¹
2 1.2	Multi-Family occupancy review (R2)	20% of Jurisdictional Fee ¹
1.3	Other permit Fees (mechanical, plumbing, etc...)	\$216 ³
3 1.5	Single Family occupancy review (R3)	15% of Jurisdictional Fee ²
4 1.4	Revisions to previously reviewed plans	\$59.00 per hour (2 hour minimum) ³ \$216 ³
5	Civil review (Hydrant placement, Fire flow, Fire Department Access)-(moved to 2.2)	\$59.00 per hour (2 hour minimum) ³ \$216.00 ³
2 LAND USE REVIEWS		
6 2.5	SEPA review	\$59.00 per hour (2 hour minimum) ³ \$216 ³
7 2.3	Preliminary Plat and plat reviews (subdivisions)	\$59.00 per hour (2 hour minimum) ³ \$216 ³
8 2.6	Short Plat review	\$59.00 ³ \$216 ³
9 2.1	Lot line adjustment review-Boundary Line Adjustment	\$59.00 ³ \$108 ³
10 2.7	Variances	\$59.00 ³ \$108 ³
11 2.8	Water availability reviews	\$59.00 ³ \$108 ³
2.2	Civil Reviews (hydrant placement, fire flow, fire department access, grading)	\$59.00 per hour (2 hour minimum) ³ \$216 ³
2.4	Other permit fees (miscellaneous, administrative, etc...)	\$108 ³
3 FIRE PROTECTION AND OTHER SYSTEMS REVIEW (INCLUDING INITIAL INSPECTION) (includes plan review and initial 2 inspections)⁴		
12 3.1	Commercial Automatic Fire Protection System (Fire Sprinkler)	\$250.00 base to include first 10 sprinkler heads. \$0.75 for each additional sprinkler head ⁴ \$356.00 + \$0.75 per sprinkler head over 10 heads ³
13 3.2	Commercial and Residential Automatic Fire Protection System (Sprinkler Underground Supply) (WAC 105.7.20)	\$250.00 \$356.00 per system / building ³
14 3.3	Commercial Automatic or Manual Fire Alarm System	\$250.00 base to include first 10 devices. \$5.00 for each additional alarm device ⁴ \$356.00 + \$5.00 per device over 5 devices ³

EXHIBIT "A"

15 3.4	Commercial Kitchen Fire Protection Systems	See other fire protection systems below \$356.00 \$0.75 per sprinkler head over 10 heads³
16 3.9	Other Miscellaneous Plan Reviews not listed (Plan reviews and all other permits not specifically listed)	\$59.00 per hour (2 hour minimum)³ \$365³
17 3.5	Commercial: Other Fire Protection Systems (Clean agent, FM200, Wet or Dry Chemical, CO ₂ , or foam, mist , other inert gas, Foam and other systems)	\$200.00 base fee + \$0.75 per device \$356.00 + \$0.75 per sprinkler head over 10 heads³
18 3.12 3.13	Spray Booth Installation	\$150.00
19 3.12 3.13	Spray Booth Fire Protection System	See sprinklers above or other fire protection system⁵
20 4.6	TANKS: Hazardous Materials or Flammable / Combustible Liquid Installation, Aboveground and/or Underground	\$200.00 per tank
21 4.16	Tents > 200 square feet or Canopies > 400 square feet	\$75.00 each
3.6	Emergency Responder Radio Coverage System (DAS)	\$356.00 + \$0.75 per device³
3.7	Fireworks Display Permit	\$356.00³
3.8	Fireworks Sales Permit	\$108.00³
	Activity	Fee
3.9	Other Miscellaneous Plan Review not listed	\$356.00 3
3.10	Over the Counter Permit (fire sprinkler with less than 10 sprinkler heads, fire alarm with less than 5 devices)	\$178.00 3
3.11	Residential (R3) Fire Sprinkler System	\$108.00 + \$0.75 per device over 10 devices 3
49	Spray Booth Installation	
3.12	Spray Booth Fire Protection System	\$356.00 + \$0.75 per device over 10 devices 3
3.13	Spray Booth Fire Alarm System	\$356.00 + \$5.00 per device over 5 devices 3
4	Other Fire Permits (Includes Plan Review and Initial 2 inspections)⁴	
4.1	Battery Systems	\$648.00³
4.2	New Business License Review	Included with Fire Benefit Charge
4.3	Compressed Gases	\$648.00³
4.4	Cryogenic Fluids	\$648.00³
4.5	Fire Pump & Equipment	\$648.00³
20 4.6	Flammable and Combustible Liquids (including above ground tanks, below ground tanks, dip tanks, etc...)	\$648.00³
4.7	Hazardous Materials Facility	\$648.00³
4.8	Industrial Ovens	\$648.00³
4.9	LP Gas Commercial	\$648.00³
4.10	LP Gas Residential	\$356.00³
4.11	Marijuana Extraction Systems (WAC 105.7.19)	\$648.00³
4.12	Commercial Heating Tank Removal	\$356.00³
4.13	Residential Home Heating Tank Removal	\$108.00³
4.14	Solar Photovoltaic Power Systems, Residential	\$393.00³
4.15	Solar Photovoltaic Power Systems, Commercial	\$648.00³

EXHIBIT "A"

24 4.16	Temporary Tent/Membrane Structure > 400 square feet	\$216.00 ³
27 4.17	Working without a permit or ahead of the permit	Double the permit and inspection fee
5 INSPECTION FEES		
22 5.1	Initial Inspection	No Charge ⁶ Included in the permit fee
23 5.2	1 st re-inspection	No Charge Included in the permit fee
24 5.3	2 nd re-inspection	\$59.00 per hour (2 hour minimum) ³ \$216 for first 2 hours ³
25 5.4	Any subsequent (after 2 nd) re-inspection	\$130.00 per hour (2 hour minimum) ⁷ \$216 for first 2 hours ³
5.6	Progressive Inspections (beyond the first 2 inspections)	\$108.00 per hour (2 hour minimum) ³
26 5.7	Re-inspections (Due to a failure to cancel appointment or work not ready for inspection at time of appointment)	\$150.00 ⁷
27 4.17	Failure to Obtain Permit	Double Fees
28 5.5	After Hour Fee (Outside of normal business hours)	\$59.00 per hour (2 hour minimum) ³ \$162.00 per hour (2 hour minimum) ³
5.7	Re-inspection (due to a failure to cancel appointment or work not ready for inspection at time of appointment)	\$108.00 per hour (2 hour minimum) ³
6	Pre-Application Fees	
6.1	Pre-Application Fees	Included with Fire Benefit Charge
29	Adult Family Home Inspection (Licensed by DSHS)	\$150.00
8 OTHER FIRE AUTHORITY FEES		
30	Fire Code Appeals	\$520.00
34 8.1	Fire Ambulance Transport Fee	\$658.00 base rate ⁸
32 8.2	Fire Ambulance Transport Mileage Fee	\$13.50 per mile ⁸
33	False Alarm Responses: (Within a calendar year)	
34 8.3	- Preventable Nuisance or malfunction alarm – 1 st and 2 nd violation	No Penalty ⁹
35 8.4	- Preventable Nuisance or malfunction alarm – 3 rd violation	\$75.00 ⁹
36 8.5	- Preventable Nuisance or malfunction alarm – 4 th and 5 th violation 4 or more violations	\$150.00 ⁹
7	Consultant Fees	
37 7.1	Rapid Access Key Box, Padlocks and key Switches (Knox Company)	Call 253-931-3060 for price ¹⁰
38 7.1	Use of Outside Consultants for Plan Review and Inspections, or both, and Rapid Access Equipment	Actual costs
DOCUMENT FEES		
39 9	Photocopies	\$0.15 per page for letter, legal and 11x17 sizes ¹¹

EXHIBIT "A"

40 9	Photographs	\$0.15 per print if copied in-house or actual cost if sent out for copying ¹¹	
41 9	Audio Recording	\$5.00 per CD audio discs	
9	Public Records Requests RCW70.020.010 & WAC 246-08-400		
	Description	Rate (effective 01/01/2018)	
9.1	General Records – paper copies	\$0.15 per page	
9.2	General Records – electronic copies	\$0.10 per page + cost of media	
9.3	Medical Incident Reports – Clerical Fee	\$25.00 per report	
9.4	Medical Incident Reports – paper copies – Pages 1-30	\$1.12 per page	
9.5	Medical Incident Reports – paper copies – Pages 31+	\$0.84 per page	
9.6	Medical Incident Reports – electronic copies	\$0.10 per page + cost of media	
9.7	Records mailed or shipped	Actual cost of postage and container	
9.8	Video and audio tapes	Actual cost to reproduce	
10 CLASSES AND TRAINING			
42 10.1	Public CPR Certification Training – VRFA Facility	\$20.00 \$25.00 per student ¹²	
43	Public CPR Certification Training – Off Site (Private business or Group requests)	\$25.00 per student ¹²	
11	OPERATIONAL PERMITS		
The International Fire Code 105.6 Required Operational Permits authorizes the fire code official to issue operational permits for operations listed below.			
	Permit type	Fee	
11.1	Aerosol products	Included with the Fire Benefit Charge	
11.2	Amusement building	Included with the Fire Benefit Charge	
11.3	Aviation facilities	Included with the Fire Benefit Charge	
11.4	Carbon dioxide systems	Included with the Fire Benefit Charge	
11.5	Carnivals and fairs	Included with the Fire Benefit Charge	
11.6	Combustible dust producing operations	Included with the Fire Benefit Charge	
11.7	Combustible fibers	Included with the Fire Benefit Charge	
11.8	Compressed gases	Included with the Fire Benefit Charge	
11.9	Cover and open mall buildings	Included with the Fire Benefit Charge	
11.10	Cryogenic fluids	Included with the Fire Benefit Charge	
11.11	Cutting and welding	Included with the Fire Benefit Charge	
11.12	Dry cleaning	Included with the Fire Benefit Charge	
11.13	Exhibits and trade shows	Included with the Fire Benefit Charge	

EXHIBIT "A"

11.14	Explosives	Included with the Fire Benefit Charge
11.15	Flammable and combustible liquids	Included with the Fire Benefit Charge
11.16	Fruit and crop ripening	Included with the Fire Benefit Charge
11.17	Fumigation and insecticidal fogging	Included with the Fire Benefit Charge
11.18	Hazardous materials	Included with the Fire Benefit Charge
11.19	High piled storage	Included with the Fire Benefit Charge
11.20	Hot work operations	Included with the Fire Benefit Charge
11.21	Industrial ovens	Included with the Fire Benefit Charge
11.22	Lumber yards and woodworking plants	Included with the Fire Benefit Charge
11.23	Liquid or gas fueled vehicles or equipment in assembly buildings	Included with the Fire Benefit Charge
11.24	Liquid Petroleum (LP) gas	Included with the Fire Benefit Charge
11.25	Magnesium	Included with the Fire Benefit Charge
11.26	Miscellaneous combustible storage (tires, empty packing cases, rubber)	Included with the Fire Benefit Charge
11.27	Motor fuel dispensing facilities	Included with the Fire Benefit Charge
11.28	Organic coatings	Included with the Fire Benefit Charge
11.29	Place of assembly	Included with the Fire Benefit Charge
11.30	Private fire hydrants	Included with the Fire Benefit Charge
11.31	Refrigeration equipment	Included with the Fire Benefit Charge
11.32	Repair garages and motor fuel dispensing facilities	Included with the Fire Benefit Charge
11.33	Spraying or dipping operation using flammable or combustible liquids or powders	Included with the Fire Benefit Charge
11.34	Storage of tires, scrap tires, and by-products or rebuilding plants	Included with the Fire Benefit Charge
11.35	Temporary membrane structure and tents	Included with the Fire Benefit Charge
11.36	Waste handling	Included with the Fire Benefit Charge
11.37	Wood products	Included with the Fire Benefit Charge
11.38	Commercial kitchens with type I or type II hoods (ACC 10.36A.025)	Included with the Fire Benefit Charge

Explanatory notes:

EXHIBIT "A"

1. ~~The VRFA bases its building review on a percentage of the associated jurisdictional fee. Thus, fees may differ between jurisdictions. However, a percentage basis fee eliminates the need to adjust the VRFA fee schedule for every jurisdictional permitting change. In addition, the fee structure differences between jurisdictions are minimal, and therefore, VRFA fees will be materially similar notwithstanding the jurisdiction through which a building permit is obtained. See 1 below~~
2. ~~The reduction of the percentage base for single family occupancies is based on the minimal review time required to determine if a residential occupancy requires compliance with jurisdictional fire codes. The fee will only apply to residential occupancies that require automatic fire protection—it does not apply to all residential reviews. See 2 below~~
3. ~~The hourly rate is based upon the IBC Table 1A hourly structure. This has been codified within all VRFA cities. See 3 below~~
4. ~~This fee is codified within the Auburn City Code, and was increased by \$50 to reflect inflationary cost adjustments since its original adoption.~~
5. ~~Fire protection within a spray booth can either be water based from an existing sprinkler system, or from an alternative fire protection system noted in "Other Fire Protection Systems".~~
6. ~~Initial inspections are included in the permit review fee. See 4 below~~
7. ~~Increased fees are intended to reduce the number of inspections due to non-compliance or failure to correct previously noted deficiencies.~~
8. ~~These fees are in accordance with City of Auburn Resolution # 4143.~~
9. ~~Preventable nuisance and malfunction false alarms exist to reduce unwarranted calls that remove emergency apparatus from service. Though there is no penalty for 1st and 2nd violations, it provides the opportunity for the VRFA to educate owners about any mechanical problems within a system that may not be the fault of occupancy tenants. It further grants the opportunity for repair technicians to correct any deficiencies that may exist. Subsequent false alarms incur a penalty in an attempt to encourage needed repairs of the associated systems. The fees are an average of the false alarm fees in the City of Auburn Resolution # 4143, and the City of Pacific Resolution # 3773, as amended by resolution # 3797, Resolution # 3818, and Resolution # 3953. See 5 below~~
10. ~~The Rapid Access Key Box System is currently utilized in all VRFA cities. The purpose of this system is to allow for rapid entry into premises with fire protection systems. The system incorporates the use of key boxes, key padlocks and electronic gate key switches. A master key designated only for VRFA use is placed within all emergency apparatus and is utilized to operate such devices.~~
11. ~~This fee is in accordance with RCW 43.56.120~~

EXHIBIT "A"

~~12. Associated charges for CPR training are established to recover costs by VRFA personnel. This is not a revenue generated program, but is designed to offset the associated costs of the VRFA in providing the service.~~

1. The VRFA establishes its review and inspection fees on a percentage of the permit fee assessed by the authority having jurisdiction. Using a percentage of the jurisdictional fee as the basis of VRFA fees eliminates the need to adjust the VRFA fee schedule every time a jurisdictional fee changes.
2. The fee only applies to single family occupancies that require fire protection systems.
3. Hourly rate is based on the direct costs of VRFA staff time, salary, benefits, overhead, administrative costs and resources.
4. Includes plan review and first two inspections.
5. Preventable nuisance and malfunction false alarms exist to reduce unwarranted calls that remove emergency apparatus from service. Though there is no penalty for 1st and 2nd violations, it provides the opportunity for the VRFA to educate owners about any mechanical problems within a system that may not be the fault of occupancy tenants. It further grants the opportunity for repair technicians to correct any deficiencies that may exist. Subsequent false alarms incur a penalty in an attempt to encourage needed repairs of the associated systems.
6. The VRFA Fire Marshal is authorized to reduce or waive any fees for permits. In compelling cases where the applicant - the party responsible for payment of such fees - is an organization exempt from taxation under 26 USC 501(c)(3), and where the permit relates directly to the provision of charitable services to residences of the VRFA service area, the VRFA Fire Marshal is vested with discretion to reduce any fees for permits, publications, and actions by up to 50%.
7. Permits that are not completed and no project improvements are made can, in writing, ask for the inspection fees to be refunded.

Valley Regional Fire Authority 2018 Fee Schedule

Effective January 1, 2018 and will remain in effect unless amended by the VRFA Board of Governance

	Activity	Fee
1	Building Department Review (Includes Initial Inspection)	
1.1	Commercial Occupancy Review	35% of Jurisdictional Fee ¹
1.2	Multi-Family Occupancy Review (R2)	20% of Jurisdictional Fee ¹
1.3	Other Permit Fees (mechanical, plumbing etc...)	\$216.00 ³
1.4	Revisions to previously reviewed plans	\$216.00 ³
1.5	Single Family Occupancy Review (R3)	15% of Jurisdictional Fee ²
2	Land Use Reviews	
2.1	Boundary Line Adjustment	\$108.00 ³
2.2	Civil Reviews (hydrant placement, fire flow, fire department access, grading)	\$216.00 ³
2.3	Preliminary Plat and Plat Reviews (subdivisions)	\$216.00 ³
2.4	Other Permit Fees (miscellaneous, administrative, etc...)	\$108.00 ³
2.5	SEPA review	\$216.00 ³
2.6	Short Plat Review	\$216.00 ³
2.7	Variances	\$108.00 ³
2.8	Water Availability Reviews	\$108.00 ³
3	Fire Protection Systems (Includes Plan Review and Initial 2 Inspections) ⁴	
3.1	Commercial Automatic Fire Protection System (Fire Sprinkler)	\$356.00 + \$0.75 per sprinkler head over 10 heads ³
3.2	Commercial and Residential Automatic Fire Protection System (Underground Fire Sprinkler Line) (WAC 105.7.20)	\$356.00 per system / building ³
3.3	Commercial Automatic or Manual Fire Alarm Systems	\$356.00 + \$5.00 per device over 5 devices ³
3.4	Commercial Kitchen Fire Protection System	\$356.00 + \$0.75 per sprinkler head over 10 heads ³
3.5	Commercial: Other Fire Protection Systems (clean agent, FM200, wet or dry chemical, CO2, foam, mist, inert gas, and other systems)	\$356.00 + \$0.75 per sprinkler head over 10 heads ³
3.6	Emergency Responder Radio Coverage System (DAS)	\$356.00 + \$0.75 per device ³
3.7	Fireworks Display Permit	\$356.00 ³
3.8	Fireworks Sales Permit	\$108.00 ³

	Activity	Fee
3.9	Other Miscellaneous Plan Review not listed	\$356.00 ³
3.10	Over the Counter Permit (fire sprinkler with less than 10 sprinkler heads, or fire alarm with less than 5 devices)	\$108.00 ³
3.11	Residential (R3) Fire Sprinkler System	\$108.00 + \$0.75 per device over 10 devices ³
	Spray Booth Installation	
3.12	Spray Booth Fire Protection System	\$356.00 + \$0.75 per device over 10 devices ³
3.13	Spray Booth Fire Alarm System	\$356.00 + \$5.00 per device over 5 devices ³
4	Other Fire Permits (Includes Plan Review and Initial 2 inspections)⁴	
4.1	Battery Systems	\$648.00 ³
4.2	New Business License Review	Included with Fire Benefit Charge
4.3	Compressed Gases	\$648.00 ³
4.4	Cryogenic Fluids	\$648.00 ³
4.5	Fire Pump & Equipment	\$648.00 ³
4.6	Flammable and Combustible Liquids (including above ground tanks, below ground tanks, dip tanks, etc...)	\$648.00 ³
4.7	Hazardous Materials Facility	\$648.00 ³
4.8	Industrial Ovens	\$648.00 ³
4.9	LP Gas Commercial	\$648.00 ³
4.10	LP Gas Residential	\$356.00 ³
4.11	Marijuana Extraction Systems (WAC 105.7.19)	\$648.00 ³
4.12	Commercial Heating Tank Removal	\$356.00 ³
4.13	Residential Home Heating Tank Removal	\$108.00 ³
4.14	Solar Photovoltaic Power Systems, Residential	\$393.00 ³
4.15	Solar Photovoltaic Power Systems, Commercial	\$648.00 ³
4.16	Temporary Tent/Membrane Structure > 400 square feet	\$216.00 ³
4.17	Working without a permit or ahead of the permit	Double the permit and inspection fee
5	Inspection Fees	
5.1	Initial Inspection	Included in the permit fee
5.2	1st Re-inspection	Included in the permit fee
5.3	2nd Re-inspection	\$216 for first 2 hours ³
5.4	Any subsequent (after 2nd) re-inspection	\$216 for first 2 hours ³

	Activity	Fee
5.5	After Hours Inspection (Outside of normal business hours)	\$162.00 per hour (2 hour minimum) ³
5.6	Progressive Inspections (beyond the first 2 inspections)	\$108.00 per hour (2 hour minimum) ³
5.7	Re-inspection (due to a failure to cancel appointment or work not ready for inspection at time of appointment)	\$108.00 per hour (2 hour minimum) ³
6	Pre-Application Fees	
6.1	Pre-Application Fees	Included with Fire Benefit Charge
7	Consultant Fees	
7.1	Use of Outside Consultants for Plan Review and Inspection, and Rapid Access Equipment	Actual Costs
8	Other Fire Authority Fees	
8.1	Fire Ambulance Transport Fee	\$821.26
8.2	Fire Ambulance Transport Mileage Fee	\$16.87 per mile
	False Alarm Responses (within a calendar year)	
8.3	Preventable Nuisance or Malfunction Alarm - 1st and 2nd violation	No Penalty
8.4	Preventable Nuisance or Malfunction Alarm - 3rd violation	\$75.00
8.5	Preventable Nuisance or Malfunction Alarm - 4 or more violations	\$150.00
9	Public Records Requests RCW70.020.010 & WAC 246-08-400	
	Description	Rate (effective 01/01/2018)
9.1	General Records - paper copies	\$0.15 per page
9.2	General Records - electronic copies	\$0.10 per page + cost of media
9.3	Medical Incident Reports - Clerical Fee	\$25.00 per report
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9.7	Records mailed or shipped	Actual cost of postage and container
9.8	Video and audio tapes	Actual cost to reproduce
10	Classes and Training	
10.1	Public CPR Certification Training	\$25.00 per student

11	OPERATIONAL PERMITS	
The International Fire Code 105.6 Required Operational Permits authorizes the fire code official to issue operational permits for operations listed below.		
	Permit type	Fee
11.1	Aerosol products	Included with the Fire Benefit Charge
11.2	Amusement building	Included with the Fire Benefit Charge
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11.4	Carbon dioxide systems	Included with the Fire Benefit Charge
11.5	Carnivals and fairs	Included with the Fire Benefit Charge
11.6	Combustible dust producing operations	Included with the Fire Benefit Charge
11.7	Combustible fibers	Included with the Fire Benefit Charge
11.8	Compressed gases	Included with the Fire Benefit Charge
11.9	Cover and open mall buildings	Included with the Fire Benefit Charge
11.10	Cryogenic fluids	Included with the Fire Benefit Charge
11.11	Cutting and welding	Included with the Fire Benefit Charge
11.12	Dry cleaning	Included with the Fire Benefit Charge
11.13	Exhibits and trade shows	Included with the Fire Benefit Charge
11.14	Explosives	Included with the Fire Benefit Charge
11.15	Flammable and combustible liquids	Included with the Fire Benefit Charge
11.16	Fruit and crop ripening	Included with the Fire Benefit Charge
11.17	Fumigation and insecticidal fogging	Included with the Fire Benefit Charge
11.18	Hazardous materials	Included with the Fire Benefit Charge
11.19	High piled storage	Included with the Fire Benefit Charge
11.20	Hot work operations	Included with the Fire Benefit Charge
11.21	Industrial ovens	Included with the Fire Benefit Charge
11.22	Lumber yards and woodworking plants	Included with the Fire Benefit Charge
11.23	Liquid or gas fueled vehicles or equipment in assembly buildings	Included with the Fire Benefit Charge
11.24	Liquid Petroleum (LP) gas	Included with the Fire Benefit Charge
11.25	Magnesium	Included with the Fire Benefit Charge
11.26	Miscellaneous combustible storage (tires, empty packing cases, rubber)	Included with the Fire Benefit Charge
11.27	Motor fuel dispensing facilities	Included with the Fire Benefit Charge
11.28	Organic coatings	Included with the Fire Benefit Charge
11.29	Place of assembly	Included with the Fire Benefit Charge
11.30	Private fire hydrants	Included with the Fire Benefit Charge
11.31	Refrigeration equipment	Included with the Fire Benefit Charge
11.32	Repair garages and motor fuel dispensing facilities	Included with the Fire Benefit Charge
11.33	Spraying or dipping operation using flammable or combustible liquids or powders	Included with the Fire Benefit Charge
11.34	Storage of tires, scrap tires, and by-products or rebuilding plants	Included with the Fire Benefit Charge
11.35	Temporary membrane structure and tents	Included with the Fire Benefit Charge
11.36	Waste handling	Included with the Fire Benefit Charge
11.37	Wood products	Included with the Fire Benefit Charge
11.38	Commercial kitchens with type I or type II hoods (ACC 10.36A.025)	Included with the Fire Benefit Charge

Explanatory notes:

1. The VRFA establishes its review and inspection fees on a percentage of the permit fee assessed by the authority having jurisdiction. Using a percentage of the jurisdictional fee as the basis of VRFA fees eliminates the need to adjust the VRFA fee schedule every time a jurisdictional fee changes.
2. The fee only applies to single family occupancies that require fire protection systems.
3. Hourly rate is based on the direct costs of VRFA staff time, salary, benefits, overhead, administrative costs, and resources.
4. Includes plan review and first two inspections.
5. Preventable nuisance and malfunction false alarms exist to reduce unwarranted calls that remove emergency apparatus from service. Though there is no penalty for 1st and 2nd violations, it provides the opportunity for the VRFA to educate owners about any mechanical problems within a system that may not be the fault of occupancy tenants. It further grants the opportunity for repair technicians to correct any deficiencies that may exist. Subsequent false alarms incur a penalty in an attempt to encourage needed repairs of the associated systems.
6. The VRFA Fire Marshal is authorized to reduce or waive any fees for permits. In compelling cases where the applicant - the party responsible for payment of such fees - is an organization exempt from taxation under 26 USC 501(c)(3), and where the permit relates directly to the provision of charitable services to residences of the VRFA service area, the VRFA Fire Marshal is vested with discretion to reduce any fees for permits, publications, and actions by up to 50%.
7. Permits that are not completed and no project improvements are made can, in writing, ask for the inspection fees to be refunded.

VRFA Fee Schedule 2008-2018 Comparison

Permit	Type	2008 application fee	2008 device fee	2008 total fee	2018 application fee	2018 device fee	2018 Permit fee	2018 total fees	change
FIR15-0200	Fire Sprinklers # 1806 X \$0.75	\$250.00	\$1,354.50	\$1,604.50	\$216.00	\$1,354.50	\$140.40	\$1,710.90	\$106.40
FIR17-0011	Fire Sprinklers # 72 X \$0.75	\$250.00	\$54.00	\$304.00	\$216.00	\$54.00	\$140.40	\$410.40	\$106.40
FIR17-0013 OTC	Fire Alarms # under 10	\$250.00	\$0.00	\$250.00	\$216.00	\$0.00	\$0.00	\$216.00	-\$34.00
FIR17-0036	Fire Alarms # 267	\$250.00	\$200.00	\$450.00	\$216.00	\$200.00	\$140.40	\$556.40	\$106.40
TEN17-0111	Tenant Improvement 35% job	\$522.75		\$522.75	\$522.75			\$522.75	\$0.00
Merrill Gardens 114 Unit Senior Living Job Valuation \$17,029,451									
BLD13-0544	Commercial 35%	\$23,875.90		\$23,875.90	\$23,875.90			\$23,875.90	\$0.00
FIR16-0238	ERR (2018 + \$0.75)	\$200.00	\$0.00	\$200.00	\$216.00	\$75.00	\$140.40	\$431.40	\$231.40
FIR16-00192	Sprinkler underground	\$200.00	\$0.00	\$200.00	\$216.00		\$140.40	\$356.40	\$156.40
FIR16-0014	Commercial Kitchen + \$0.75	\$200.00	\$9.75	\$209.75	\$216.00		\$140.40	\$356.40	\$146.65
FIR15-0205	Fire Alarm 480 X \$5.00	\$250.00	\$2,400.00	\$2,650.00	\$216.00	\$2,400.00	\$140.40	\$2,756.40	\$106.40
FIR15-0200	Sprinkler aboveground	\$250.00	\$1,354.50	\$1,604.50	\$216.00	\$1,354.50	\$140.40	\$1,710.90	\$106.40
GRA	Grading	\$0.00	\$0.00	\$0.00	\$216.00	\$0.00	\$0.00	\$216.00	\$216.00
MIS	MIS	\$0.00	\$0.00	\$0.00	\$216.00	\$0.00	\$0.00	\$216.00	\$216.00
FAC	FAC	\$118.00	\$0.00	\$118.00	\$216.00	\$0.00	\$0.00	\$216.00	\$98.00
Total				\$28,858.15				\$30,135.40	\$1,277.25
Imaginetics Hazardous Materials Occupancy Job Valuation \$170,000									
TEN16-0050	H facility 35%	\$461.14	\$0.00	\$461.14	\$461.14	\$0.00	\$0.00	\$461.14	\$0.00
FIR16-0123	ERR (2018 + \$0.75)	\$250.00	\$0.00	\$250.00	\$216.00	\$0.00	\$140.40	\$356.40	\$106.40
FIR16-0106	Fire alarms # 41 X 5	\$250.00	\$205.00	\$455.00	\$216.00	\$205.00	\$140.40	\$561.40	\$106.40
FIR16-0098	Sprinklers OTC	\$250.00	\$0.00	\$250.00	\$216.00	\$0.00	\$0.00	\$216.00	-\$34.00
FIR16-097	Dry chem system X .75	\$250.00	\$1.50	\$251.50	\$216.00	\$1.50	\$140.40	\$357.90	\$106.40
FIR16-0094	Relocate propane tank	\$200.00	\$0.00	\$200.00	\$393.00	\$0.00	\$255.45	\$648.45	\$448.45
FIR16-0055	sprinklers 44 X .75	\$250.00	\$17.25	\$277.00	\$216.00	\$17.25	\$140.40	\$373.65	\$96.65
NEW PERMIT	Flammable & Combustible	\$0.00	\$0.00	\$0.00	\$393.00	\$0.00	\$255.45	\$648.45	\$648.45
Permit total				\$2,144.64				\$3,623.39	\$1,478.75

AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6659 - SODA Relating to New Gross
Misdemeanor Violations Concerning Drug-related Activities (15
Minutes) (Heid)

Date:

November 8, 2017

Department:

City Attorney

Attachments:

[Ordinance No. 6659](#)
[Draft SODA Areas](#)
[Parks Inventory](#)
[Arlington Draft SODA](#)
[Bothell Municipal Code](#)
[Bothell SODA Order](#)
[Bothell SODA Order](#)
[Everett Municipal Code](#)
[Lakewood Municipal Code](#)
[Marysville Ordinance](#)
[Marysville Ordinance](#)
[Shoreline Ordinance](#)
[Tacoma Code](#)
[Tacoma Ordinance](#)
[University Place Ordinance](#)

Budget Impact:**Administrative Recommendation:**

Review SODA Ordinance.

Background Summary:

Ordinance No. 6659 proposes to add a new Chapter 9.24 to the City Code. This chapter, patterned after a similar code provisions in cities across the state, seeks to identify certain areas within the City as being subject to an anti-drug emphasis. Those portions of the City that are identified as anti-drug emphasis areas could be used as an enforcement tool for people engaging in illegal drug activity in certain areas could be ordered to stay out of those areas, and there failing to do so could constitute a public nuisance and a violation of the law for which penalties could be assessed. Samples of similar ordinances are included here with, including samples from Tacoma, Lakewood, Marysville, Everett, Bothell, shoreline, University Place and Arlington (proposed). Each of these ordinances, seeks to accomplish the same thing that. Auburn's proposed ordinance seeks to accomplish. Checking with prosecutors involved with some of these jurisdictions, the assessment, we received was that this is a valuable tool for the police, prosecutors, and courts to address recurring illegal drug activities in certain areas. This ordinance would/could result in additional prosecution to address illegal drug activity, but it gives the police an additional tool that would not otherwise be available. If a person were convicted of a crime involving illegal drug activity in a certain area of the city that has been identified as a drug emphasis area, the court order in the violation could include a

provision that restricts the violator from returning to that area. Other than where the violator lives within one of the identified drug enforcement areas, it would be advantageous for the city, the police and neighbors to have people restricted from returning to locations where drug activities were occurring. Again, the cities with whom we were able to check regarding their similar ordinances expressed support for the use of such an ordinance.

Also, in connection with Ordinance No. 6659, although the drug emphasis areas are defined in the ordinance, to assist in visualizing where those drug emphasis areas are within the city, maps showing the identified drug emphasis areas and city parks (also drug emphasis areas) are included as well.

Reviewed by Council Committees:

Councilmember:

Staff:

Meeting Date: November 13, 2017

Item Number:

ORDINANCE NO. 6 6 5 9

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTION 1.24.010 OF THE AUBURN CITY CODE AND CREATING A NEW CHAPTER 9.24 OF THE AUBURN CITY CODE RELATING TO NEW GROSS MISDEMEANOR VIOLATIONS CONCERNING DRUG-RELATED ACTIVITIES

WHEREAS, the current provisions of the Auburn City Code include prohibitions on certain drug-related activities but do not, at this point, identify target areas for enforcement - identifying those areas where drug-related activities are most problematic; and

WHEREAS, in connection with a more effective enforcement of illegal drug related activities and an intent to target those areas most adversely affected by such activities, it is appropriate for the City to establish areas where illegal drug enforcement should be emphasized and procedures for such enforcement; and

WHEREAS, under a Stay Out of Designated Area (SODA) ordinance, citizens convicted of drug- related crimes may be prevented from entering a specific area of the city known for drug problems, and judges would be able to issue these SODA orders which would be effective for designated periods of time, during which time, the person could be arrested if the order is violated.

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

SECTION 1. AMENDMENT TO CITY CODE. Section 1.24.010 of the Auburn city code be, and the same hereby is, amended to read as follows:

1.24.010 Criminal penalties generally.

A. Unless a specific penalty is expressly provided, for all violations of ordinances of the city which are identified as misdemeanors, upon conviction, such violations are punishable by imprisonment in the appropriate city or county jail for a period of up to ninety (90) days and a fine of up to \$1,000.00, or by both such fine and imprisonment.

B. Unless a specific penalty is expressly provided, for all violations of ordinances of the city which are identified as gross misdemeanors, upon

conviction, such violations are punishable by imprisonment in the appropriate city or county jail for a period of up to ~~one year~~ three hundred sixty-four (364) days and a fine of up to \$5,000.00, or by both such fine and imprisonment.

C. Any violations of ordinances of the city that are identified as criminal violations, including being punishable by criminal penalties, but not identified as to whether they are misdemeanors or gross misdemeanors, shall be deemed misdemeanors or gross misdemeanors, as follows:

1. Criminal violations that are punishable by up to and including imprisonment in the appropriate city or county jail for a period of up to ~~one year~~ three hundred sixty-four (364) days and a fine of up to \$5,000.00, or by both such fine and imprisonment, shall be deemed gross misdemeanors; provided, that criminal violations that are punishable by not more than imprisonment in the appropriate city or county jail for a period of up to ninety (90) days and a fine of up to \$1,000.00, or by both such fine and imprisonment, shall be deemed misdemeanors;

2. Criminal violations that are adopted by reference from state statutes, or extrapolated with the same or substantially the same language from state statutes, shall be classified as misdemeanors or gross misdemeanors consistent with their classification by state statutes, and shall be punishable accordingly;

3. Criminal violations that are not identifiable as either misdemeanors or gross misdemeanors shall be deemed misdemeanors and shall be punishable accordingly.

D. In addition, a defendant may be assessed court costs, jury fees and such other fees or costs as may be authorized in statute or court rules. In any court proceeding to enforce this section, the city shall have the burden of proving by evidence beyond a reasonable doubt that a violation occurred. In a proceeding under this section a defendant shall be accorded each and every right protected under the Constitutions of the United States of America and the state of Washington, all applicable federal, state and local laws, and applicable court rules promulgated by the Washington Supreme Court and the inferior courts under the authority of the Washington Supreme Court. (Ord. 5677 § 1, 2002; Ord. 4285 § 2, 1988; Ord. 3618 § 1, 1981; Ord. 2754 § 1, 1973.)

SECTION 2. NEW CHAPTER TO CITY CODE. A new Chapter 9.24 is hereby created and added to the Auburn City Code, to read as follows:

Chapter 9.24
DRUG RELATED ACTIVITIES

Sections:

- | | |
|----------|---|
| 9.24.010 | Loitering with the intent of engaging in drug-related activity. |
| 9.24.020 | Designation of anti-drug emphasis areas. |
| 9.24.030 | Violation of conditions of release, suspension or deferral as separate crime. |
| 9.24.040 | Places of illegal drug activity declared public nuisances. |

- 9.24.050 Evidence of use for illegal drug purposes.
- 9.24.060 Conviction as prima facie evidence.
- 9.24.070 Penalties for maintenance of public nuisance.
- 9.24.080 Violation - Penalty.

9.24.010 Loitering with the Intent of engaging in drug-related activity.

A. It is unlawful for any person to loiter in or near any public rights-of-way, or any public or private property in a manner and under circumstances manifesting the intent to engage in illegal drug-related activity contrary to RCW chapters 69.41, 69.50, 69.53 or 69.53, or to chapter 9.22 of the city code.

B. Among the circumstances which may be considered in determining whether such intent is manifested are the following:

1. Such person is a known unlawful drug user, possessor, or seller. For purposes of this chapter, a "known unlawful drug user, possessor, or seller" is a person who has been convicted in any court within this state of any violation involving the use, possession, or sale of any of the substances referred to in chapters 69.41, 69.50, 69.52 and 69.53 RCW, or substantially similar laws of any political subdivision of this state or of any other state; or who is known to have been arrested for a drug related violation not resulting in a conviction because the person participated in a diversionary program, deferral program, drug court or a similar program; or a person who displays physical characteristics of drug intoxication or usage, such as "needle tracks"; or who possesses marijuana in a manner not authorized by RCW 69.50.4013 (1), RCW 69.50.4013 (2) and or in amounts that exceed those set forth in RCW 69.50.360(3);

2. Such person is currently subject to an order from any court prohibiting his/her presence in a high drug activity geographic area;

3. Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a "lookout";

4. Such person is physically identified by a police officer, based on articulable factors, as a member of a "gang," or an association which engages in illegal drug activity. Factors that support an officer physically identifying a person as a member of such a gang or association include, but are not limited to clothing, tattoos, known association and/or affiliation with such gang or association, specific and observed acts or circumstances consistent with drug related activity, and gestures, signs, greetings and movements that are consistent with gang related activity, provided that clothing alone shall not be sufficient, without more, to support an officer physically identifying a person as a member of such a gang or association;

5. Such person transfers small objects or packages for currency in a furtive fashion;

6. Such person takes flight upon the appearance of a police officer;

7. Such person manifestly endeavors to conceal himself or herself or any object which reasonably could be involved in an unlawful drug-related activity;

8. The area involved is by public repute known to be an area of unlawful drug use and trafficking;

9. The premises involved are known to have been reported to law enforcement as a place suspected of drug activity pursuant to chapter 69.53 RCW.

10. Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity.

9.24.020 Designation of anti-drug emphasis areas.

A. Certain areas of the city shall be designated as and identified to be anti-drug emphasis areas based on the repeat incidents of illegal drug activities occurring therein, and enhanced penalties shall be applied in event of conviction of unlawful drug related acts or loitering for drug purposes, within the said areas. The areas to be so designated shall be identified by the city council in an ordinance or resolution passed after consultation with the mayor, city attorney and the chief law enforcement officer of the city, and the list identifying such areas shall be kept on file in the office of the city clerk. Additional areas may also be identified by the judge of the municipal or district court hearing drug related cases arising from within the city. If a defendant is convicted of a drug related case occurring from within an area designated as an anti-drug emphasis area, a condition or term of sentence, deferral, or suspension, shall be that such defendant shall stay out of all areas of the city designated as an anti-drug emphasis areas, unless there are significant and substantial extenuating circumstances in the defendant's particular case justifying avoidance of the requirement for such condition or term of sentence, deferral, or suspension. In such case, the significant and substantial extenuating circumstances shall be identified and recited in the record of the case.

B. The following areas are hereby designated as and identified to be anti-drug emphasis areas:

AREA I. DOWNTOWN AREA:

BEGINNING AT THE INTERSECTION OF E STREET NE AND 23RD STREET NE; THENCE EASTERLY TO THE INTERSECTION OF N STREET NE AND 24TH STREET NE; THENCE CONTINUING ALONG SAID TANGENT EAST TO THE GREEN RIVER; THENCE EASTERLY, SOUTHERLY AND WESTERLY ALONG THE GREEN RIVER TO A POINT THAT IS EAST OF 14TH STREET NE; THENCE WEST ALONG 14TH STREET NE, AS EXTENDED, TO AUBURN WAY NORTH.; THENCE SOUTHERLY ALONG AUBURN WAY NORTH TO 4TH STREET NE; THENCE EASTERLY ALONG 4th STREET NE TO J STREET NE; THENCE SOUTHERLY ALONG - J STREET NE AND SE AS EXTENDED TO STATE HIGHWAY 18; THENCE EASTERLY ALONG. STATE HIGHWAY 18, TO M STREET SE; THENCE SOUTH ALONG M STREET SE TO 8TH STREET SE; THENCE WESTERLY ALONG 8TH STREET SE TO A POINT THAT IS SOUTH OF J STREET SE, AS EXTENDED; THENCE SOUTHERLY ALONG SAID J STREET SE EXTENSION TO 9TH STREET SE; THENCE WESTERLY ALONG 9TH STREET SE TO H STREET SE; THENCE SOUTH ALONG H STREET SE TO

THE ALLEY SOUTH OF AND RUNNING GENERALLY PARALLEL TO 9TH STREET SE; THENCE WESTERLY ALONG SAID ALLEY TO ITS INTERSECTION WITH AUBURN WAY, SOUTH; THENCE NORTHWESTERLY ALONG AUBURN WAY SOUTH TO ITS INTERSECTION WITH F STREET SE; THENCE NORTHEASTERLY ALONG F STREET SE TO ITS INTERSECTION WITH 9TH STREET SE; THENCE WESTERLY ALONG 9TH STREET SE, AS EXTENDED, TO THE INTERURBAN TRAIL; THENCE NORTHERLY ALONG THE INTERURBAN TRAIL TO 2ND STREET NW; THENCE EASTERLY ALONG 2ND STREET NW TO C STREET NW; THENCE NORTHERLY TO A POINT THAT IS WEST OF 18TH STREET NE, AS EXTENDED, THENCE EAST TO E STREET NE; THENCE NORTHERLY ALONG E STREET NE TO THE POINT OF BEGINNING.

AREA II. THE OUTLET COLLECTION:

BEGINNING AT THE INTERSECTION OF 15TH STREET SW AND STATE HIGHWAY 167; THENCE NORTHERLY ALONG STATE HIGHWAY 167 TO STATE HIGHWAY 18; THENCE EASTERLY ALONG STATE HIGHWAY 18 TO THE INTERURBAN TRAIL; THENCE SOUTHERLY ALONG THE INTERURBAN TRAIL TO 15TH STREET SW; THENCE WESTERLY ALONG 15TH STREET SW TO THE POINT OF BEGINNING.

AREA III. MUCKLESHOOT CASINO:

BEGINNING AT THE INTERSECTION OF AUBURN WAY SOUTH (STATE HIGHWAY 164) AND 17TH STREET SE; THENCE EASTERLY ALONG 17TH STREET SE TO R STREET SE; THENCE NORTHERLY ALONG R STREET SE, AS EXTENDED, A DISTANCE OF 1170 FEET; THENCE EAST TO THE INTERSECTION OF ELM STREET SE AND SCENIC DRIVE SE; THENCE NORTHERLY ALONG THE MOST NORTHERLY WEST LINE OF THE PLAT OF SHERMAN ACRES, VOLUME 71, PAGE 94, RECORDS OF KING COUNTY, TO THE MOST NORTHWEST CORNER OF SAID SHERMAN ACRES; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SHERMAN ACRES TO THE NORTHWEST CORNER OF THE PLAT OF FOREST VILLA NO. 3, VOLUME 68, PAGE 49, RECORDS OF KING COUNTY; THENCE SOUTHEASTERLY ALONG THE PLAT BOUNDARY OF SAID FOREST VILLA NO. 3 TO THE MOST NORTHERLY CORNER OF LOT 5 OF SAID FOREST VILLA NO. 3; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID FOREST VILLA NO.3, AS EXTENDED, TO AUBURN WAY SOUTH (STATE HIGHWAY 164); THENCE WESTERLY ALONG AUBURN WAY SOUTH (STATE HIGHWAY 164) TO HEMLOCK STREET SE THENCE SOUTHERLY ALONG THE CENTERLINE OF HEMLOCK STREET SE AND ITS SOUTHERLY EXTENSION A DISTANCE OF 1000 FEET; THENCE WEST TO THE INTERSECTION OF DOGWOOD STREET SE AND FOREST RIDGE DRIVE SE; THENCE NORTHERLY ALONG DOGWOOD STREET SE TO AUBURN WAY S. (STATE HIGHWAY 164); THENCE WESTERLY ALONG AUBURN WAY SOUTH (STATE HIGHWAY 164) TO RIVERWALK DRIVE SE; THENCE SOUTHERLY AND SOUTHWESTERLY ALONG RIVERWALK DRIVE SE TO HOWARD ROAD; THENCE NORTHWESTERLY ALONG HOWARD ROAD ITS INTERSECTION WITH R STREET SE; THENCE NORTHWESTERLY TO THE POINT OF BEGINNING.

AREA IV. SOUTH END:

BEGINNING AT THE INTERSECTION OF THE WHITE RIVER AND A STREET SE; THENCE NORTHERLY ALONG A STREET SE TO 21ST STREET SE; THENCE EASTERLY ALONG 21ST STREET SE TO R STREET SE; THENCE SOUTHERLY ALONG R STREET SE TO 29TH STREET SE; THENCE WESTERLY ALONG 29TH STREET SE TO M STREET SE.; THENCE SOUTHERLY ALONG M STREET SE, AS EXTENDED, TO THE WHITE RIVER; THENCE SOUTHWESTERLY ALONG THE WHITE RIVER TO THE POINT OF BEGINNING.

AREA V. CITY PARK PROPERTY:

ALL CITY PARK PROPERTY THROUGHOUT THE CITY IS DESIGNATED AS AN ANTI-DRUG EMPHASIS AREA. FOR THE PURPOSES HEREOF, CITY PARK PROPERTY INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING PARK PROPERTIES AND ALL FACILITIES, AMENITIES AND COMPONENTS THEREIN:

Park	Address	Proximate Acres
21st Street Playground	405 21 st St. SE	0.17
104th Ave SE (Green River Park)	31495 104 th Ave. SE	14.73
Auburndale	31802 108 th Ave. SE	9.64
Auburndale II	29725 118 th Ave. SE	9.34
Auburn Environmental Park	413 Western Ave. NW	120
Auburn Golf Course	29630 Green River RD SE	180
Ballard	1612 37 th Way SE	0.66
Bicentennial Park	502 Auburn Way S.	1.07
B Street Plaza	148 E. Main Street	0.10
Brannan	1019 28 th St. NE	26.63
Cameron	3727 Lemon Tree Lane	3.83
Cedar Lanes	1002 25 th St. SE	8.27
Centennial Viewpoint	402 Mountain View Dr.	0.7
City Hall Plaza	25 West Main Street	1.10
Clark Plaza	1420 Auburn Way N.	0.25

Park	Address	Proximate Acres
Clark Property	1300 block, Oravetz Road - Parcel No. 302105-9025 SE ¼ OF SE ¼ Lying South of Stuck River, less Roads, Sec. 30, Twp. 21 N., Rge. 5 E. WM	26.68
Community Garden	1030 8 th Street NE	1.04
Dorothy Bothell Park	1087 Evergreen Way SE	4
Dykstra	1487 22 nd St. NE	1.78
Fenster Nature Park	2033 4 th St. SE	12.58
Forest Villa	1647 Fir St. SE	0.23
Fulmer Park	1101 5 th St. NE	5.13
Gaines Park	1008 Pike St. NW	1.34
Game Farm	3030 R St. SE	53.0
Game Farm Wilderness	2401 Stuck River Dr. SE	72.0
GSA Park	413 15 th St. SW	6.13
Indian Tom Park	1316 6 th St. NE	0.43
Isaac Evans	29827 Green River RD SE	19.87
Jacobsen Tree Farm	29387 132 nd Ave. SE	29.3
Jornada Park	1433 U Ct. NW	1.89
Kersey Way A	5480 Charlotte Ave. SE	2.73
Kersey Way B	5530 Udall Ave. SE	0.79
Lakeland Hills	1401 Evergreen Way SE	5.05
Lea Hill	31693 124 th Ave. SE	9.0
Lea Hill Tennis Courts	32121 105 th Pl. SE	1.18
Les Gove	910 9 th St. SE	20.86
Mary Olson Farm	28728 Green River RD SE	67
Mill Pond	4582 Mill Pond Dr. SE	4

Park	Address	Proximate Acres
Mountain View Cemetery	2020 Mountain View Dr.	60
Pioneer Cemetery	8 th St. NE & Auburn Way North	0.76
Plaza Park	2 West Main Street	0.19
Riverpoint Park	1450 32 nd St. NE	3.8
Riversands Park	5014 Pike St. NE	1.76
Roegner Park	601 Oravetz Road SE	21.25
Rotary Park	2635 Alpine St. SE	4.14
Scottie Brown Park	1403 Henry Rd. NE	1.34
Shaughnessy Park	3302 21 st St. SE	3.46
Slaughter Memorial	2988 Auburn Way N.	0.02
Sunset park	1420 69 th St. SE	15
Terminal Park	1292 C St. SE	1.2
Veterans Memorial	405 E St. NE	7.65
Village Square Park	12111 SE 310 th St.	1.10
West Hill Lake Property	32054 58 th Ave. S	9.25

In addition to the above described park properties, the city park property anti-drug emphasis area includes any and all properties, whether owned by the city or not on which any part thereof is used for trail and/or recreational purposes and which is maintained, in whole or in part, by the city of Auburn, including but not limited to the following:

- (a) Interurban Trail: This trail parallels the Union Pacific Railroad for much of its length. The Interurban Trail currently runs north to south through Tukwila, Kent, Auburn, Algona and Pacific, and is approximately 17 miles long, with 4.5 miles in Auburn.
- (b) White River Trail: The White River Trail, within Roegner Park, extends along the White River to the Game Farm Wilderness Park for 2.25 miles.
- (c) Lakeland Linear Trail: Lakeland Linear Trail meanders from Evergreen Way along Lakeland Hills Way connecting to Sunset Park.

(d) Reddington Levee Trail: This trail goes from Brannan Park/Brannan St., North to I St. along the Green River, for 1.7 miles.

(e) C Street Trail: The C Street Trail extends from Ellingson Road SW, along C Street SW, to 15th Street SW.

C. Each of the above described/designated anti-drug emphasis areas includes all rights-of-way located within the described areas and also includes any and all rights-of-way adjacent to the outer perimeter thereof.

D. Each of the above described/designated anti-drug emphasis areas includes the total real estate parcel area of all parcel where any part of which is located within any of the above described designated anti-drug emphasis areas.

9.24.030 Violation of conditions of release, suspension or deferral as separate crime.

The presence of any person within an anti-drug emphasis area in violation of court-imposed conditions of release or conditions of suspension or deferral of any sentence shall constitute a separate crime hereby designated a gross misdemeanor and any such person may be apprehended and arrested without the necessity for any warrant or additional court order. Upon conviction, any person so violating the conditions of release or conditions of suspension or deferral shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than three hundred sixty-four days, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both such imprisonment and fine.

9.24.040 Places of illegal drug activity declared public nuisances.

Any building, structure or place within the city used for drug related activity or for loitering with the intent of engaging in drug-related activity as defined in this chapter is hereby declared to be a public nuisance.

9.24.050 Evidence of use for illegal drug purposes.

A. Two or more criminal convictions of persons for drug related offenses in a building, structure or place, within the one-year period preceding the commencement of an action under this chapter shall give rise to a rebuttable presumption that the building, structure or place has been used for illegal drug purposes and is a public nuisance. In any action under this chapter, evidence of the common fame and general reputation of the building or place, of the inmates or occupants thereof, or of those resorting thereto, shall be admissible as evidence to prove the existence of the public nuisance but must be supported by additional evidence. Evidence of the general reputation of the building or place, or of the inmates or occupants thereof that is sufficient to establish the existence of the public nuisance, shall be prima facie evidence of knowledge thereof and acquiescence and participation therein and responsibility for the nuisance by persons or legal entities having an interest in the property. Responsibility for the nuisance shall extend to the owners, lessors, lessees and all those in interest in

any form in the property, real or personal, used in conducting or maintaining the public nuisance.

B. Evidence of cooperation by owners, agents or managers of a building or place with police investigations or operations to control drug related activity may be used to rebut the presumptions created in this chapter.

9.24.060 Conviction as prima facie evidence.

Any conviction of any owner, manager, operator, agent or employee for any illegal drug activity, or for loitering with the intent of engaging in drug-related activity, when such offense was related to any business or commercial enterprise, shall be prima facie evidence that the building, structure or place upon or in which business or commercial enterprise is or was conducted, was used for illegal drug activities.

9.24.070 Penalties for maintenance of public nuisance.

Maintenance of a public nuisance as declared herein, in addition to any other civil or criminal penalties, shall result in a civil penalty not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for a first conviction of maintaining a public nuisance and by abatement by closure of such business or commercial enterprise for the period of thirty (30) days for each subsequent conviction of maintaining a public nuisance, the enforcement of which shall be in accordance with the procedures identified in chapter 1.25 of the city code.

9.24.080 Violation - Penalty.

Unless otherwise specifically provided otherwise, any person who violates the provisions of this chapter is guilty of a gross misdemeanor and, upon conviction, shall be imprisoned in jail for a period of up three hundred sixty-four days or fined an amount of not more than \$5,000.00 or both such jail time and fine.

SECTION 3. IMPLEMENTATION. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions 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 thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

SECTION 5. 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.

Introduced: _____

Passed: _____

Approved: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

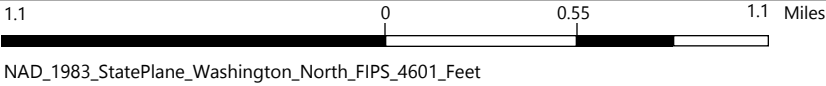
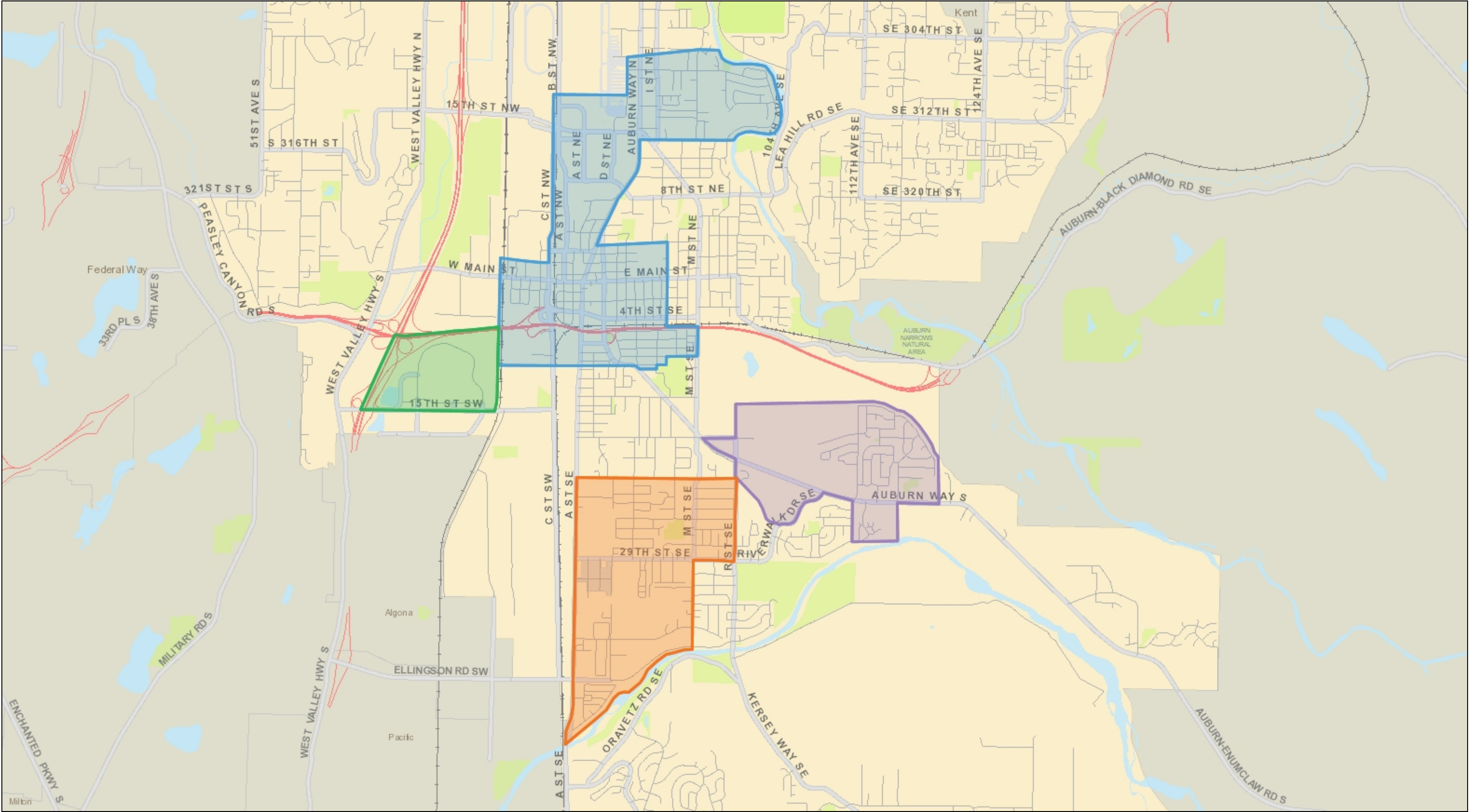
APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

PUBLISHED: _____

DRAFT SODA AREAS

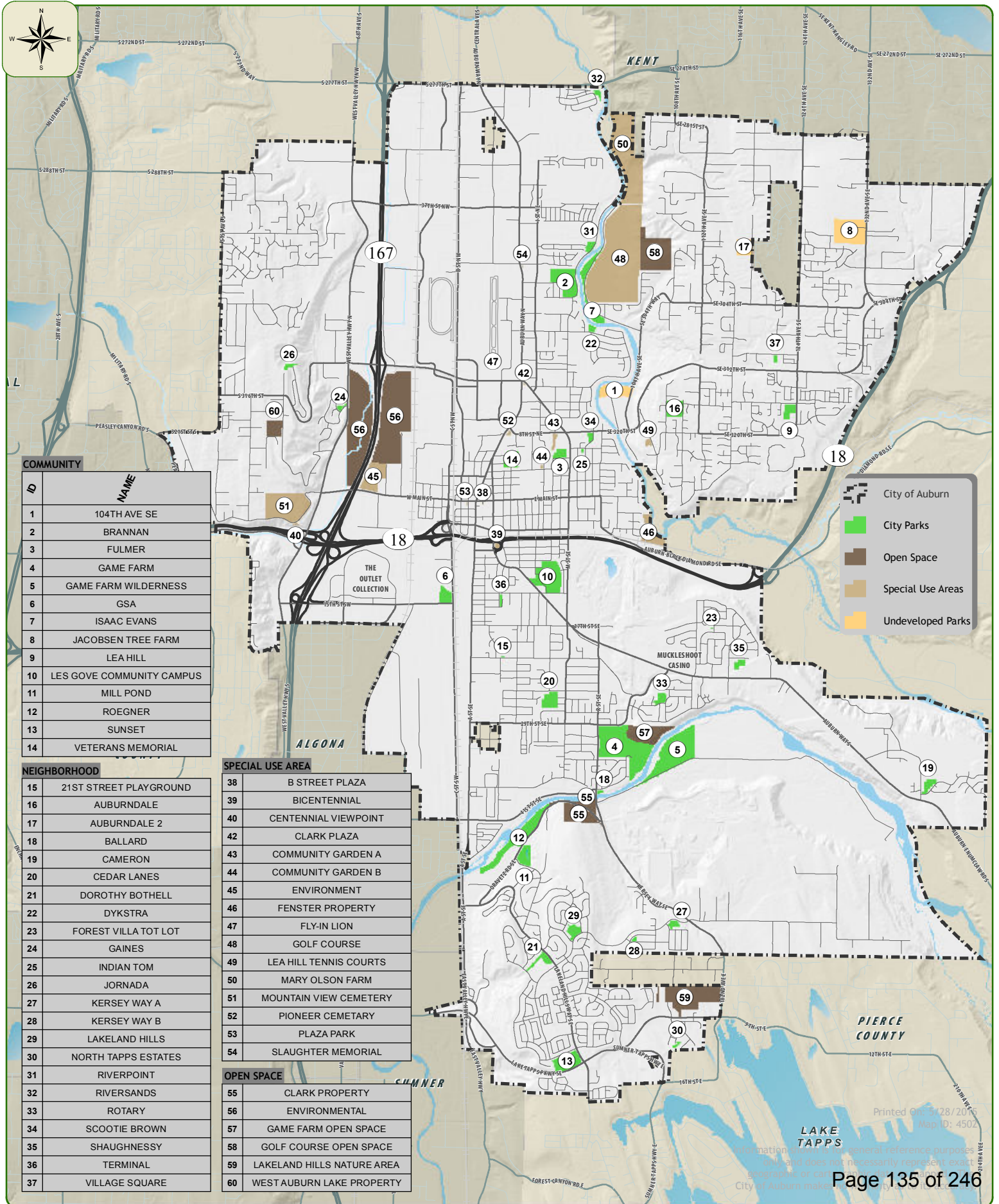
Printed Date: 10/25/2017
Map Created by City of Auburn eGIS
Imagery Date: May 2015



1 in = 0.55 ft 1:34,878

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.


City of Auburn Parks Inventory Map





City of Arlington Council Agenda Bill

Item:
NB #4
Attachment
F

COUNCIL MEETING DATE:	
August 7, 2017	
SUBJECT:	
Proposed Stay Out of Designated Areas (SODA) Ordinance	
ATTACHMENTS:	
Staff Report, Proposed Ordinance	
DEPARTMENT OF ORIGIN	
Police – Chief Jonathan Ventura; 360-403-4621	
EXPENDITURES REQUESTED:	0
BUDGET CATEGORY:	N/A
BUDGETED AMOUNT:	0
LEGAL REVIEW:	
DESCRIPTION:	
Council is asked to consider adopting the proposed Stay Out of Designated Areas (SODA) Ordinance. This ordinance would prohibit court ordered individuals from entering SODA designated [Prohibited] locations within the City of Arlington.	
HISTORY:	
The City of Arlington currently does not have a Stay Out of Designated Areas (SODA) Ordinance. These types of ordinances are often utilized to address anyone charged with or convicted of possession of drug paraphernalia, manufacture/delivery of drug paraphernalia, delivery of drug paraphernalia to a minor, selling/giving drug paraphernalia to another person, possession of controlled substances, or any violation of the Controlled Substances Act, RCW 69.70 within SODA designated locations.	
ALTERNATIVES:	
Take no action	
RECOMMENDED MOTION:	
I move to adopt the proposed Stay Out of Designated Area Ordinance (SODA) and authorize the Mayor to sign it.	

ARLINGTON POLICE DEPARTMENT INTRADEPARTMENTAL MEMORANDUM

DATE: July 24, 2017

TO: Barb Tolbert, Mayor
City Council Members

FROM: Jonathan Ventura, Chief of Police

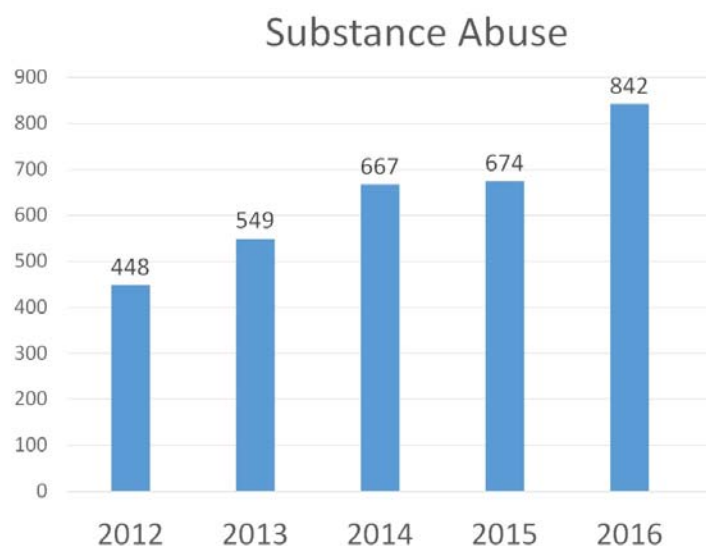
SUBJECT: Stay Out of Designated Area (SODA) Program

PURPOSE:

To request authorization to designate geographic areas with the City of Arlington as high narcotics trafficking areas and enact a Stay Out of Designated Area (SODA) municipal code.

FACTS:

Heroin use in the U.S. has risen fivefold in the last decade. Opioid overdose kills about 78 people a day in the U.S. The City of Arlington has seen a steady increase in drug activity, drug related arrests and drug related overdoses over the last several years. Drug trafficking occurs in both public and private locations, however some geographic areas have been more affected than others. Even

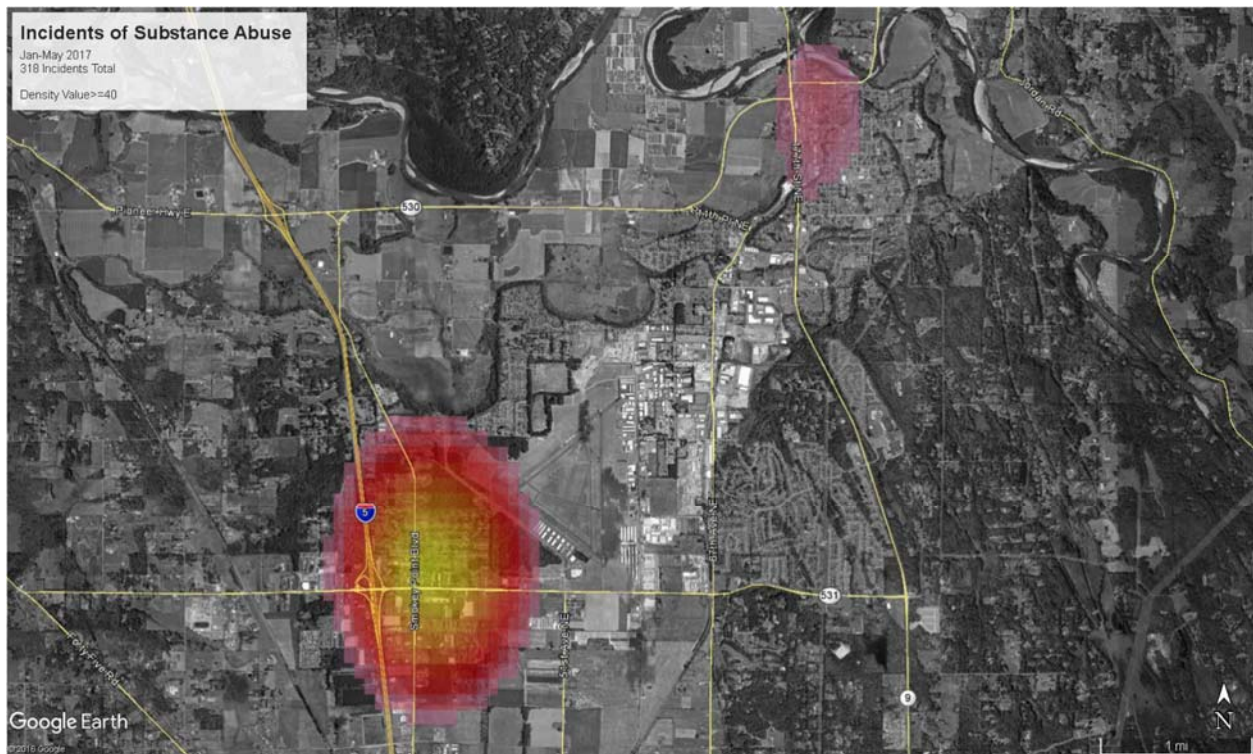


Arlington Police Dept. Incidents (2012-2016)

within our own community, drug trafficking is more openly prevalent in some areas versus others. Several local cities, including Everett and Marysville, have enacted ***Stay Out of Designated*** [or Drug] ***Area (SODA)*** locations to provide their police departments more tools to assist in addressing known drug areas to help make their communities safer.

ANALYSIS:

Within the City of Arlington, the retail corridor located within the Smokey Point neighborhood community has the highest concentration of drug activity as documented through citizen and business complaints, crime statistics and police observations.



Under a Stay Out of Designated Area (SODA) ordinance, citizens convicted of drug-related crimes may be prevented from entering a specific area of the city known for drug problems. Judges would be able to issue these SODA orders, which last up to two years. If the order is violated, the person can be arrested.

RECOMMENDATION:

The City of Arlington should authorization the designation of certain geographic areas with the City as high narcotics trafficking areas and have the City Attorney draft a Stay Out of Designated Area (SODA) Municipal Code Ordinance.

Respectfully submitted,

Jonathan Ventura
Chief of Police

ORDINANCE NO. 2017--XXX

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON
ADOPTING A NEW CHAPTER RELATING TO STAY OUT OF DESIGNATED AREA
(SODA) ORDERS

WHEREAS, the City of Arlington, Washington has the authority to enact laws to protect citizens and visitors to the City; and

WHEREAS, the City Council believes it is in the best interests of its citizens to add certain provisions to the City criminal code to provide additional tools to law enforcement and the courts to protect the citizens;

NOW, THEREFORE, the City Council of the City of Arlington do hereby ordain as follows:

Section 1. A new chapter of the Arlington Municipal Code shall be and hereby is adopted to read as follows:

Chapter 9.60
STAY OUT OF DESIGNATED AREAS (SODA) ORDERS

Sections:

- 9.60.010 Orders – Conditions.
- 9.60.020 Person subject to court order defined.
- 9.60.030 Stay out of designated areas orders – Issuance – Other court orders.
- 9.60.040 Violation of order – Penalties.
- 9.60.050 Prohibited areas – Designation – Modification and termination.

9.60.010 Orders – Conditions.

Any judge or judge pro tempore of the Marysville municipal court may issue written orders to criminal defendants describing conditions of their pretrial release or the post-conviction conditions of suspension or deferral of their sentences. Orders must be substantially in the form described in this chapter.

9.60.020 Person subject to court order defined.

As used in this chapter, “person subject to court order” means any person who is subject to an order issued under Arlington Municipal Code 9.60.010.

9.60.030 Stay out of designated areas orders – Issuance – Other court orders.

(1) Any order issued pursuant to this chapter that specifically orders as a condition of pretrial release and/or deferral or suspension of sentence that the defendant stay out of areas with a high level of illegal drug trafficking shall be

hereinafter referred to as a “SODA” (“Stay Out of Designated Areas”) order.

(2) SODA orders may be issued to anyone charged with or convicted of possession of drug paraphernalia, manufacture/delivery of drug paraphernalia, delivery of drug paraphernalia to a minor, selling/giving drug paraphernalia to another person, possession of controlled substances, or any violation of the Controlled Substances Act, RCW 69.70.

(3) Nothing within this section shall be construed as precluding the court from issuing an order pursuant to this chapter that is not specifically a SODA order.

9.60.040 Violation of order – Penalties.

(1) Written orders issued under this chapter shall contain the court’s directives and shall bear the legend:

WARNING: Violation of this order subjects the violator to arrest under Chapter 9.60 AMC and shall constitute a separate criminal offense and may result in imposition of suspended or deferred jail time and/or fine.

(2) Penalties. A person who knowingly and willfully disobeys a SODA (“Stay Out of Designated Areas”) order issued under this chapter is guilty of a gross misdemeanor.

9.60.050 Prohibited areas – Designation – Modification and termination.

(1) Whenever an order is issued under this chapter, the subject of the order may be ordered to stay out of certain areas that are set forth within the written order. These areas will hereinafter be referred to as “prohibited areas.”

(2) Prohibited areas that are set forth in SODA orders may be established, modified, or eliminated by a resolution of the city council. The police department will provide information to the city council to support establishing, modifying, or eliminating prohibited areas.

(3) Prohibited areas that are set forth in orders issued under this chapter other than SODA orders may be set by court discretion and are not required to be set in accordance with subsection (2) of this section.

(4) Upon request for modification or termination of any order issued under this chapter, the court shall consider the requested modification or termination by allowing for a process by which the subject of the order can provide relevant testimony or other evidence in support of his/her request.

(5) Unless otherwise ordered by the court, an order issued under this chapter shall have as its termination date two years from the date of its issuance.

(6) Whenever an order is issued, modified or terminated pursuant to this chapter, the clerk of the court shall forward a copy of the order on or before the next judicial day to the Arlington police department. Upon receipt of the copy of the order, the Arlington police department shall enter the order until the expiration date specified on the order into any computer-based criminal intelligence

information system(s) available to Arlington police officers. Upon receipt of notice that an order has been terminated, the Arlington police department shall remove the order from the computer-based criminal intelligence information system(s).

(7) Nothing in any provision of this chapter related to SODA orders shall be construed as prohibiting the subject of a SODA order from participating in a scheduled court hearing or from attending a scheduled meeting with his/her legal counsel within a prohibited area.

Section 2. Severability. If any provision, section, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 3. Effective Date. This ordinance shall be effective five days from its adoption and publication as required by law.

PASSED BY the City Council and APPROVED by the Mayor this ____ day of _____, 2017.

CITY OF ARLINGTON

Barbara Tolbert, Mayor

Attest:

Kristin Banfield, City Clerk

Approved as to form:

Steven J. Peiffle
City Attorney

Chapter 9.04 STAY OUT OF DRUG AREAS

Sections:

- [9.04.010](#) Definitions.
- [9.04.020](#) Orders – Conditions.
- [9.04.030](#) Person subject to court order defined.
- [9.04.040](#) Stay Out of Drug Areas orders – Issuance – Other court orders.
- [9.04.050](#) Prohibited areas – Designation – Modification and termination.
- [9.04.060](#) Stay Out of Drug Areas – Defined boundaries.
- [9.04.070](#) Drug loitering prohibited.
- [9.04.080](#) Chapter cumulative.
- [9.04.090](#) Penalties.

9.04.010 Definitions.

- A. “Controlled substances” means a drug, substance, or its immediate precursor, listed in Schedule I, II, III, or IV of the Uniform Controlled Substances Act, Chapter [69.50](#) RCW.
- B. “Drug” means:
1. Substances recognized as drugs in the official U.S. pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; or
 2. Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of diseases in humans or animals; or
 3. Substances affecting or intended to affect the structure or any function of the body of humans or animals, except for food, and except for vitamins and minerals approved by the U.S. Food and Drug Administration for use as minerals and vitamins.
- C. “Drug-related activity” means any of the following:
1. Administering drugs, controlled substances or imitation controlled substances, whether by injection, inhalation, ingestion, or any other means, to oneself or to another person; or
 2. Delivering drugs, controlled substances or imitation controlled substances by the actual, constructive or attempted transfer of drugs, controlled substances or imitation controlled substances from one person to another; or
 3. Distributing drugs, controlled substances or imitation controlled substances by transferring or arranging for their transfer other than by administering or delivering them.
- D. “Prohibited area” means the portion of the city described by the Bothell police department as having a high occurrence of drug-related activity which has been declared an area to be included in a Stay Out of Drug Area order.
- E. “Imitation controlled substance” means a substance that is not a controlled substance, but which by appearance or representation would lead a reasonable person to believe that the substance is a controlled substance. Appearance includes, but is not limited to, color, shape, and size markings of the dosage unit. Representation includes, but is not limited to, representations or factors of the following nature:
1. Statements made by the person who owns or controls the substance regarding its nature, use or effect;
 2. Statements made to the recipient that the substance can be resold for inordinate profit; or
 3. Packing of the substance in a manner normally used for illicit controlled substances, such as but not limited to folded paper bundles, cellophane packages, aluminum foil balls or squares, 35 mm film canisters, zip-lock plastic baggies, two-inch glass vials, rubber balloons, bindles, or condoms.
- F. “Known unlawful drug user, possessor or seller” means a person who has, to the knowledge of the arresting officer, within one year prior to the date of his or her arrest for violation of this chapter, been convicted of any infraction or crime involving the use, possession or sale of any drug, legend drug, controlled substance, or imitation controlled substance, either in any court in Washington State, or in the courts of any other state; or
1. Who is displaying the physical characteristics of use of any drug, legend drug, or controlled substance, such as poor coordination, slurred speech, needle marks on the body, constricted pupils or dilated pupils; or
 2. Who is in possession of drug paraphernalia as defined in BMC [9.11.010](#); or
 3. Who is the subject of an order prohibiting his or her presence in a prohibited area.
- G. “Legend drug” means drugs which are required by Washington State statutes or administrative regulations, or regulations of the State Board of Pharmacy, to be dispensed on prescription only, or are restricted to use only

by health care practitioners licensed by the state of Washington (including physicians under Chapter [18.71](#) RCW, osteopaths under Chapter [18.57](#) RCW, dentists under Chapter [18.32](#) RCW, podiatrists under Chapter [18.22](#) RCW, veterinarians under Chapter [18.92](#) RCW, registered nurses under Chapter [18.79](#) RCW, osteopaths' assistants under Chapter [18.57A](#) RCW, physicians' assistants under Chapter [18.71A](#) RCW, or pharmacists under Chapter [18.64](#) RCW, or pharmacies, hospitals or institutions licensed to distribute, dispense, conduct research with, or administer legend drugs to persons in the course of professional practice or research in the state).

H. "Loiter" means to stand about or to proceed with many stops. (Ord. 2218 § 1 (Exh. A), 2017).

9.04.020 Orders – Conditions.

Any judge or judge pro tempore of the Bothell municipal court may issue written orders to criminal defendants describing conditions of their pretrial release or the post-conviction conditions of suspension or deferral of their sentences. Orders must be substantially in the form described in this chapter. (Ord. 2218 § 1 (Exh. A), 2017).

9.04.030 Person subject to court order defined.

As used in this chapter, "person subject to court order" means any person who is subject to an order issued under this chapter. (Ord. 2218 § 1 (Exh. A), 2017).

9.04.040 Stay Out of Drug Areas orders – Issuance – Other court orders.

A. Any order issued pursuant to this chapter that specifically orders as a condition of pretrial release and/or deferral or suspension of sentence that the defendant stay out of areas with a high level of illegal drug trafficking shall be hereinafter referred to as a "SODA" ("Stay Out of Drug Areas") order.

B. SODA orders may be issued to anyone charged with or convicted of possession of drug paraphernalia, manufacture/delivery of drug paraphernalia, delivery of drug paraphernalia to a minor, selling/giving drug paraphernalia to another person, solicitation of a violation of the Uniform Controlled Substances Act, or any of the aforementioned crimes that occur within a drug-free zone or a prohibited area.

C. Nothing within this section shall be construed as precluding the court from issuing an order pursuant to this chapter that is not specifically a SODA order. (Ord. 2218 § 1 (Exh. A), 2017).

9.04.050 Prohibited areas – Designation – Modification and termination.

A. Whenever an order is issued under this chapter, the subject of the order may be ordered to stay out of certain areas that are set forth within the written order. These areas will hereinafter be referred to as "prohibited areas."

B. Prohibited areas that are set forth in SODA orders shall be established by a resolution of the city council, at a minimum of every two years. The police department shall provide information to the city council to support establishment and/or the elimination of prohibited areas in the form of one or more declarations and/or other sworn testimony. The declaration(s) and/or other sworn testimony shall:

1. Be by declarant(s) familiar with areas of the city that suffer a high incidence of drug trafficking activity;
2. Set forth the education, experience and other relevant qualifications of the declarant(s);
3. Set forth the basis for proposing prohibited areas, e.g., crime mapping data or other information;
4. Describe the proposed prohibited areas; and
5. Provide other information that supports the council's review and determination of prohibited areas.

C. Prohibited areas that are set forth in orders issued under this chapter other than SODA orders may be set by court discretion and are not required to be set in accordance with subsection B of this section.

D. Upon request for modification or termination of any order issued under this chapter, the court shall consider the requested modification or termination by allowing for a process by which the subject of the order can provide relevant testimony or other evidence in support of his/her request.

E. Unless otherwise ordered by the court, an order issued under this chapter shall have as its termination date two years from the date of its issuance.

F. Whenever an order is issued, modified or terminated pursuant to this chapter, the clerk of the court shall forward a copy of the order on or before the next judicial day to the Bothell police department. Upon receipt of the copy of the order, the Bothell police department shall enter the order until the expiration date specified on the order into any computer-based criminal intelligence information system(s) available to Bothell police officers. Upon receipt of notice that an order has been terminated, the Bothell police department shall remove the order from the computer-based criminal intelligence information system(s).

G. Nothing in any provision of this chapter related to SODA orders shall be construed as prohibiting the subject of a SODA order from participating in a scheduled court hearing or from attending a scheduled meeting with his/her legal counsel within a prohibited area. (Ord. 2218 § 1 (Exh. A), 2017).

9.04.060 Stay Out of Drug Areas – Defined boundaries.

All zones are identified starting at the northwest corner and move clockwise from that point. Unless specified, zone borders include both sides of the street, immediately adjoining sidewalks, alleys, and properties. All adjacent parks are included in the zone.

A. SR527 and Maltby Road SODA.

East from the intersection of SR527 (Bothell-Everett Hwy) and SR524 (Maltby Road) to the east property line of 2020 Maltby.

South along the property line of 2020 Maltby, and 21045 Bothell-Everett HWY (SR527), continuing around the easterly edge of the paved impervious surface to 20th Ave SE.

Continuing south on 20th Ave SE to the Private Road on the south side of 21221 & 21225 Bothell-Everett Hwy.

West along the Private Road to SR527.

North on SR 527 to ST 524.



B. SR527 and 220th Street SE SODA.

East from the intersection of SR527 (Bothell-Everett Hwy) and 220th St SE to 17th Ave SE.

South on 17th Ave SE to the south property line of 22122 17th Ave SE.

West along the south property line of 22122 17th Ave SE to SR527.

North on SR527 to 220th St SE.



(Ord. 2218 § 1 (Exh. A), 2017).

9.04.070 Drug loitering prohibited.

A. It is unlawful for any person to loiter in or near any prohibited area, thoroughfare, place open to the public, or any public or private place for the purpose of engaging in drug-related activity, which activity is in violation of Chapter 69.41 RCW (regarding legend drugs), Chapter 69.50 RCW (the Uniform Controlled Substances Act), or Chapter 69.52 RCW (regarding imitation controlled substances).

B. Among the circumstances which may be considered in determining whether the person's manner or circumstance manifests an intent to engage in unlawful drug-related activities include:

1. The Place. The area where the person is loitering has been designated as a prohibited area; or the premises involved have been reported, to the knowledge of law enforcement officers, to be a place suspected of illegal drug-related activity; and
2. The Vehicle Involved. Any motor vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for arrest for a crime involving unlawful drug-related activity; and
3. The Person. The person loitering is:
 - a. A known unlawful drug user; or
 - b. The person is acting as a "lookout" by repeatedly leading, directing or responding to others for no obvious lawful purpose; or
 - c. The person repeatedly transfers objects or packages for currency in a furtive fashion other than in a retail transaction licensed under the business and occupation and sales tax ordinances of the city; or

- d. The person manifestly endeavors to conceal himself, herself or some object that reasonably could be involved in unlawful drug-related activity; or
- e. The person is known by law enforcement officers to be a member of a “gang” or association that is known by law enforcement officers to be engaged in illegal drug activity; or
- f. The person takes flight upon the appearance of a police officer; or
- g. The person is currently subject to an order prohibiting his/her presence in a high drug activity geographic area; or
- h. The person displays physical characteristics of drug intoxication or usage, such as “needle tracks”; or
- i. The person possesses drug paraphernalia as defined in BMC [9.11.010](#). (Ord. 2218 § 1 (Exh. A), 2017).

9.04.080 Chapter cumulative.

The provisions of this chapter are intended to be cumulative and do not expressly or impliedly repeal any other ordinance involving the same subject matter. (Ord. 2218 § 1 (Exh. A), 2017).

9.04.090 Penalties.

- A. Written orders issued under this chapter shall contain the court’s directives and shall bear the legend:
WARNING: Violation of this order subjects the violator to arrest under Chapter [9.04](#) of the Bothell Municipal Code and shall constitute a separate criminal offense and may result in imposition of suspended or deferred jail time and/or fine.
- B. Penalties. A person who knowingly and willfully disobeys a SODA (“Stay Out of Drug Areas”) order issued under this chapter is guilty of a gross misdemeanor. Any person who violates any other provisions of this chapter is guilty of a gross misdemeanor. (Ord. 2218 § 1 (Exh. A), 2017).

ORDINANCE NO. 2218 (2017)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, CREATING CHAPTER 9.04 OF THE BOTHELL MUNICIPAL CODE REGARDING "STAY OUT OF DRUG AREAS" (SODA) AND OTHER DRUG RELATED ACTIVITY TO ESTABLISH REGULATIONS FOR THE ISSUANCE AND ENFORCEMENT OF COURT-ISSUED SODA ORDERS AND TO CRIMINALIZE OTHER DRUG RELATED ACTIVITIES.

WHEREAS, the Bothell Municipal Code, Chapter 9.01, provides for the prosecution of various criminal offenses within the City of Bothell; and

WHEREAS, the City Council finds that local businesses, property owners, and the Bothell Police Department have reported an increase of criminal activity in certain areas of the City which seriously impacts the quality of life and the standard of commercial activity within the City; and

WHEREAS, the City Council finds that the increase in criminal activity is directly linked to the illegal sale, possession, and use of drugs controlled by Washington's Uniform Substance Control Act, Chapter 69.50 RCW; and

WHEREAS, the City Council has determined that because this Ordinance will assist the criminal justice system in dealing with drug-related criminal activity, it would be in the best interests of the health, safety, and welfare of the citizens of the City of Bothell to place geographic restrictions on certain violators with respect to illegal drug-related activity; and

WHEREAS, the City Council wishes to designate limited geographic areas of the City as "Stay Out of Drug Areas" (SODAs), recognizing that, in addition to the predetermined SODA areas, superior and district court judges may, on a case-by-case basis, issue orders with prohibited areas for defendants that are different than these legislatively-determined SODAs; and

WHEREAS, in conjunction with these designations, the City Council deems it appropriate to adopt regulations for the enforcement of SODAs and penalties for violations of court-issued SODA orders; and

WHEREAS, in conjunction with these designations, the City Council deems it appropriate to adopt regulations relating to other drug related activity, such as loitering with the intent to engage in drug related activities.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new chapter of the Bothell Municipal Code, Chapter 9.04 BMC, regarding "Stay Out of Drug Areas," as set forth herein and in **Exhibit A** is hereby created.

Section 2. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. EFFECTIVE DATE. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 4. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

APPROVED:



ANDREW J. RHEAUME
MAYOR

ATTEST/AUTHENTICATED:



LAURA HATHAWAY
CITY CLERK

APPROVED AS TO FORM:



PAUL BYRNE
INTERIM CITY ATTORNEY

FILED WITH THE CITY CLERK: 02/02/2017
PASSED BY THE CITY COUNCIL: 02/07/2017
PUBLISHED: 02/10/2017
EFFECTIVE DATE: 02/15/2017
ORDINANCE NO.: 2218 (2016)

SUMMARY OF ORDINANCE NO. 2218 (2017)

City of Bothell, Washington

On the 7th day of February, 2017, the City Council of the City of Bothell passed Ordinance No. 2218 (2017). A summary of the content of said Ordinance, consisting of the title, is provided as follows:

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, CREATING CHAPTER 9.04 OF THE BOTHELL MUNICIPAL CODE REGARDING "STAY OUT OF DRUG AREAS" (SODA) AND OTHER DRUG RELATED ACTIVITY TO ESTBLISH REGULATIONS FOR THE ISSUANACE AND ENFORCEMENT OF COURT-ISSUED SODA ORDERS AND TO CRIMINALIZE OTHER DRUG RELATED ACTIVITIES.

The full text of this Ordinance will be mailed upon request.



LAURA HATHAWAY
CITY CLERK

FILED WITH THE CITY CLERK: 02/02/2017
PASSED BY THE CITY COUNCIL: 02/07/2017
PUBLISHED: 02/10/2017
EFFECTIVE DATE: 02/15/2017
ORDINANCE NO.: 2218 (2017)

EXHIBIT A to ORDINANCE 2218

New Chapter 9.04 Stay Out of Drug Areas

9.04.010 Definitions

A. "Controlled substances" means a drug, substance, or its immediate precursor, listed in Schedule I, II, III, or IV of the Uniform Controlled Substances Act, Chapter [69.50](#) RCW.

B. "Drug" means:

1. Substances recognized as drugs in the official U.S. pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; or
2. Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of diseases in humans or animals; or
3. Substances affecting or intended to affect the structure or any function of the body of humans or animals, except for food, and except for vitamins and minerals approved by the U.S. Food and Drug Administration for use as minerals and vitamins.

C. "Drug-related activity" means any of the following:

1. Administering drugs, controlled substances or imitation controlled substances, whether by injection, inhalation, ingestion, or any other means, to oneself or to another person; or
2. Delivering drugs, controlled substances or imitation controlled substances by the actual, constructive or attempted transfer of drugs, controlled substances or imitation controlled substances from one person to another; or
3. Distributing drugs, controlled substances or imitation controlled substances by transferring or arranging for their transfer other than by administering or delivering them.

D. "Prohibited area" means the portion of the city described by the Bothell police department as having a high occurrence of drug related activity which has been declared an area to be included in a Stay Out of Drug Area order.

E. "Imitation controlled substance" means a substance that is not a controlled substance, but which by appearance or representation would lead a reasonable person to believe that the substance is a controlled substance. Appearance includes, but is not limited to, color, shape, and size markings of the dosage unit. Representation includes, but is not limited to, representations or factors of the following nature:

1. Statements made by the person who owns or controls the substance regarding its nature, use or effect;
2. Statements made to the recipient that the substance can be resold for inordinate profit; or
3. Packing of the substance in a manner normally used for illicit controlled substances, such as but not limited to folded paper bundles, cellophane packages, aluminum foil balls or squares, 35 mm film canisters, zip-lock plastic baggies, two-inch glass vials, rubber balloons, bindles, or condoms.

F. "Known unlawful drug user, possessor or seller" means a person who has, to the knowledge of the arresting officer, within one year prior to the date of his or her arrest for violation of this chapter, been convicted of any infraction or crime involving the use, possession or sale of any drug, legend drug, controlled substance, or imitation controlled substance, either in any court in Washington State, or in the courts of any other state; or

Who is displaying the physical characteristics of use of any drug, legend drug, or controlled substance, such as poor coordination, slurred speech, needle marks on the body, constricted pupils or dilated pupils; or

Who is in possession of drug paraphernalia as defined in BMC 9.11.010 or

Who is the subject of an order prohibiting his or her presence in a prohibited area.

G. "Legend drug" means drugs which are required by Washington State statutes or administrative regulations, or regulations of the State Board of Pharmacy, to be dispensed on prescription only, or are restricted to use only by health care practitioners licensed by the state of Washington (including physicians under Chapter [18.71](#) RCW, osteopaths under Chapter [18.57](#) RCW, dentists under Chapter [18.32](#) RCW, podiatrists under Chapter [18.22](#) RCW, veterinarians under Chapter [18.92](#) RCW, registered nurses under Chapter [18.79](#) RCW, osteopaths' assistants under Chapter [18.57A](#) RCW, physicians' assistants under Chapter [18.71A](#) RCW, or pharmacists under Chapter [18.64](#) RCW, or pharmacies, hospitals or institutions licensed to distribute, dispense, conduct research with, or administer legend drugs to persons in the course of professional practice or research in the state).

H. "Loiter" means to stand about or to proceed with many stops.

9.04.020 Orders - Conditions.

Any judge or judge pro tempore of the Bothell Municipal Court may issue written orders to criminal defendants describing conditions of their pretrial release or the post-conviction conditions of suspension or deferral of their sentences. Orders must be substantially in the form described in this chapter.

9.04.030 Person subject to court order defined.

As used in this chapter, "person subject to court order" means any person who is subject to an order issued under Chapter 9.04 BMC.

9.04.040 Stay out of drug areas orders - Issuance - Other court orders.

A. Any order issued pursuant to this chapter that specifically orders as a condition of pretrial release and/or deferral or suspension of sentence that the defendant stay out of areas with a high level of illegal drug trafficking shall be hereinafter referred to as a "SODA" ("Stay Out of Drug Areas") order.

B. SODA orders may be issued to anyone charged with or convicted of possession of drug paraphernalia, manufacture/delivery of drug paraphernalia, delivery of drug paraphernalia to a minor, selling/giving drug paraphernalia to another person, solicitation of a violation of the uniform controlled substance act, or any of the aforementioned crimes that occur within a drug-free zone or a prohibited area.

C. Nothing within this section shall be construed as precluding the court from issuing an order pursuant to this chapter that is not specifically a SODA order.

9.04.050 Prohibited areas - Designation - Modification and termination.

A. Whenever an order is issued under this chapter, the subject of the order may be ordered to stay out of certain areas that are set forth within the written order. These areas will hereinafter be referred to as "prohibited areas."

B. Prohibited areas that are set forth in SODA orders shall be established by a resolution of the city council, at a minimum of every two years. The police department shall provide information to the city council to support establishment and/or the elimination of prohibited areas in the form of one or more declarations and/or other sworn testimony. The declaration(s) and/or other sworn testimony shall:

1. Be by declarant(s) familiar with areas of the city that suffer a high incidence of drug trafficking activity;
2. Set forth the education, experience and other relevant qualifications of the declarant(s);
3. Set forth the basis for proposing prohibited areas, e.g., crime mapping data or other information;
4. Describe the proposed prohibited areas; and
5. Provide other information that supports the council's review and determination of prohibited areas.

C. Prohibited areas that are set forth in orders issued under this chapter other than SODA orders may be set by court discretion and are not required to be set in accordance with subsection (B) of this section.

D. Upon request for modification or termination of any order issued under this chapter, the court shall consider the requested modification or termination by allowing for a process by which the subject of the order can provide relevant testimony or other evidence in support of his/her request.

E. Unless otherwise ordered by the court, an order issued under this chapter shall have as its termination date two years from the date of its issuance.

F. Whenever an order is issued, modified or terminated pursuant to this chapter, the clerk of the court shall forward a copy of the order on or before the next judicial day to the Bothell Police Department. Upon receipt of the copy of the order, the Bothell Police Department shall enter the order until the expiration date specified on the order into any computer-based criminal intelligence information system(s) available to Bothell police officers. Upon receipt of notice that an order has been terminated, the Bothell police department shall remove the order from the computer-based criminal intelligence information system(s).

G. Nothing in any provision of this chapter related to SODA orders shall be construed as prohibiting the subject of a SODA order from participating in a scheduled court hearing or from attending a scheduled meeting with his/her legal counsel within a prohibited area.

9.04.060 Stay out of Drug areas - Defined Boundaries.

All zones are identified starting at the northwest corner and move clockwise from that point. Unless specified, zone borders include both sides of the street, immediately adjoining sidewalks, alleys, and properties. All adjacent parks are included in the zone.

A. SR527 & Maltby Road SODA

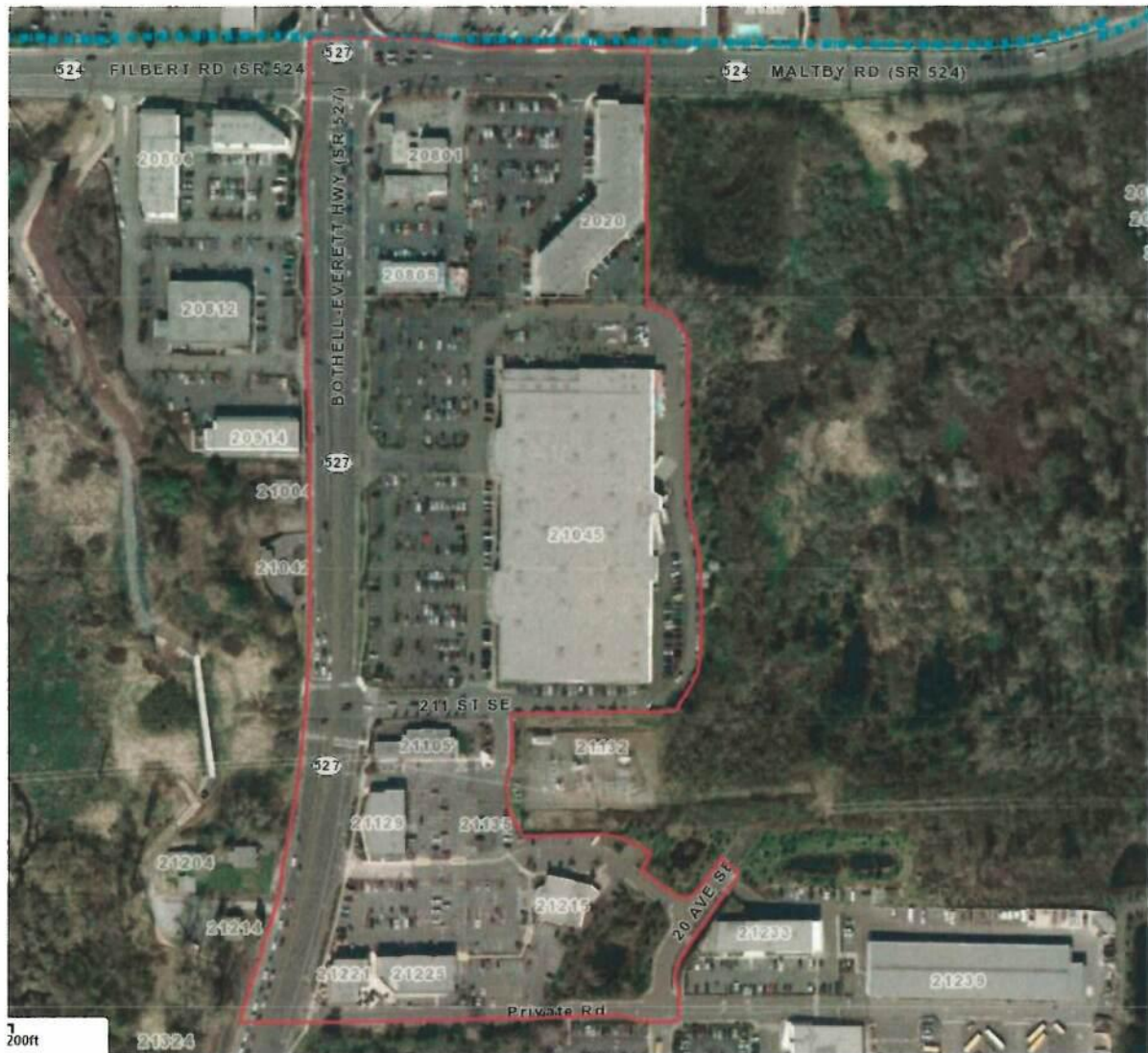
East from the intersection of SR527 (Bothell-Everett Hwy) and SR524 (Maltby Road) to the east property line of 2020 Maltby.

South along the property line of 2020 Maltby, and 21045 Bothell-Everett HWY (SR527), continuing around the easterly edge of the paved impervious surface to 20th Ave SE.

Continuing south on 20th Ave SE to the Private Road on the south side of 21221 & 21225 Bothell-Everett Hwy.

West along the Private Road to SR527.

North on SR 527 to ST 524.



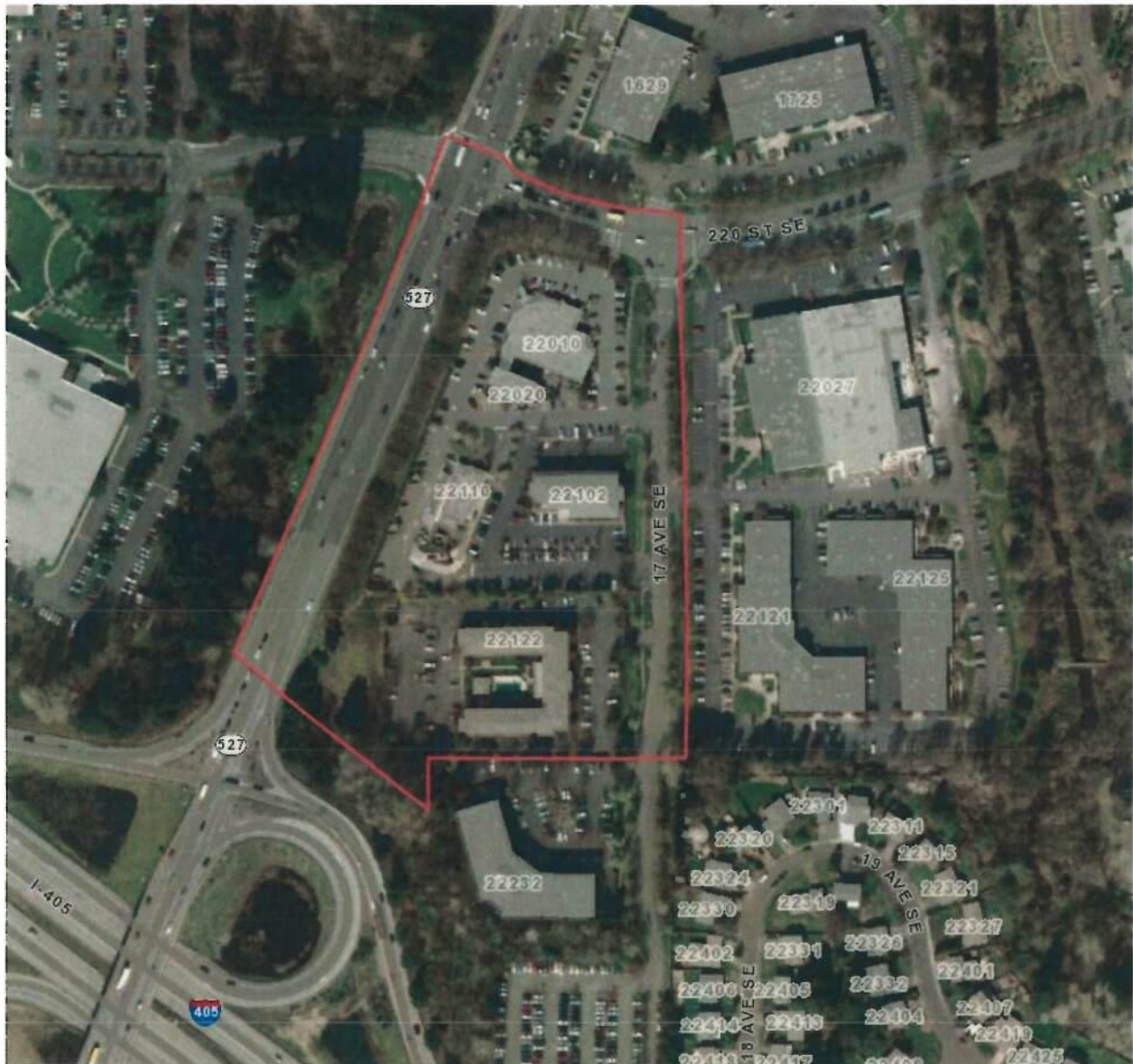
B. SR527 & 220th ST SE SODA

East from the intersection of SR527 (Bothell-Everett Hwy) and 220th St SE to 17th Ave SE.

South on 17th Ave SE to the south property line of 22122 17th Ave SE.

West along the south property line of 22122 17th Ave SE to SR527.

North on SR527 to 220th St SE.



9.04.070 Drug loitering prohibited.

A. It is unlawful for any person to loiter in or near any prohibited area, thoroughfare, place open to the public, or any public or private place for the purpose of engaging in drug-related activity, which activity is in violation of Chapter 69.41 RCW (regarding legend drugs), Chapter 69.50 RCW (The Uniform Controlled Substances Act), or Chapter 69.52 RCW (regarding imitation controlled substances).

B. Among the circumstances which may be considered in determining whether the person's manner or circumstance manifests an intent to engage in unlawful drug-related activities include:

1. The Place. The area where the person is loitering has been designated as a prohibited area; or the premises involved have been reported, to the knowledge of law enforcement officers, to be a place suspected of illegal drug-related activity; and
2. The Vehicle Involved. Any motor vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for arrest for a crime involving unlawful drug-related activity; and
3. The Person. The person loitering is:
 - a. A known unlawful drug user; or
 - b. The person is acting as a "lookout" by repeatedly leading, directing or responding to others for no obvious lawful purpose; or
 - c. The person repeatedly transfers objects or packages for currency in a furtive fashion other than in a retail transaction licensed under the business and occupation and sales tax ordinances of the city; or
 - d. The person manifestly endeavors to conceal himself, herself or some object that reasonably could be involved in unlawful drug-related activity; or
 - e. The person is known by law enforcement officers to be a member of a "gang" or association that is known by law enforcement officers to be engaged in illegal drug activity; or
 - f. The person takes flight upon the appearance of a police officer; or
 - g. The person is currently subject to an order prohibiting his/her presence in a high drug activity geographic area; or
 - h. The person displays physical characteristics of drug intoxication or usage, such as "needle tracks"; or
 - i. The person possesses drug paraphernalia as defined in BMC 10.11.010.

9.04.080 Chapter cumulative.

The provisions of this chapter are intended to be cumulative and do not expressly or impliedly repeal any other ordinance involving the same subject matter.

9.04.090 Penalties.

A. Written orders issued under this chapter shall contain the court's directives and shall bear the legend:

WARNING: Violation of this order subjects the violator to arrest under Chapter 9.04 of the Bothell Municipal Code and shall constitute a separate criminal offense and may result in imposition of suspended or deferred jail time and/or fine.

B. Penalties. A person who knowingly and willfully disobeys a SODA ("Stay Out of Drug Areas") order issued under this chapter is guilty of a gross misdemeanor. Any person who violates any other provisions of this chapter is guilty of a gross misdemeanor.

ORDINANCE NO. 2226 (2017)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, AMENDING CHAPTER 9.04 OF THE BOTHELL MUNICIPAL CODE REGARDING "STAY OUT OF DRUG AREAS" (SODA) AND OTHER DRUG-RELATED ACTIVITY.

WHEREAS, chapter 9.04 of the Bothell Municipal Code (BMC) concerns "Stay Out of Drug Areas" (SODA) and associated procedures for ordering criminal offenders to avoid prohibited areas; and

WHEREAS, BMC 9.04.070 makes it unlawful for any person to loiter in or near a SODA prohibited area or any public or private place for the purpose of engaging in drug-related activity, which is defined to include administering, delivering, or distributing drugs; and

WHEREAS, the City Council desires to expand the definition of drug-related activity in order to prohibit those instances where a person is loitering while exhibiting the effects of having consumed any drug; and

WHEREAS, Chapter 9.04 BMC authorizes the court to issue an order when a defendant is charged with or convicted of specific drug-related crime, such as possession or delivery of drug paraphernalia; and

WHEREAS, the City Council desires to expand the court's authority to issue a SODA order to include those circumstances where a crime was committed that is not specifically drug-related, such as theft or burglary, but the court finds that any chemical dependency, substance abuse, or drug-related activity contributed to the offense; and

WHEREAS, BMC 9.04.060 designates two specific geographic areas of the City as SODA prohibited areas; and

WHEREAS, BMC 9.04.050 requires that court-issued SODA orders set forth Prohibited Areas that have been established by a resolution of the City Council at a minimum of every two years; and

WHEREAS, the City Council desires to have all legislatively-designated prohibited areas listed in one document rather than have some enumerated in the Bothell Municipal Code and others established by resolution; and

WHEREAS, the City Council intends to establish all current legislatively-designated prohibited areas by separate resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Bothell Municipal Code 9.04.010 and the corresponding portions of Ordinance No. 2218 § 1 are hereby amended to read as follows, with new text shown by underline and deletions show by ~~striketrough~~; all other provisions of these sections shall remain unchanged and in full force:

9.04.010 Definitions.

A. “Controlled substances” means a drug, substance, or its immediate precursor, listed in Schedule I, II, III, or IV of the Uniform Controlled Substances Act, Chapter 69.50 RCW.

B. “Drug” means:

1. Substances recognized as drugs in the official U.S. pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; or

2. Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of diseases in humans or animals; or

3. Substances affecting or intended to affect the structure or any function of the body of humans or animals, except for food, and except for vitamins and minerals approved by the U.S. Food and Drug Administration for use as minerals and vitamins.

C. “Drug-related activity” means any of the following:

1. Administering drugs, controlled substances or imitation controlled substances, whether by injection, inhalation, ingestion, or any other means, to oneself or to another person; or

2. Delivering drugs, controlled substances or imitation controlled substances by the actual, constructive or attempted transfer of drugs, controlled substances or imitation controlled substances from one person to another; or

3. Distributing drugs, controlled substances or imitation controlled substances by transferring or arranging for their transfer other than by administering or delivering them.

4. Exhibiting the effects of having consumed any drug. For purposes of this subsection, “exhibiting the effects of having consumed any drug” means that a person by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has injected, inhaled, ingested, or otherwise consumed any drug or that he or she is under the influence of any drug.

D. “Prohibited area” means the portion of the city described by the Bothell police department as having a high occurrence of drug-related activity which has been declared an area to be included in a Stay Out of Drug Area order.

E. “Imitation controlled substance” means a substance that is not a controlled substance, but which by appearance or representation would lead a reasonable person to believe that the substance is a controlled substance. Appearance includes, but is not limited to, color, shape, and size markings of the dosage unit. Representation includes, but is not limited to, representations or factors of the following nature:

1. Statements made by the person who owns or controls the substance regarding its nature, use or effect;

2. Statements made to the recipient that the substance can be resold for inordinate profit; or

3. Packing of the substance in a manner normally used for illicit controlled substances, such as but not limited to folded paper bundles, cellophane packages, aluminum foil balls or squares, 35 mm film canisters, zip-lock plastic baggies, two-inch glass vials, rubber balloons, bindles, or condoms.

F. “Known unlawful drug user, possessor or seller” means a person who has, to the knowledge of the arresting officer, within one year prior to the date of his or her arrest for violation of this chapter, been convicted of any infraction or crime involving the use, possession or sale of any drug, legend drug, controlled substance, or imitation controlled substance, either in any court in Washington State, or in the courts of any other state; or

1. Who is displaying the physical characteristics of use of any drug, legend drug, or controlled substance, such as poor coordination, slurred speech, needle marks on the body, constricted pupils or dilated pupils; or

2. Who is in possession of drug paraphernalia as defined in BMC 9.11.010; or

3. Who is the subject of an order prohibiting his or her presence in a prohibited area.

G. "Legend drug" means drugs which are required by Washington State statutes or administrative regulations, or regulations of the State Board of Pharmacy, to be dispensed on prescription only, or are restricted to use only by health care practitioners licensed by the state of Washington (including physicians under Chapter 18.71 RCW, osteopaths under Chapter 18.57 RCW, dentists under Chapter 18.32 RCW, podiatrists under Chapter 18.22 RCW, veterinarians under Chapter 18.92 RCW, registered nurses under Chapter 18.79 RCW, osteopaths' assistants under Chapter 18.57A RCW, physicians' assistants under Chapter 18.71A RCW, or pharmacists under Chapter 18.64 RCW, or pharmacies, hospitals or institutions licensed to distribute, dispense, conduct research with, or administer legend drugs to persons in the course of professional practice or research in the state).

H. "Loiter" means to stand about or to proceed with many stops.

Section 2. Bothell Municipal Code 9.04.040 and the corresponding portions of Ordinance No. 2218 § 1 are hereby amended to read as follows; all other provisions of these sections shall remain unchanged and in full force:

9.04.040 Stay Out of Drug Areas orders - Issuance - Other court orders.

A. Any order issued pursuant to this chapter that specifically orders as a condition of pretrial release and/or deferral or suspension of sentence that the defendant stay out of areas with a high level of illegal drug trafficking shall be hereinafter referred to as a "SODA" ("Stay Out of Drug Areas") order.

B. SODA orders may be issued to anyone charged with or convicted of possession of drug paraphernalia, manufacture/delivery of drug paraphernalia, delivery of drug paraphernalia to a minor, selling/giving drug paraphernalia to another person, solicitation of a violation of the Uniform Controlled Substances Act, or any of the aforementioned crimes that occur within a drug-free zone or a prohibited area.

C. SODA orders may be issued to anyone charged with or convicted of any offense if the court finds that reasonable grounds exist to believe that any chemical dependency, substance abuse, or drug-related activity contributed to the offense.

D. Nothing within this section shall be construed as precluding the court from issuing an order pursuant to this chapter that is not specifically a SODA order.

Section 3. Bothell Municipal Code 9.04.060 and the corresponding portions of Ordinance No. 2218 § 1 are repealed.

Section 4. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. EFFECTIVE DATE. This ordinance shall take effect on January 1, 2018, after passage and publication of an approved summary thereof consisting of the title as required by law.

Section 6. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

APPROVED:



ANDREW J. RHEAUME
MAYOR

ATTEST/AUTHENTICATED:



LAURA HATHAWAY
CITY CLERK

APPROVED AS TO FORM:



PAUL BYRNE
CITY ATTORNEY

FILED WITH THE CITY CLERK: 09/26/2017
PASSED BY THE CITY COUNCIL: 10/03/2017
PUBLISHED: 10/06/2017
EFFECTIVE DATE: 01/01/2018
ORDINANCE NO.: 2226 (2017)

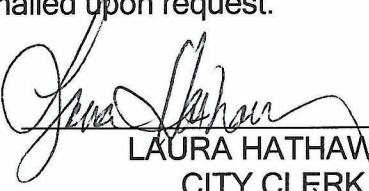
SUMMARY OF ORDINANCE NO. 2226 (2017)

City of Bothell, Washington

On the 3rd day of October, 2017, the City Council of the City of Bothell passed Ordinance No. 2226 (2017). A summary of the content of said Ordinance, consisting of the title, is provided as follows:

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, AMENDING CHAPTER 9.04 OF THE BOTHELL MUNICIPAL CODE REGARDING "STAY OUT OF DRUG AREAS" (SODA) AND OTHER DRUG-RELATED ACTIVITY.

The full text of this Ordinance will be mailed upon request.


LAURA HATHAWAY
CITY CLERK

FILED WITH THE CITY CLERK: 09/26/2017
PASSED BY THE CITY COUNCIL: 10/03/2017
PUBLISHED: 10/06/2017
EFFECTIVE DATE: 01/01/2018
ORDINANCE NO.: 2226 (2017)

Chapter 10.37

LOITERING FOR THE PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY

Sections:

10.37.010 Prohibited.

10.37.020 Violation—Penalty.

10.37.010 Prohibited.

A. It is unlawful for any person to loiter in or near any thoroughfare, place open to the public, or near any public or private place in a manner and under circumstances manifesting the purpose to engage in drug-related activity contrary to any of the provisions of RCW Chapters 69.41, 69.50 or 69.52.

B. Among the circumstances which may be considered in determining whether such purpose is manifested, but not limited thereto, are:

1. Such person is a known unlawful drug user, possessor, or seller. For purposes of this chapter, a “known unlawful drug user, possessor, or seller” is a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession or sale of any of the substances referred to in RCW Chapters 69.41, 69.50 and 69.52, or such person has been convicted of any violation of any of the provisions of the RCW or substantially similar laws of any political subdivision of this state or of any other state; or a person who displays physical characteristics of drug intoxication or usage, such as needle tracks; or a person who possesses drug paraphernalia as defined in Chapter 5.112 of this code;

2. Such person is currently subject to an order prohibiting his/her presence in a high drug activity geographic area;

3. Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a lookout;

4. Such person is physically identified by the officer as a member of a gang, or association which has as its purpose illegal drug activity;

5. Such person transfers small objects or packages for currency in a furtive fashion;

6. Such person takes flight upon the appearance of a police officer;

7. Such person manifestly endeavors to conceal himself or herself or any object which reasonably could be involved in an unlawful drug-related activity;

8. The area involved is by public repute known to be an area of unlawful drug use and trafficking;

9. The premises involved are known to have been reported to law enforcement as a place suspected of drug activity pursuant to RCW Chapter 69.52;

10. Any vehicle involved is registered to a known unlawful drug user, possessor or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity. (Ord. 1560-89 §§ 1 (part), 2, 1989)

10.37.020 Violation—Penalty.

Any person who violates the provisions of this chapter is guilty of a gross misdemeanor. (Ord. 1560-89 §§ 1 (part), 3, 1989)

Chapter 9A.06

CONTROLLED SUBSTANCES

Sections:

9A.06.010	Loitering With the Intent of Engaging in Drug-Related Activity.
9A.06.020	Designation of Anti-Drug Emphasis Areas.
9A.06.030	Violation of Conditions of Release, Suspension or Deferral as Separate Crime.
9A.06.040	Places of Illegal Drug Activity Declared Public Nuisances.
9A.06.050	Evidence of Use for Illegal Drug Purposes.
9A.06.060	Conviction as Prima Facie Evidence.
9A.06.070	Penalties for Maintenance of Public Nuisance.
9A.06.080	Violation - Penalty.

9A.06.010 Loitering With the Intent of Engaging in Drug-Related Activity.

A. It is unlawful for any person to loiter in or near any thoroughfare, place open to the public, or near any public or private place in a manner and under circumstances manifesting the intent to engage in drug-related activity contrary to any of the pro-visions of Chapters 69.41, 69.50, or 69.52 RCW.

B. Among the circumstances which may be considered in determining whether such intent is manifested are the following:

1. Such person is a known unlawful drug user, possessor, or seller. For purposes of this chapter, a "known unlawful drug user, possessor, or seller" is a person who has been convicted in any court within this state of any violation involving the use, possession, or sale of any of the substances referred to in Chapters 69.41, 69.50, and 69.52 RCW, or substantially similar laws of any political subdivision of this state or of any other state; or who is known to have been arrested for a drug related violation not resulting in a conviction because the person participated in a diversionary program, deferral program, Drug Court or a similar program; or a person who displays physical characteristics of drug intoxication or usage, such as "needle tracks"; or who possesses marijuana in a manner not authorized by RCW 69.50.4013 (1), RCW 69.50.4013 (2) and or in amounts that exceed those set forth in RCW 69.50.360(3);

2. Such person is currently subject to an order from any court prohibiting his/her presence in a high drug activity geographic area;

3. Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a "lookout";

4. Such person is physically identified by the officer, based on articulable factors, as a member of a "gang," or association which has as its purpose illegal drug activity. Factors that support an officer physically identifying a person as a member of such a gang or association include, but are not limited to clothing, tattoos, known association and/or affiliation with such gang or association, specific and observed acts or circumstances consistent with drug related activity, and gestures, signs, greetings and movements that are consistent with gang related activity, Provided that clothing alone shall not be sufficient, without more, to support an officer physically identifying a person as a member of such a gang or association;

5. Such person transfers small objects or packages for currency in a furtive fashion;

6. Such person takes flight upon the appearance of a police officer;

7. Such person manifestly endeavors to conceal himself or herself or any object which reasonably could be involved in an unlawful drug-related activity;

8. The area involved is by public repute known to be an area of unlawful drug use and trafficking;

9. The premises involved are known to have been reported to law enforcement as a place suspected of drug activity pursuant to Chapter 69.52 RCW;

10. Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity. (Ord. 573 § 6, 2013; Ord. 526 § 2 (part), 2010.)

9A.06.020 Designation of Anti-Drug Emphasis Areas.

A. Certain areas of the City shall be designated as and identified to be anti-drug emphasis areas based on the repeat incidents of illegal drug activities occurring therein, and enhanced penalties shall be applied in event of conviction of unlawful drug related acts or loitering for drug purposes, within the said areas. The areas to be so designated shall be identified by the City Council in an Ordinance or Resolution passed after consultation with the City Manager, City Attorney and the chief law enforcement officer of the City, and the list identifying such areas shall be kept on file in the office of the City Clerk. Additional areas may also be identified by the Judge of the Municipal or District Court hearing drug related cases arising from within the City. If a defendant is convicted of a drug related case occurring from within an area designated as an anti-drug emphasis area, a condition or term of sentence, deferral, or suspension, shall be that such defendant shall stay out of all areas of the City designated as an anti-drug emphasis areas, unless there are significant and substantial extenuating circumstances in the defendant's particular case justifying avoidance of the requirement for such condition or term of sentence, deferral, or suspension. In such case, the significant and substantial extenuating circumstances shall be identified and recited in the record of the case.

B. The following areas are hereby designated as and identified to be anti-drug emphasis areas:

Area A. South Tacoma Way/pacific Highway Southwest Business District:

Starting at the northern edge of 80th Street Southwest and extending 300 feet to the east and 300 feet to the west of the centerline of South Tacoma Way and following South Tacoma Way to Pacific Highway Southeast then south on Pacific Highway Southwest 300 feet to the west of the center of Pacific Highway Southwest and to the perimeter fence for the southbound lanes of Interstate 5 to the east and extending to the southeastern corner of the intersection of Gravelly Lake Drive Southwest and Pacific Highway Southwest.

Area B. Tillicum Area:

Starting at the place where American Lake and Washington State National Guard Camp Murray (State Military Encampment Grounds as filed with Pierce County Auditor on 21 June 1921) intersect then northeasterly along shore of American Lake to place where northwestern border of Harry Todd County Park and American Lake intersect then northeasterly along the northern border of Harry Todd County Park to the place where North Thorne Lane Southwest and Harry Todd County Park intersect then 300 feet northeasterly of the center of North Thorne Lane Southwest and proceeding southeasterly along said 300 foot buffer along North Thorne Lane Southwest to the place where the perimeter fence of southbound Interstate 5 intersect and then proceeding in a southwesterly direction along the perimeter fence of the southbound lanes of Interstate 5 to the place where southwestern point of the perimeter fence of the southbound lanes of Interstate 5 and southeastern boundary of Washington State National Guards Camp Murray intersect (also known as the westerly right of way of Berkeley Street SW) then northwesterly along said right of way of Berkeley Street SW to the south line of the north half of Section 21, Township 19N, range 2E, WM then west along said south line a distance of 685 feet more or less to the southeasterly right of way line of Washington Ave. SW being on the boundary of Washington State National Guard Camp Murray then northeasterly on said right of way of

Washington Ave. SW to the southwesterly right of way of Boundary St SW according to the Plat of "American Lake Addition" to Pierce County as file with the Pierce County Auditor on Oct 2, 1908 then northwesterly along said southwesterly right of way of Boundary St SW to southeasterly right of way line of Military Ave. SW then southwesterly along said southeasterly right of way of Military Ave. SW to the southwesterly right of way line of Stanley St SW also being the turning point on the Washington State National Guard Camp Murray boundary then northwesterly along said southwesterly right of way line of Stanley St SW to the northwesterly right of way line of Woodlawn Ave. SW said point being a turning point on the Washington State National Guard Camp Murray boundary then southwesterly on a bearing of 49 degrees 38' 30" west 150 feet more or less being an extension of said northwesterly right of way line of Woodlawn Ave. SW to a turning point on the Washington State National Guard Camp Murray boundary then northwesterly on a bearing of 40 degrees 04' 35" west along the northeasterly boundary of Washington State National Guard Camp Murray to place where northeasterly boundary of Washington State National Guard Camp Murray and American Lake intersect.

Area C. Bridgeport Way Southwest Area:

Starting at the northern edge of the intersection of Gravelly Lake Drive Southwest and Bridgeport Way Southwest and then extending 300 feet to the east and 300 to the west of the center of Bridgeport Way Southwest from Gravelly Lake Drive Southwest to the western edge of the Southbound Interstate 5.

Area D. Lakeview Area:

Starting at the northern edge of 100th Street Southwest starting at the northwest corner of the intersection of Bridgeport Way Southwest and 100th Street Southwest and proceeding south to Pacific Highway Southwest and then northeasterly to the intersection of Pacific Highway Southwest and the Burlington Northern Railroad tracks and then north on the western edge of the Burlington Northern railroad tracks to the intersection of the Burlington Northern Railroad tracks and 100th Street Southwest and then westerly along the northern edge of 100th Street Southwest to the northwest corner of 100th Street Southwest and Bridgeport Way Southwest.

Area E. McChord Gate Area:

Starting at the southern intersection of New York Street Southwest and the perimeter fence of the northbound lanes of Interstate 5 and then proceeding along the north side of the McChord Air Force Base fence to the Burlington Northern railroad track and then northerly along the western edge of the Burlington Northern railroad track to a point where the railroad track intersect with the perimeter fence of the northbound lanes of Interstate 5 and then southwesterly to the southern intersection of New York Street Southwest and the Perimeter fence.

Area F. Woodbrook Area:

Starting at the northwest corner of the intersection on North Thorne Lane and the southern boundary of McChord Air Force Base and then extending south along the western edge of 80th Avenue Southwest (Murray Road) to the southwestern point where 80th Avenue Southwest (Murray Road) and the Fort Lewis Logistics Center intersect and then east along the northern boundary of the Fort Lewis Logistics Center parallel to 150th Street Southwest to the place where

McChord Air Force Base and Ft. Lewis Army base intersect and then north along the eastern boundary of McChord Air Force Base parallel to Woodbrook Drive Southwest and then west along the southern boundary of McChord Air Force Base Housing to the intersection of McChord Air Force Base and North Thorne Lane Southwest. (Ord. 526 § 2 (part), 2010.)

9A.06.030 Violation of Conditions of Release, Suspension or Deferral as Separate Crime.

A. The presence of any person within an anti-drug emphasis area in violation of court-imposed conditions of release or conditions of suspension or deferral of any sentence shall constitute a separate crime hereby designated a gross misdemeanor and any such person may be apprehended and arrested without the necessity for any warrant or additional court order. Upon conviction, any person so violating the conditions of release or conditions of suspension or deferral shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than one (1) year, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both such imprisonment and fine. (Ord. 526 § 2 (part), 2010.)

9A.06.040 Places of Illegal Drug Activity Declared Public Nuisances.

Any building, structure or place within the City used for drug related activity or for loitering with the intent of engaging in drug-related activity as defined in this Chapter is hereby declared to be a public nuisance. (Ord. 526 § 2 (part), 2010.)

9A.06.050 Evidence of Use for Illegal Drug Purposes.

A. Two or more criminal convictions of persons for drug related offenses in a building, structure or place, within the one-year period preceding the commencement of an action under this Chapter shall give rise to a rebuttable presumption that the building, structure or place has been used for illegal drug purposes and is a public nuisance. In any action under this Chapter, evidence of the common fame and general reputation of the building or place, of the inmates or occupants thereof, or of those resorting thereto, shall be admissible as evidence to prove the existence of the public nuisance but must be supported by additional evidence. Evidence of the general reputation of the building or place, or of the inmates or occupants thereof that is sufficient to establish the existence of the public nuisance, shall be prima facie evidence of knowledge thereof and acquiescence and participation therein and responsibility for the nuisance by persons or legal entities having an interest in the property. Responsibility for the nuisance shall extend to the owners, lessors, lessees and all those in interest in any form in the property, real or personal, used in conducting or maintaining the public nuisance.

B. Evidence of cooperation by owners, agents or managers of a building or place with police investigations or operations to control drug related activity may be used to rebut the presumptions created in this Chapter. (Ord. 526 § 2 (part), 2010.)

9A.06.060 Conviction as Prima Facie Evidence.

Any conviction of any owner, manager, operator, agent or employee for any illegal drug activity, or for loitering with the intent of engaging in drug-related activity, when such offense was related to any business or commercial enterprise, shall be prima facie evidence that the building, structure or place upon or in which business or commercial enterprise is or was conducted, was used for illegal drug activities. (Ord. 526 § 2 (part), 2010.)

9A.06.070 Penalties for Maintenance of Public Nuisance.

maintenance of a public nuisance as declared herein, in addition to any other civil or criminal penalties, shall result in a civil penalty not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for a first conviction of maintaining a public nuisance and by abatement by

closure of such business or commercial enterprise for the period of thirty (30) days for each subsequent conviction of maintaining a public nuisance. (Ord. 526 § 2 (part), 2010.)

9A.06.080 Violation - Penalty.

Unless otherwise specifically provided otherwise, any person who violates the provisions of this Chapter is guilty of a gross misdemeanor and, upon conviction, shall be imprisoned in jail for a period of up to one year or fined an amount of not more than \$5,000 or both such jail time and fine. (Ord. 526 § 2 (part), 2010.)

**CITY OF MARYSVILLE
Marysville, Washington**

ORDINANCE 2886

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON,
CREATING A NEW CHAPTER 6.28 TO THE MARYSVILLE MUNICIPAL
CODE ENTITLED “STAY OUT OF DRUG AREAS (SODA) ORDERS”;
PROVIDING FOR SEVERABILITY; AND EFFECTIVE DATE.**

WHEREAS, the City Council has been advised that Washington Courts have consistently held that the right to travel is guaranteed by the United States Constitution and that right applies to intrastate as well as interstate travel; and

WHEREAS, the City Council finds that local business owners, property owners and the Marysville Police Department reported an increase of crime in the “Stay Out of Drug Area” (SODA) areas; and

WHEREAS, the City Council finds that the provisions of this Ordinance are necessary for the public health, safety and welfare; and

WHEREAS, the City Council wishes to establish predetermined SODA areas, recognizing that, in addition to the predetermined SODA areas, Municipal Court Judges may on a case-by-case basis issue orders with prohibited areas for defendants that are different than the legislatively determined SODA area; and

WHEREAS, the City Council deems it appropriate to enact legislation including SODA areas and enforcement of SODA orders to reduce crime; not to penalize or interfere with the Constitutional right to travel of persons in the City but instead to place reasonable geographic restrictions, at the discretion and with oversight of elected Municipal Court Judges, upon persons who are charged with or convicted of crimes, where orders are limited in time and to areas where there is ongoing drug or criminal activity.

NOW THEREFORE, the City Council of the City of Marysville, Washington do ordain as follows:

Section 1. A new MMC Chapter 6.28 entitled “**STAY OUT OF DRUG AREAS (SODA) ORDERS**” is hereby adopted to read as follows:

**Chapter 6.28
“STAY OUT OF DRUG AREAS (SODA) ORDERS”**

Sections:

- 6.28.010 Orders—Conditions.
- 6.28.020 Person subject to court order defined.
- 6.28.025 Stay out of drug areas orders—Issuance—Other court orders.
- 6.28.030 Violation of order—Rearrest.

6.28.040 Prohibited areas—Designation—Modification and termination.

6.28.010 Orders—Conditions.

Any judge or judge pro tempore of the Marysville municipal court may issue written orders to criminal defendants describing conditions of their pretrial release or the post-conviction conditions of suspension or deferral of their sentences. Orders must be substantially in the form described in this chapter.

6.28.020 Person subject to court order defined.

As used in this chapter, “person subject to court order” means any person who is subject to an order issued under Section 6.28.010.

6.28.025 Stay out of drug areas orders—Issuance—Other court orders.

(1) Any order issued pursuant to this chapter that specifically orders as a condition of pretrial release and/or deferral or suspension of sentence that the defendant stay out of areas with a high level of illegal drug trafficking shall be hereinafter referred to as a “SODA” (“Stay Out of Drug Areas”) order.

(2) SODA orders may be issued to anyone charged with or convicted of possession of drug paraphernalia, manufacture/delivery of drug paraphernalia, delivery of drug paraphernalia to a minor, selling/giving drug paraphernalia to another person, possession of marijuana, or any of the aforementioned crimes that occur within a drug-free zone.

(3) Nothing within this section shall be construed as precluding the court from issuing an order pursuant to this chapter that isn’t specifically a SODA order.

6.28.030 Violation of order—Rearrest.

(1) Written orders issued under this chapter shall contain the court’s directives and shall bear the legend:

WARNING: Violation of this order subjects the violator to rearrest under Chapter 6.28 MMC and may result in imposition of suspended or deferred jail time and/or fine.

(2) Whenever a police officer shall have probable cause to believe that a person is subject to an order issued under this chapter and the person knows of the order, and that a violation of the order is occurring in the officer’s presence, the officer shall have the authority to bring the person before the court wherein the order was issued, and for such purpose may rearrest such person without warrant or other process.

6.28.040 Prohibited areas—Designation—Modification and termination.

(1) Whenever an order is issued under this chapter, the subject of the order may be ordered to stay out of certain areas that are set forth within the written order. These areas will hereinafter be referred to as “prohibited areas.”

(2) Prohibited areas that are set forth in SODA orders shall be established by a resolution of the city council, at a minimum of every two years. The police department shall provide information to the city council to support establishment and/or the elimination of prohibited areas in the form of one or more declarations and/or other sworn testimony. The declaration(s) and/or other sworn testimony shall:

- (a) Be by declarant(s) familiar with areas of the city that suffer a high incidence of drug trafficking activity;
- (b) Set forth the education, experience and other relevant qualifications of the declarant(s);
- (c) Set forth the basis for proposing prohibited areas, e.g., crime mapping data or other information;
- (d) Describe the proposed prohibited areas; and
- (e) Provide other information that supports the council's review and determination of prohibited areas.

(3) Prohibited areas that are set forth in orders issued under this chapter other than SODA orders may be set by court discretion and are not required to be set in accordance with subsection 2 of this section.

(4) Upon request for modification or termination of any order issued under this chapter, the court shall consider the requested modification or termination by allowing for a process by which the subject of the order can provide relevant testimony or other evidence in support of his/her request.

(5) Unless otherwise ordered by the court, an order issued under this chapter shall have as its termination date two years from the date of its issuance.

(6) Whenever an order is issued, modified or terminated pursuant to this chapter, the clerk of the court shall forward a copy of the order on or before the next judicial day to the Marysville police department. Upon receipt of the copy of the order, the Marysville police department shall enter the order until the expiration date specified on the order into any computer-based criminal intelligence information system(s) available to Marysville police officers. Upon receipt of notice that an order has been terminated, the Marysville police department shall remove the order from the computer-based criminal intelligence information system(s).

(7) Nothing in any provision of this chapter related to SODA orders shall be construed as prohibiting the subject of a SODA order from participating in a scheduled court hearing or from attending a scheduled meeting with his/her legal counsel within a prohibited area.

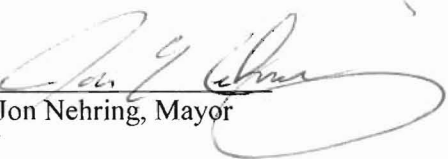
Section 2. General Duty. It is expressly the purpose of this ordinance to provide for and promote the health safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance. It is the specific intent of this ordinance that no provision nor any term used in this ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this ordinance by its officers, employees or agents.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

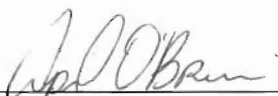
Section 4. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this 13th day of February, 2012.

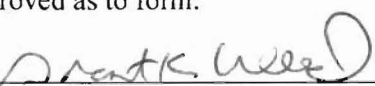
CITY OF MARYSVILLE

By 
Jon Nehring, Mayor

ATTEST:

By 
April O'Brien, Deputy City Clerk

Approved as to form:

By 
Grant Weed, City Attorney

Date of Publication: 2/15/12

Effective Date (5 days after publication): 2/20/12

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE 2925

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON,
AMENDING CHAPTER 6.28 TO THE MARYSVILLE MUNICIPAL
CODE ENTITLED “STAY OUT OF DRUG AREAS (SODA) ORDERS” TO
AMEND 6.28.030 TO ADD PENALTIES; PROVIDING FOR
SEVERABILITY; AND EFFECTIVE DATE.**

The City Council of the City of Marysville, Washington do ordain as follows:

Section 1. MMC Chapter 6.28 entitled “STAY OUT OF DRUG AREAS (SODA) ORDERS” is hereby amended to read as follows:

**Chapter 6.28
STAY OUT OF DRUG AREAS (SODA) ORDERS**

Sections:

- 6.28.010 Orders – Conditions.
- 6.28.020 Person subject to court order defined.
- 6.28.025 Stay out of drug areas orders – Issuance – Other court orders.
- 6.28.030 Violation of order – ~~Rearrest~~ - Penalties
- 6.28.040 Prohibited areas – Designation – Modification and termination.

6.28.010 Orders – Conditions.

Any judge or judge pro tempore of the Marysville municipal court may issue written orders to criminal defendants describing conditions of their pretrial release or the post-conviction conditions of suspension or deferral of their sentences. Orders must be substantially in the form described in this chapter. (Ord. 2886 § 1, 2012).

6.28.020 Person subject to court order defined.

As used in this chapter, “person subject to court order” means any person who is subject to an order issued under MMC 6.28.010. (Ord. 2886 § 1, 2012).

6.28.025 Stay out of drug areas orders – Issuance – Other court orders.

(1) Any order issued pursuant to this chapter that specifically orders as a condition of pretrial release and/or deferral or suspension of sentence that the defendant stay out of areas with a high level of illegal drug trafficking shall be hereinafter referred to as a “SODA” (“Stay Out of Drug Areas”) order.

(2) SODA orders may be issued to anyone charged with or convicted of possession of drug paraphernalia, manufacture/delivery of drug paraphernalia, delivery of drug paraphernalia to a minor, selling/giving drug paraphernalia to another person, possession of marijuana, or any of the aforementioned crimes that occur within a drug-free zone.

(3) Nothing within this section shall be construed as precluding the court from issuing an order pursuant to this chapter that is not specifically a SODA order. (Ord. 2886 § 1, 2012).

6.28.030 Violation of order – ~~Rearrest~~ - Penalties.

(1) Written orders issued under this chapter shall contain the court's directives and shall bear the legend:

WARNING: Violation of this order subjects the violator to arrest ~~rearrest~~ under Chapter 6.28 MMC and and shall constitute a separate criminal offense and may result in imposition of suspended or deferred jail time and/or fine.

~~(2) Whenever a police officer shall have probable cause to believe that a person is subject to an order issued under this chapter and the person knows of the order, and that a violation of the order is occurring in the officer's presence, the officer shall have the authority to bring the person before the court wherein the order was issued, and for such purpose may rearrest such person without warrant or other process. (Ord. 2886 § 1, 2012).~~

(2) - Penalties

A person who knowingly and willfully disobeys a SODA" ("Stay Out of Drug Areas") order issued under this chapter is guilty of a gross misdemeanor.

6.28.040 Prohibited areas – Designation – Modification and termination.

(1) Whenever an order is issued under this chapter, the subject of the order may be ordered to stay out of certain areas that are set forth within the written order. These areas will hereinafter be referred to as "prohibited areas."

(2) Prohibited areas that are set forth in SODA orders shall be established by a resolution of the city council, at a minimum of every two years. The police department shall provide information to the city council to support establishment and/or the elimination of prohibited areas in the form of one or more declarations and/or other sworn testimony. The declaration(s) and/or other sworn testimony shall:

(a) Be by declarant(s) familiar with areas of the city that suffer a high incidence of drug trafficking activity;

- (b) Set forth the education, experience and other relevant qualifications of the declarant(s);
- (c) Set forth the basis for proposing prohibited areas, e.g., crime mapping data or other information;
- (d) Describe the proposed prohibited areas; and
- (e) Provide other information that supports the council's review and determination of prohibited areas.

(3) Prohibited areas that are set forth in orders issued under this chapter other than SODA orders may be set by court discretion and are not required to be set in accordance with subsection (2) of this section.

(4) Upon request for modification or termination of any order issued under this chapter, the court shall consider the requested modification or termination by allowing for a process by which the subject of the order can provide relevant testimony or other evidence in support of his/her request.

(5) Unless otherwise ordered by the court, an order issued under this chapter shall have as its termination date two years from the date of its issuance.

(6) Whenever an order is issued, modified or terminated pursuant to this chapter, the clerk of the court shall forward a copy of the order on or before the next judicial day to the Marysville police department. Upon receipt of the copy of the order, the Marysville police department shall enter the order until the expiration date specified on the order into any computer-based criminal intelligence information system(s) available to Marysville police officers. Upon receipt of notice that an order has been terminated, the Marysville police department shall remove the order from the computer-based criminal intelligence information system(s).

(7) Nothing in any provision of this chapter related to SODA orders shall be construed as prohibiting the subject of a SODA order from participating in a scheduled court hearing or from attending a scheduled meeting with his/her legal counsel within a prohibited area. (Ord. 2886 § 1, 2012).

Section 2. General Duty. It is expressly the purpose of this ordinance to provide for and promote the health safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance. It is the specific intent of this ordinance that no provision nor any term used in this ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this ordinance is intended

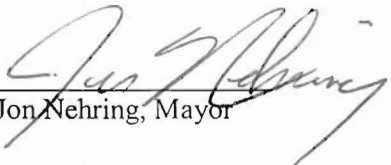
nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this ordinance by its officers, employees or agents.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this 13th day of May, 2013.

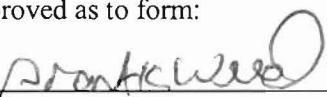
CITY OF MARYSVILLE

By 
Jon Nehring, Mayor

ATTEST:

By 
April O'Brien, Deputy City Clerk

Approved as to form:

By 
Grant Weed, City Attorney

Date of Publication: 5/15/13

Effective Date (5 days after publication): 5/20/13

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Adoption of Proposed Ordinance No. 688 – Stay out of Drug Area (SODA)

DEPARTMENT: Shoreline Police Department
City Attorney's Office

PRESENTED BY: Shawn Ledford, Shoreline Police Chief
Scott Strathy, Shoreline Police Captain
Chad Devore, Shoreline Police Sergeant
Julie Ainsworth-Taylor, Assistant City Attorney

ACTION: ☒ Ordinance ☐ Resolution ☐ Motion
 ☐ Discussion ☐ Public Hearing

PROBLEM/ISSUE STATEMENT:

Currently, the City does not have regulations in place that authorize the Prosecuting Attorney's Office, in consultation with Shoreline Police, to request that the court prohibit individuals (pre-trial or post-trial) from congregating in designated areas known for drug use and sales or other types of related criminal activity. Several cities in the region have adopted Stay-Out-of-Drug Area (SODA) regulations that provide this authority in their jurisdictions. If adopted, proposed Ordinance No. 688 would provide these regulations in Shoreline and provide the court with specific delineated areas of the City known for drug-related activities to utilize for this purpose.

Shoreline Police and City staff have made several presentations to the Council on proposed SODA regulations. On January 27, 2014, the Shoreline Police's Special Emphasis Team (SET) gave a presentation to the Council at a dinner meeting which included a video of narcotics transactions occurring along Aurora Avenue North. On April 21, 2014, Police and City staff gave a joint presentation introducing a draft SODA ordinance. The ordinance reflected, based on Police experiences, a recommendation for the areas to be delineated for SODA designation and establishment of enforcement regulations.

RESOURCE/FINANCIAL IMPACT:

There is a nominal financial impact related to the use of SODA regulations. Shoreline Police Officers will have the discretion to physically book an individual subject to a court-issued SODA Order into jail for a violation of that Order, which would incur a cost for jail time. In some cases, this cost will be avoided, as the responding Officer can choose to cite and release that individual instead of book them into jail. Irrespective of this issue however, SODA regulations will help prevent individuals or groups of individuals, specifically drug users and dealers, from congregating in the designated SODA area to engage in narcotics transactions and other illegal activity. This type of

congregation often leads to other criminal acts supporting a drug habit, such as burglary, car prowling, shoplifting, and other crimes. By restricting individuals and reducing associated illegal activity, Police resources (and costs) will be conserved.

RECOMMENDATION

Staff recommends that Council adopt proposed Ordinance No. 688 establishing designated SODA areas and establishing regulations for the enforcement of these areas.

Approved By: City Manager ***DT*** City Attorney ***IS***

INTRODUCTION AND BACKGROUND

Currently, the City does not have regulations in place that authorize the Prosecuting Attorney's Office, in consultation with Shoreline Police, to request that the court prohibit drug users and dealers from congregating in designated areas known for drug use, sales and other criminal activity. Both police experience with problem areas and detailed crime analysis support the fact that there are certain areas associated with high narcotics activity. For Shoreline, these include locations along Aurora Avenue North, the Interurban Trail, the Aurora Village Transit Center, and Echo Lake Park. If adopted, proposed Ordinance No. 688, which is attached to this staff report at Attachment A, would provide these regulations in Shoreline and provide the court with specific delineated areas of the City known for drug-related activities to utilize for this purpose.

On January 27, 2014, at the Council's dinner meeting, the Police Special Emphasis Team (SET) advised the Council on the need for SODA regulations. This Council discussion included a video of narcotics transactions occurring along Aurora Avenue North. At the April 21, 2014 Council meeting, Shoreline Police and City staff presented the draft SODA ordinance along with supporting crime data maps. The staff report and attachments for this April 21 Council discussion can be viewed at: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2014/staffreport042114-8b.pdf>.

DISCUSSION

In response to the April 21 staff report and presentation, Council raised the following questions and concerns regarding the proposed SODA ordinance. The responses to these questions and concerns are provided in italics below.

Size of the Designated SODA Area and Nexus to Criminal Activity

Council raised a concern about the size of the SODA area. Specifically, Council questioned if there was a sufficient nexus with criminal activity occurring in the SODA area versus activity that was occurring elsewhere in the City.

Staff does not believe the size of the SODA, in and of itself, raises a legal issue. The area proposed for SODA designation encompasses the full length of Aurora Avenue North, from the City's southern border at 145th to its northern border at 205th. This area includes the City's primary commercial core (extending a block off Aurora in either direction), the Aurora Village Transit Center, and Echo Lake Park. This generally mirrors Shoreline's existing Stay-out-of-Prostitution Area (SOAP), SMC 9.10.560(D).. All of these areas are known for concentrated criminal activity.

The proposed SODA area, which is attached to this staff report as Attachment B, encompasses 0.66 square miles, which represents 5.7% of the total area of the City of Shoreline. Attachment C, Drug Charge and Vice Activity Maps, demonstrates the linkage between criminal activity in Shoreline and the boundaries of the SODA. While Police and staff are recommending designation of this entire area, the court retains ultimate discretion in issuing a SODA order and can customize the SODA order to ensure the required nexus based on the facts and circumstances of the individual subject to that order.

Stakeholder Outreach

Council asked whether the Police and/or City staff have spoken with prosecutors and defense attorneys about the pros and cons of SODA ordinances.

Staff spoke with City of Shoreline Prosecuting Attorney Sarah Roberts about the proposed SODA ordinance, and Ms. Roberts explained that she did not have prior direct involvement with SODA orders, so had little to offer on how SODA orders function best. However, she did state that she sees similar orders in domestic violence cases and that these orders are issued both pre-trial and as part of sentencing. Staff also sent requests to the Washington Association of Prosecuting Attorneys and the Washington Association of Criminal Defense Lawyers for information of their members' experience with SODA. Neither organization responded to this request. Staff also contacted Professor Katherine Beckett, a criminal/sociology professor at the University of Washington who has authored publications on the use of exclusionary orders, including SODA and SOAP orders. Information related to Beckett's research is included in staff's response to statistical data below.

In addition, staff was forwarded a response received by Councilmember Roberts from the ACLU of Washington. The ACLU opposes such regulations, asserting they are "ineffective, expensive, and waste precious tax resources that could be invested instead in intervention strategies that address the underlying behavior more effectively." The ACLU provided two examples of alternative programs – Seattle's Clean Dreams pre-arrest diversion program and the Law Enforcement Assisted Diversion program (LEAD). Clean Dreams was limited to the Rainier Beach area (renamed C.U.R.B.) and focused on peer counseling (in conjunction with assisting with jobs, housing, treatment, and education) and pre-arrest diversion for low-level street crimes, meaning that police can offer arrestees a choice between going to jail or signing up with Clean Dreams. A 2009 study by UW Assistant Sociology Professor Alexes Harris found that entering clients average 7.7 prior convictions, but that when they left Clean Dreams, only 18% reoffended (compared to a statewide recidivism rate of 62%). The LEAD program is a pilot pre-booking program to address low-level drug and prostitution crimes in Belltown and Skyway. The program diverts offenders into treatment and support services instead of processing them through the traditional criminal justice systems. LEAD has been operating as a pilot program since October 2011, and plans to run until 2015; the overall effectiveness of the program has not been reviewed. Staff's research did show that these diversion programs do have a lower cost than traditional incarceration but the City would need to either contract for such services or establish a program of its own.

Statistical Data

Council asked several questions in regards to statistical data, including the number of arrests for drug related activity and the types of arrests, the amount of individuals who would be banished at any given time, the effectiveness of other jurisdiction's SODA ordinances, a statistical comparison to the City's SOAP ordinance, and jail cost data.

While staff was able to compile some of this statistical data, compiling other data was not always possible. Some of the requested information, such as court activity for SODA issuance, was simply not available. Despite this, Police and staff attempted to provide as much information as possible to assist the Council in its decision-making process.

- The number of arrests for drug related activity between 2009-2014, the types of arrests, and a map detailing this information.

Attachment C provides the requested map. Drug Charges are broken into three categories – felonies, misdemeanors, and investigations. Totals are as follows:

Drug Charge Type	2009	2010	2011	2012	2013	5-year Total	Annual Avg.
<i>Felony</i>	79	48	28	39	46	240	48
<i>Investigation</i>	59	47	40	28	32	206	41
<i>Misdemeanor</i>	44	78	36	48	18	224	45
<i>Unclassified</i>	2	0	0	5	0	7	1
Total	184	173	104	120	96	677	135

- If every individual arrested with drug-related crime was subject to a SODA order, how many individuals would be restricted from entering the SODA at any given time?

Utilizing the above data, the amounts shown in the total row would represent how many individuals would be restricted from the SODA area per year if a judge issued a SODA order for every arrest. In putting this information together, the Data Analyst attempted to eliminate multiple charges for a single individual in order to accurately answer the question raised by Council. Council requested that this data be refined to those arrests that resulted in successful prosecutions but this information is not available.

- Data about the effectiveness of Seattle's SODA; specifically Seattle's experience with its SODA ordinance in relationship to Aurora Avenue.

Data specific to Aurora Avenue was not located. Data that was available is from 2006 to 2009 and is based on annual reports issued by the Seattle City Attorney's Office. These reports state that the City of Seattle has limited jurisdiction over drug violations, as most are felonies falling under King County jurisdiction. However, in 2006 the City Attorney, in cooperation with the King County Prosecutor, started an incentive-based program to address possession of trace amounts of controlled substances. Under this program, arrested individuals are charged with an Attempted Violation of Uniform Substance Control Act (VUSCA) – a gross misdemeanor – and given two choices – their case will be dismissed in four months so long as the violator stays out of the SODA in which he/she was arrested or be charged with felony VUSCA. The 2007 annual reports states that 79% of defendants that opted for the first choice (SODA compliance) did not violate the SODA order and 83% did not commit another Attempted VUSCA. The 2009 Annual Report shows figures from March 2006 to Dec 2009, in which the percentage of defendants not violating the SODA rose to 83% but the percent of defendants not committing another Attempted VUSCA fell to 58%. Subsequent reports don't address this program and Seattle/King County now appears to be utilizing L.E.A.D. for low-level offenders. But, what these reports do show is that a vast majority of those subject to a SODA, at least low-level offenders, do not violate the SODA when incentives are attached.

In addition, in the Katherine Beckett 2010 article, Ms. Beckett speaks to Seattle's SODA and SOAP orders being imposed on those arrested but not convicted as part of deferred prosecution. The article notes that from 2001 to 2005, the proportion of sentenced felony drug offenders with a SODA went from about 7% to about 30% (presumably because the County decided to start seeking them) but, it could be inferred from this data that these orders are sought/granted for about 30% of offenders.

- Data relating to Shoreline's SOAP ordinance; specifically how many individuals have been arrested for violating a SOAP order since the ordinance's adoption and how many individuals are subject to such an order each year.

The City's SOAP ordinance has been around since the City's incorporation. As staff was not able to obtain all of the data going back that far, the following information represents the number of individuals between 2009 and 2013 who have an underlying arrest of pimping or prostitution and the number of individuals that have violated a SOAP order. Unfortunately, staff was not able to obtain the data for the number of individuals who were issued a SOAP order for these years.

Vice Activity	2009	2010	2011	2012	2013	5-year Total	Annual Avg.
<i>Prostitution/Pimping Arrests</i>	52	38	68	44	25	227	45
<i>SOAP Order Violations</i>	0	1	9	2	1	13	3

- Costs of jailing individuals for SODA violations; specifically the costs of jailing individuals who violated a SOAP order and whether that might increase if the SODA was adopted.

Using the statistics from 2013 as an example, if all of the individuals arrested for a drug-related offense that the City is responsible for incarcerating (misdemeanant, investigation, and unclassified) were issued a SODA order, then 50 individuals would be impacted. However, using Seattle's statistics for compliance (83% don't violate the order); only nine (9) individuals could have been subsequently arrested in 2013 and jailed for a SODA violation. Jail time probably would have been no more than a day or two for each SODA violation arrest. Using the City's current King County Jail bed rate of \$141.88 per bed day and an average of two jail days per defendant, enforcement of SODA violations resulting in jail time would potentially cost around \$2,500 per year.

Pre-Trial versus Post-Trial Issuance of SODA orders

Council questioned both the use and the penalty for violation of a SODA order – a gross misdemeanor - for pre-trial SODA orders given that the individual had not been convicted of the underlying crime.

As proposed, the SODA regulations may be utilized by the court to impose restrictions pre-trial or as part of a convicted individual's sentence. A "knowing violation" of a SODA order is a gross misdemeanor. Various cities allow for the use of SODA orders for pre-

trial and post-trial purposes (e.g. Everett, Tacoma, and Marysville). RCW 10.66.020(4) and .020(5) allow for a Potential Area of Drug Trafficking (PADT) exclusion order in either the pre-trial or post-trial setting; RCW 10.66.090 makes a knowing violation a gross misdemeanor. Washington court rules, CrR 3.2 and CrRLJ 3.2 both permit a judge to impose restrictions on travel or prohibitions on entering certain geographical areas as a condition of pre-trial release. Thus, since it is within the powers of the court even without SODA regulations, staff does not see a concern with including pre-trial SODA orders within the regulations. In addition, Shoreline Police experience demonstrates the usefulness of pre-trial SODA orders in deterring arrestees from immediately returning to the area; which is a common occurrence. Therefore, Shoreline Police and staff continue to recommend the ability to request the court to issue a SODA order either pre-trial or as part of sentencing.

As to the penalty, staff recognizes that a SODA order is, in essence, a court order and, therefore, subject to a finding of contempt when it is violated. Contempt of court violations result in remedial and/or punitive penalties as provided in RCW 7.21; this statute does not expressly provide for criminal charges and also does not restrict the remedial or punitive methods the court can utilize. Looking at other jurisdictions, the penalty for violations of SODA orders runs from re-arrest (Everett) to misdemeanor (Tacoma) to gross misdemeanor (Marysville). The City's gross misdemeanor penalty is patterned after RCW 10.66.090. It is within the discretion of the Council to select the appropriate penalty for a knowing violation of a SODA order. However, Police and staff are recommending the charge of gross misdemeanor for both pre- and post-trial orders to provide a strong deterrent to violating the order.

First Amendment/Constitutional Rights

Council raised concerns about the constitutionality of the SODA order in regards to restriction on travel and First Amendment free speech.

As noted in the original staff report for the April 21 Council meeting, court cases have upheld the use of these types of exclusionary orders with specific reference to restriction on travel. See, e.g. State v. McBride, 74 Wn. App. 460 (1994) (upholding RCW 10.66 PADT, stating that persons convicted of felonies may be deprived of some of their constitutionally guaranteed liberties and, therefore, reasonable restrictions on travel during community supervision do not violate a person's constitutional right to travel); State v. Schimelpfenig, 128 Wn. App. 224 (2005) (recognizing the ability to infringe upon a right to travel and analyzing banishment orders for constitutional limitations but noting that well-defined boundaries [such as the SODA boundaries] fosters the uniform enforcement of such a restriction).

As to free speech, Council's concern was that by restricting the right to enter the SODA, that the City would be infringing upon other rights, such as free speech. Specifically if that person wished to participate in some activity within the restricted area, such as a political demonstration. The only case providing any insight on this question was the McBride court case which, within its analysis of "overbreadth," concluded that RCW 10.66 did not reach constitutionally protected speech. Thus, given the cases involving PADT orders and SODA orders that were cited in the April 21 staff report, staff believes that it is unlikely such exclusionary orders would rise to a level of violating

constitutionally protected rights so long as the issuing court ensures that there is a relationship between the crime and the restricting condition.

ALTERNATIVES

Based on the Council's previous discussion and concerns, Shoreline Police and City staff see the following alternatives for the Council's consideration:

SODA Delineation

The SODA boundaries are based on criminal activity documented over the past five years. Police and City staff believe that these boundaries, which run the full length of Aurora Avenue North and incorporate the Aurora Transit Center and Echo Lake Park, adequately delineate areas of concern and Council should accept them. However, if Council believes the designated SODA should be modified, then staff recommends that Council provide necessary direction for establishing the boundary and return for future adoption.

SODA Violation

Police and City staff believe by setting the penalty at a gross misdemeanor for both pre-trial and post-trial violations, a SODA violation provides not only a strong deterrent, but uniformity in administration of the regulation. If Council believes the penalty should be modified, staff recommends that Council provide necessary direction and/or propose amendatory language that would allow the ordinance to be adopted.

RESOURCE/FINANCIAL IMPACT

There is a nominal financial impact related to the use of SODA regulations. Shoreline Police Officers will have the discretion to physically book an individual subject to a court-issued SODA Order into jail for a violation of that Order, which would incur a cost for jail time. In some cases, this cost will be avoided, as the arresting Officer can choose to cite and release that individual instead of book them into jail. Irrespective of this issue however, SODA regulations will help prevent individuals or groups of individuals, specifically drug users and dealers, from congregating in the designated SODA area to engage in narcotics transactions and other illegal activity. This type of congregation often leads to other criminal acts supporting a drug habit, such as burglary, car prowling, shoplifting, and other crimes. By restricting individuals and reducing associated illegal activity, Police resources (and costs) will be conserved.

RECOMMENDATION

Staff recommends that Council adopt proposed Ordinance No. 688 establishing designated SODA areas and establishing regulations for the enforcement of these areas.

ATTACHMENTS

Attachment A: Proposed Ordinance No. 688, including Exhibit A
Attachment B: Proposed SODA Map
Attachment C: Drug Charge and Vice Activity Maps

ORDINANCE NO. 688

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADDING A SECTION TO CHAPTER 9.10 CRIMINAL CODE OF THE SHORELINE MUNICIPAL CODE DESIGNATING “STAY OUT OF DRUG AREAS” (SODA) AND ESTABLISHING REGULATIONS FOR THE ISSUANCE AND ENFORCEMENT OF COURT-ISSUED SODA ORDERS.

WHEREAS, the Shoreline Municipal Code, Chapter 9.10, provides for the prosecution of various criminal offenses within the City of Shoreline; and

WHEREAS, the City Council finds that local businesses, property owners, and the Shoreline Police Department have reported an increase of criminal activity in certain areas of the City which seriously impacts the quality of life and the standard of commercial activity within the City; and

WHEREAS, the City Council finds that the increase in criminal activity is directly linked to the illegal sale, possession, and use of drugs controlled by Washington’s Uniform Substance Control Act, 69.50 RCW; and

WHEREAS, the City Council has determined that because this Ordinance will assist the criminal justice system in dealing with drug-related criminal activity, it would be in the best interests of the health, safety, and welfare of the citizens of the City of Shoreline to place geographic restrictions on certain violators with respect to illegal drug-related activity; and

WHEREAS, the City Council wishes to designate limited geographic areas of the City as “Stay Out of Drug Areas” (SODAs), recognizing that, in addition to the predetermined SODA areas, superior and district court judges may, on a case-by-case basis, issue orders with prohibited areas for defendants that are different than the legislatively-determined SODAs; and

WHEREAS, in conjunction with these designations, the City Council deems it appropriate to adopt regulations for the enforcement of SODAs and penalties for violations of court-issued SODA orders;

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

Section 1. Amendment to Chapter 9.10 Criminal Code.

Section 9.10.220, Definitions, is amended and a new section, Section 9.10.285, Stay Out of Drug Areas (SODA), is added to Title 9, Chapter 9.10, Criminal Code, as set forth in Exhibit A to this Ordinance.

Section 2. Severability.

If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

Section 3. Effective Date and Publication.

A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force on July 1, 2014.

PASSED BY THE CITY COUNCIL ON JUNE 2, 2014.

Mayor Shari Winstead

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Ian Sievers
City Attorney

Publication Date:
Effective Date: July 1, 2014

Shoreline Municipal Code

Title 9 – Public Peace, Morals, and Welfare; Section 9.10 Criminal Code
Amendments to SMC 9.10.220; New Section, SMC 9.10.285

Stay Out of Drug Areas (SODA)

Amendment to SMC 9.10.220 – Controlled substances – Definitions

- D. “Stay Out of Drug Area” (SODA) means any specifically described area, public or private, identified and designated by the City as an anti-drug activity emphasis area based on repeat incidents of narcotics-related activity occurring therein.
- E. “SODA Order” means an order issued by a superior, or district court which prohibits or restricts a person from entering or remaining in a designated SODA.

New Section, SMC 9.10.285 - STAY OUT OF DRUG AREAS

A. Purpose.

A court may issue an order prohibiting a person from entering or remaining in a designated “Stay Out of Drug Area” (SODA). This prohibition is one means of addressing illegal drug activity; activity that the City finds is threatening the health, safety, and welfare of the citizens of Shoreline. By designating specific areas, public or private, within the City of Shoreline as a SODA, the City, in conjunction with the court, is working towards eliminating illegal drug possession, use, sales and other criminal activity associated with these activities.

B. Designation of Stay Out of Drug Areas.

1. Certain areas of the City are designated and identified as SODAs based on repeat, high-level incidents of narcotics-related activities occurring within the area. The perimeters of a SODA may be defined using street names or numbers and shall include all real property contained therein, where drug sales, possession of drugs, pedestrian or vehicular traffic attendant to drug activity, or other activity associated with drug offenses confirms a pattern associated with illegal drug trafficking and use. The area shall include the full width of streets, alleys, and sidewalks on the perimeter, common areas, planting strips, parks and parking areas within the area described using the streets as boundaries.
2. The following described areas are identified and designated as a SODA:
 - a. Aurora Avenue North from North 145th Street to North 205th Street, including one block east and west of Aurora Avenue;
 - b. Aurora Transit Center, located at 1524 North 200th Street;
 - c. Echo Lake City Park located at 1521 North 200th Street;
 - d. Interurban Trail corridor, located between North 145th Street and North 205th Street.

The boundaries of the designated SODA identified by this section shall be shown and delineated on the “*Stay Out of Drug Area (SODA)*” map accompanying the ordinance codified in this section and hereby incorporated by reference. The SODA map shall be maintained as such and will be on file at City Hall.

3. Designated SODAs shall be reviewed every two (2) years by the City Attorney and the Chief of Police to ensure their continued effectiveness. Recommendations for de-designation or modification of an existing SODA or for the designation of a new SODA shall be subject to approval by the City Council.

C. Issuance of SODA Order.

1. The City Attorney, after consultation with the Chief of Police, may seek a SODA Order from the court as a condition of pre-trial release or a condition of sentence, deferral, or suspension for any person.
2. A court may enter a SODA Order prohibiting a person from entering or remaining in a designated SODA for up to one year. The SODA Order shall be in writing and shall bear the following language:

“Violation of this court order is a criminal offense under SMC 9.10.285 and shall constitute a separate criminal offense. Violators will be subject to arrest.”

3. The court in its discretion may allow a person subject to a SODA order to enter a SODA under certain conditional exceptions. Exceptions to the SODA order may include travel to and from and/or remaining in the following locations so long as these locations apply to or are used by the person who is subject of the SODA order:
 - a. Place of residence;
 - b. Court/government offices (while open to the public);
 - c. Social services provider or treatment center;
 - d. Place of employment;
 - e. School;
 - f. Attorney’s office; or
 - g. Medical services.

If the court allows for exceptions in the SODA order, the person subject to that order is required to have a copy of the order on his/her person whenever he/she is traveling through a restricted designated SODA(s). Failure to present this order upon request by law enforcement is a violation of the SODA order and subject to the penalties set forth in this chapter. For the purpose of this section, travel is defined as movement on foot or in a vehicle from one point to another without delay.

4. Upon entering a SODA order, the clerk of the court shall forward a copy of the order to the City of Shoreline Police Department on or before the next judicial day following issuance of the order. Upon receipt, the Shoreline Police shall enter

the order into the appropriate law enforcement information system, noting the expiration date of the SODA order.

D. Notice of SODA Order.

A person is deemed to have notice of the SODA order when:

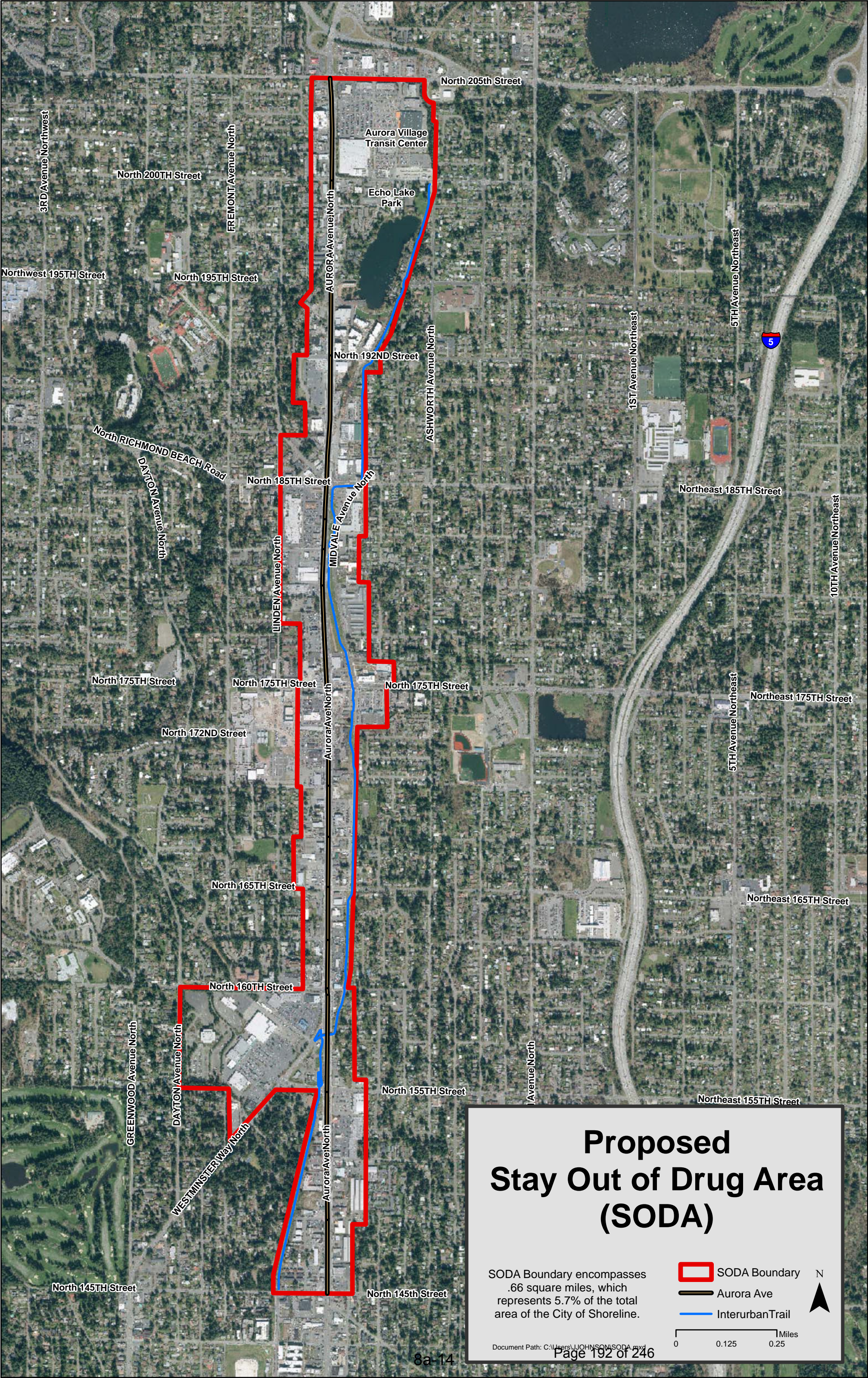
1. The signature of the person prohibited in the order is affixed to the bottom of the order, acknowledging receipt of the order; or
2. The order otherwise indicates that either the person or the person's attorney received a copy of the order.

E. Enforcement Procedure.

1. If a law enforcement officer has probable cause to believe that a person subject to a SODA order is knowingly violating that order, such person may be apprehended and arrested without the necessity for any warrant or additional court order.
2. The Chief of Police, in consultation with the City Attorney, shall have the authority to promulgate procedures for the administration of this chapter.


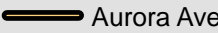
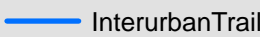
F. Penalties.

1. Any person who knowingly disobeys a SODA order shall be guilty of a gross misdemeanor.
2. Any person who knowingly disobeys a SODA order may also be found in contempt of court.



Proposed Stay Out of Drug Area (SODA)

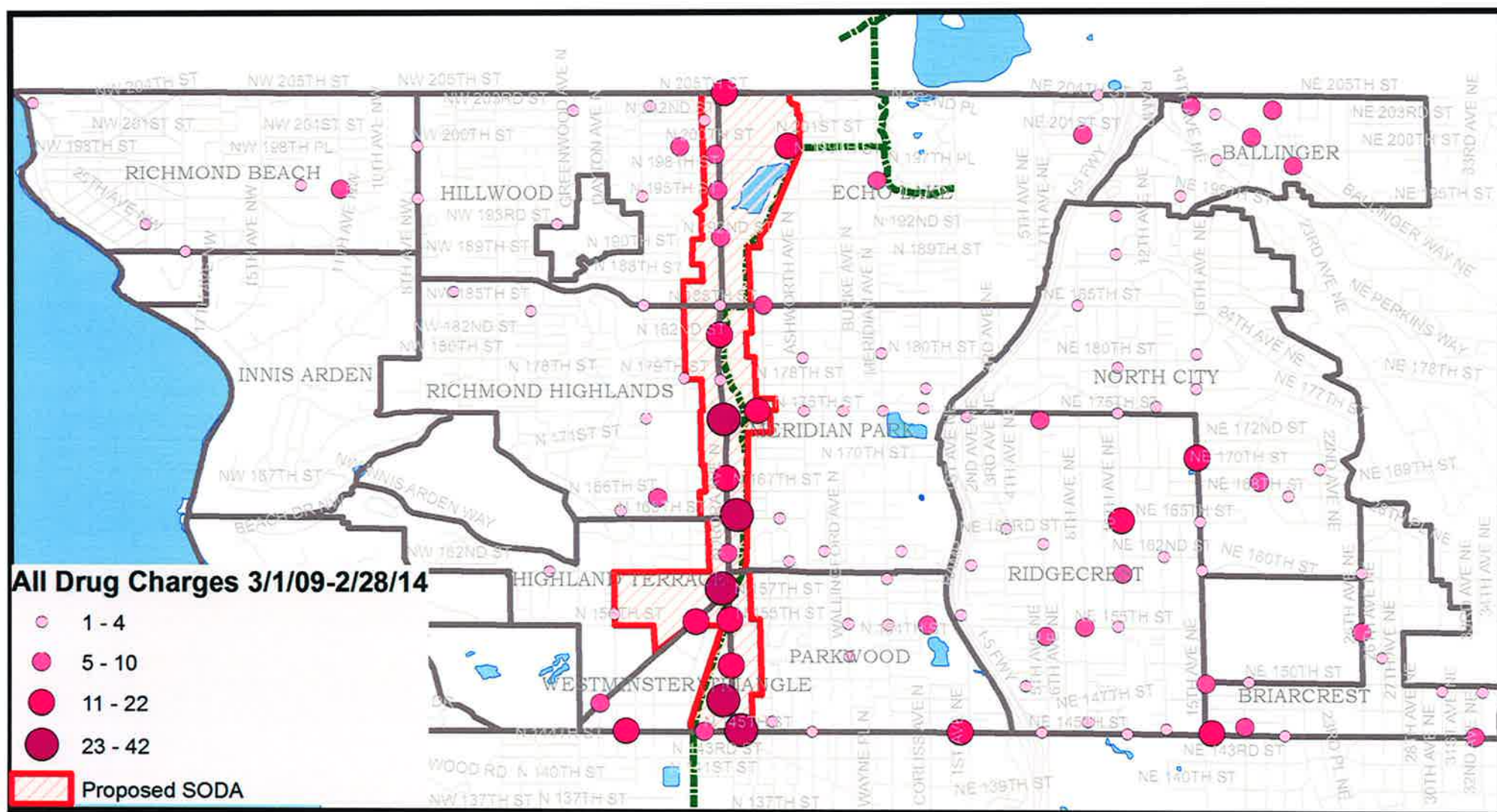
SODA Boundary encompasses .66 square miles, which represents 5.7% of the total area of the City of Shoreline.

-  SODA Boundary
-  Aurora Ave
-  Interurban Trail

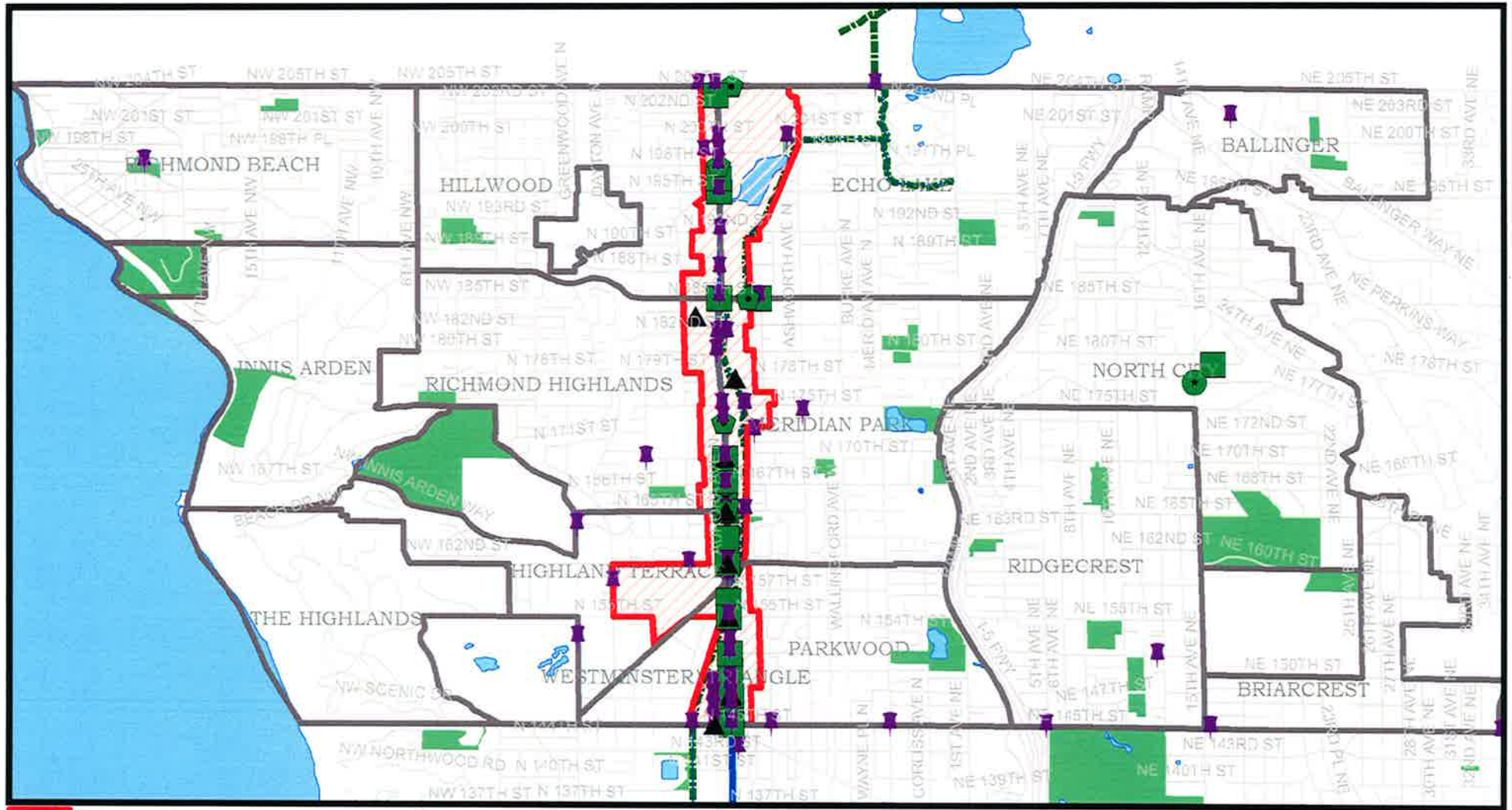








0 0.125 0.25 Miles

All Drug Charges in Shoreline March 1, 2009 - February 28, 2014



All Vice Activity in Shoreline March 1, 2009 - February 28, 2014



- | | |
|--|---|
|  Proposed SODA |  GAMBLING |
| Vice Activity 03/01/09-02/28/14 |  PROSTITUTION- PIMPING |
| Description |  SOAP ENFORCEMENT |
|  COMMERCIAL VICE |  VICE- ALL OTHER |

Chapter 8.160

STAY OUT OF DRUG AREAS (SODA) ORDERS – VIOLATION

Sections:

8.160.005 Enforcement priority.

A. Certain areas of the City shall be designated as and identified to be anti-drug activity emphasis areas based on the repeat incidents of narcotics-related activities occurring therein, and additional penalties may be applied in the event of conviction of City or state laws within said areas. The areas to be so designated shall be identified by the City Council in a resolution passed after consultation with the City Manager, City Attorney, and the chief law enforcement officer of the City, and the list identifying such areas shall be kept on file in the office of the City Clerk. Additional areas may also be identified by the Municipal Court hearing drug-related cases arising from within the City limits.

B. Stay Out of Drug Areas orders, hereafter known as “SODA orders,” may be issued by the Tacoma Municipal Court as a condition or term of sentence, deferral, or suspension to any person convicted of prohibited narcotics-related offenses contrary to any provision of the Tacoma Municipal Code (“TMC”). Further, the court may issue a SODA order as a condition of release pending disposition of a narcotics-related offense.

C. A person is deemed to have notice of the SODA order when:

1. The signature of the person prohibited in the order is affixed to the bottom of the order, acknowledging receipt of the order; or

2. The order otherwise indicates that either the person or the person’s attorney appeared before the court.

D. The SODA order shall be in writing and shall bear the following language: “Violation of this court order is a criminal offense under TMC 8.160 and will subject the violator to arrest.”

E. If a law enforcement officer has probable cause to believe that a person subject to the conditions of a SODA order is violating or failing to comply with any requirement or restriction imposed by the court, such person may be apprehended and arrested without the necessity for any warrant or additional court order.

F. A violation of a SODA order shall constitute a misdemeanor. Upon conviction, any person so violating the terms and conditions of the SODA order shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than \$1,000, or by both such imprisonment and fine. (Ord. 27513 § 1; passed Aug. 1, 2006)

8.160.005 Enforcement priority.

The police chief and city attorney shall make the investigation, arrest, and prosecution of cannabis (a/k/a "marijuana") offenses the lowest enforcement priority, as this term may be defined in their policies and procedures manuals, for adult personal use.

(City of Tacoma Initiative 1; General Election Nov. 8, 2011)



ORDINANCE NO. 27513

1 AN ORDINANCE relating to public safety and morals, and amending Title 8 of the
2 Tacoma Municipal Code by the addition thereto of a new Chapter 8.160,
entitled "Stay Out of Drug Areas (SODA) Orders – Violation."

3 WHEREAS the use, possession, or sale of controlled substances are
4 criminal acts punishable as either a felony or misdemeanor under state law, and

5 WHEREAS often, as a condition of sentencing, the court orders offenders
6 to stay out of areas of drug activity, and

7
8 WHEREAS state law allows for the establishment of geographical areas
9 identified as "protected against drug trafficking," which are more generically known
10 as "Stay Out of Drug Areas" or "SODAs," and allows for the establishment of a
11 new crime when an offender violates their court ordered condition by entering a
12 designated area, and

13
14 WHEREAS national research has identified SODA ordinances as one of the
15 more effective tools in reducing street level drug trafficking, which activities are
16 often associated with other types of crime and show higher-than-average levels of
17 violent crime directly related to drug activity, and

18
19 WHEREAS national research recognizes that SODA ordinances provide
20 law enforcement with a tool to help reduce street level drug activity for chronic
21 recidivists, and

22
23 WHEREAS many cities around the country, the state of Washington, and in
24 Pierce and King counties have established SODA areas, and representatives of
25 these jurisdictions have reported excellent results from their SODA ordinances;
26 Now, Therefore,



BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Title 8 of the Tacoma Municipal Code is hereby amended by the addition thereto of a new Chapter 8.160, entitled "Stay Out of Drug Areas (SODA) Orders – Violation," reading as follows:

8.160 Stay Out of Drug Areas (SODA) Orders – Violation.

A. Certain areas of the City shall be designated as and identified to be anti-drug activity emphasis areas based on the repeat incidents of narcotics-related activities occurring therein, and additional penalties may be applied in the event of conviction of City or state laws within said areas. The areas to be so designated shall be identified by the City Council in a resolution passed after consultation with the City Manager, City Attorney, and the chief law enforcement officer of the City, and the list identifying such areas shall be kept on file in the office of the City Clerk. Additional areas may also be identified by the Municipal Court hearing drug-related cases arising from within the City limits.

B. Stay Out of Drug Areas orders, hereafter known as "SODA orders," may be issued by the Tacoma Municipal Court as a condition or term of sentence, deferral, or suspension to any person convicted of prohibited narcotics-related offenses contrary to any provision of the Tacoma Municipal Code ("TMC"). Further, the court may issue a SODA order as a condition of release pending disposition of a narcotics-related offense.

C. A person is deemed to have notice of the SODA order when:

1. The signature of the person prohibited in the order is affixed to the bottom of the order, acknowledging receipt of the order; or



2. The order otherwise indicates that either the person or the person's attorney appeared before the court.

D. The SODA order shall be in writing and shall bear the following language: "Violation of this court order is a criminal offense under TMC 8.160 and will subject the violator to arrest."

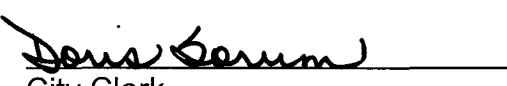
E. If a law enforcement officer has probable cause to believe that a person subject to the conditions of a SODA order is violating or failing to comply with any requirement or restriction imposed by the court, such person may be apprehended and arrested without the necessity for any warrant or additional court order.

F. A violation of a SODA order shall constitute a misdemeanor. Upon conviction, any person so violating the terms and conditions of the SODA order shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than \$1,000, or by both such imprisonment and fine.

Passed AUG - 1 2006


Deputy Mayor

Attest:


City Clerk

Approved as to form:


Assistant City Attorney



REQUEST FOR ORDINANCE OR RESOLUTION

RECEIVED

2006 JUN 23 PM 2:23

CITY CLERK USE

Request #:
Ordinance #:
Resolution #:

10979
27513

1. DATE: June 23, 2006

CITY CLERK'S
OFFICE

2. REQUESTING DEPARTMENT/DIVISION/PROGRAM Legal	3. CONTACT PERSON (for questions): Jennifer Taylor PERSON PRESENTING (if different):	PHONE/EXTENSION 5781
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4. PREPARATION OF AN ORDINANCE IS REQUESTED FOR THE CITY COUNCIL MEETING OF TUESDAY, JULY 18, 2006. ²⁵

5. SUMMARY TITLE/RECOMMENDATION: (A concise sentence, as it will appear on the Council agenda.)

An ordinance amending Title 8 of the Tacoma Municipal Code by the addition of a new Chapter 8.160, entitled "Stay Out of Drug Areas (SODA) Orders – Violation," establishing the designation of anti-drug activity emphasis areas within the City of Tacoma; establishing the violation of court-ordered conditions related to the anti-drug activity areas as a new offense; and prescribing penalties.

6. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

This proposed ordinance establishes "Stay out of Drug Activity (SODA)" areas within the City of Tacoma's urban area--a geographically described zone historically associated with drug activity--and makes it a criminal offense for certain individuals to be present in these SODA areas. The proposed SODA areas have been identified by law enforcement, through a history of arrests and observation, to be locales where illicit drug sales, possession of drugs, pedestrian or vehicular traffic attendant to drug activity, or other activity associated with drug offenses confirms a pattern associated with drug trafficking or narcotic-related activities. It would make it a separate, enforceable crime for those who are prohibited by a SODA order to enter these areas. While the SODA provisions will affect a relatively small number of total offenders, the continued presence of these individuals has a disproportionate effect on the local community. This ordinance will serve assist law enforcement and the courts, for the benefit of the community.

7. FINANCIAL IMPACT:

- A. ☒ NO
B. ☐ YES OVER \$100,000, Fiscal Note Attached
C. ☐ YES, UNDER \$100,000, Provide funding source information below

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
---------------------	----------	---------	----------	--------------

If an expenditure, is it budgeted? ☐ Yes ☐ No Where? Cost Center:

Acct #:

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Source Documents/Backup Material	Location of Document
----------------------------------	----------------------

9. ATTORNEY CONTACT: Jennifer Taylor, 591-5781

10. Department Director/Utility Division Approval 	Finance Director Approval	City Manager/Director Utilities Approval
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Ordinance No. 27513

First Reading of Ordinance: July 25, 2006

Final Reading of Ordinance: AUG - 1 2006

Passed: AUG - 1 2006

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Ms. Anderson	/			
Mr. Evans	/			
Mr. Fey	/			
Ms. Ladenburg	/			
Mr. Lonergan	/			
Mr. Manthou	/			
Mr. Stenger	/			
Mr. Talbert	/			
Mayor Baarsma				/

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Ms. Anderson				
Mr. Evans				
Mr. Fey				
Ms. Ladenburg				
Mr. Lonergan				
Mr. Manthou				
Mr. Stenger				
Mr. Talbert				
Mayor Baarsma				

ORDINANCE NO. 611

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING UNIVERSITY PLACE MUNICIPAL CODE TITLE 7, CRIMINAL CODE, TO CREATE A NEW CHAPTER 7.04 RELATING TO ENFORCEMENT ACTIONS INVOLVING GEOGRAPHIC RESTRICTIONS ON CERTAIN VIOLATORS – CONTROLLED SUBSTANCES, AND ARREST OF PERSONS SUBJECT TO COURT ORDER.

WHEREAS, Section 39.34.180 of the Revised Code of Washington (RCW) has, since 1996, made Washington municipalities responsible for the prosecution of misdemeanor and gross misdemeanor offenses committed by adults in their respective jurisdictions; and

WHEREAS, on December 13, 2010, the City of University Place adopted a new criminal code that, for the most part, incorporates RCW criminal code sections by reference rather than restating them as local code sections as authorized by RCW 35.21.180; and

WHEREAS, the City Council of the City of University Place has determined that it would be in the best interests of the health, safety, and welfare of the citizens of University Place to place geographic restrictions on certain violators with respect to illegal drug related activity, and to specify the authority of the University Place Municipal Court to enforce its orders imposing restrictions on an individual basis; and

WHEREAS, in order to place such restrictions on drug-related violators and to authorize the Municipal Court to enforce such ordered restrictions, the City must amend UPMC Title 7, Criminal Code, to add Chapter 7.04 relating to enforcement actions involving geographic restrictions on certain violators – controlled substances, and arrest of persons subject to Court order.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE DOES ORDAIN AS FOLLOWS:

Section 1. Amended. Title 7 of University Place Municipal Code entitled “Criminal Code,” is hereby amended with the following new sections:

7.04.000 - Controlled Substances

Chapter 7.04 Controlled Substances

Sections:

- 7.04.010 Loitering with the intent of engaging in drug-related activity.
- 7.04.020 Designation of anti-drug emphasis areas.
- 7.04.030 Violation of conditions of release, suspension or deferral as separate crime.
- 7.04.040 Places of illegal drug activity declared public nuisances.
- 7.04.050 Evidence of use for illegal drug purposes.
- 7.04.060 Conviction as prima facie evidence.
- 7.04.070 Penalties for maintenance of public nuisance.
- 7.04.080 Violation - Penalty.

7.04.010 - Loitering With the Intent of Engaging in Drug-Related Activity

- A. It is unlawful for any person to loiter in or near any thoroughfare, place open to the public, or near any public or private place in a manner and under circumstances manifesting the intent to engage in drug-related activity contrary to any of the provisions of Chapters 69.41, 69.50, or 69.52 RCW.
- B. Among the circumstances which may be considered in determining whether such intent is manifested are the following:

1. Such person is a known unlawful drug user, possessor, or seller. For purposes of this chapter, a "known unlawful drug user, possessor, or seller" is a person who has been convicted in any court within this state of any violation involving the use, possession, or sale of any of the substances referred to in Chapters 69.41, 69.50, and 69.52 RCW, or substantially similar laws of any political subdivision of this state or of any other state; or who is known to have been arrested for a drug related violation not resulting in a conviction because the person participated in a diversionary program, deferral program, Drug Court or a similar program; or a person who displays physical characteristics of drug intoxication or usage, such as "needle tracks"; or who possesses marijuana as defined in Section 9.22.010 of this Chapter; or a person who possesses drug paraphernalia as defined in Section 9.22.020 of this Chapter;
2. Such person is currently subject to an order from any court prohibiting his/her presence in a high drug activity geographic area;
3. Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a "lookout";
4. Such person transfers small objects or packages for currency in a furtive fashion;
5. Such person takes flight upon the appearance of a police officer;
6. Such person manifestly endeavors to conceal himself or herself or any object which reasonably could be involved in an unlawful drug-related activity;
7. The area involved is by public repute known to be an area of unlawful drug use and trafficking;
8. The premises involved are known to have been reported to law enforcement as a place suspected of drug activity pursuant to Chapter 69.52 RCW;
9. Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity.

7.04.020 - Designation of Anti-Drug Emphasis Areas

- A. Certain areas of the City shall be designated as and identified to be anti-drug emphasis areas based on the repeat incidents of illegal drug activities occurring therein, and enhanced penalties shall be applied in event of conviction of unlawful drug related acts or loitering for drug purposes, within the said areas. The areas to be so designated shall be identified by the City Council in an Ordinance or Resolution passed after consultation with the City Manager, City Attorney and the chief law enforcement officer of the City, and the list identifying such areas shall be kept on file in the office of the City Clerk. Additional areas may also be identified by the Judge of the Municipal or District Court hearing drug related cases arising from within the City. If a defendant is convicted of a drug related case occurring from within an area designated as an anti-drug emphasis area, a condition or term of sentence, deferral, or suspension, shall be that such defendant shall stay out of all areas of the City designated as an anti-drug emphasis area, unless there are significant and substantial extenuating circumstances in the defendant's particular case justifying avoidance of the requirement for such condition or term of sentence, deferral, or suspension. In such case, the significant and substantial extenuating circumstances shall be identified and recited in the record of the case.
- B. The following area is hereby designated as and identified to be an anti-drug emphasis area:

Area A. ORCHARD CORRIDOR

Starting at the northeast corner of 48th St. W. and Orchard St. W. west 1537 feet to Leach Creek, then southwest 5690 straight-line feet following the centerline of Leach Creek to a point where Leach Creek would cross 64th St. W., then east along southern edge of 64th St. W. to a point 857 feet east of Lakewood Dr. W., then north 933 feet along the eastern edge of Pierce County tax parcels 0220238036, 0220238035, 0220238034, 0220238033, 0220234128, 0220234131, 0220234139, and 0220234140, then west 234 feet along the northern edge of Pierce County tax parcel 0220234140, then north 337 feet along the eastern edge of Pierce County tax parcel 0220234013, then west 530 feet along the northern edge of Pierce County tax parcel 0220234013 to the east edge of Orchard St. W., then north along the eastern edge of Orchard St. W. to the northeast corner of 48th St. W. and Orchard St. W.

7.04.030 - Violation of Conditions of Release, Suspension or Deferral as Separate Crime

- A. The presence of any person within an anti-drug emphasis area in violation of court-imposed conditions of release or conditions of suspension or deferral of any sentence shall constitute a separate crime hereby designated a gross misdemeanor and any such person may be apprehended and arrested without the necessity for any warrant or additional court order. Upon conviction, any person so violating the conditions of release or conditions of suspension or deferral shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than one (1) year, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both such imprisonment and fine.

7.04.040 - Places of Illegal Drug Activity Declared Public Nuisances

Any building, structure or place within the City used for drug-related activity or for loitering with the intent of engaging in drug-related activity as defined in this Chapter is hereby declared to be a public nuisance.

7.04.050 - Evidence of Use for Illegal Drug Purposes

- A. Two or more criminal convictions of persons for drug-related offenses in a building, structure or place, within the one-year period preceding the commencement of an action under this Chapter shall give rise to a rebuttable presumption that the building, structure or place has been used for illegal drug purposes and is a public nuisance. In any action under this Chapter, evidence of the common fame and general reputation of the building or place, of the inmates or occupants thereof, or of those resorting thereto, shall be admissible as evidence to prove the existence of the public nuisance but must be supported by additional evidence. Evidence of the general reputation of the building or place, or of the inmates or occupants thereof that is sufficient to establish the existence of the public nuisance, shall be prima facie evidence of knowledge thereof and acquiescence and participation therein and responsibility for the nuisance by persons or legal entities having an interest in the property. Responsibility for the nuisance shall extend to the owners, lessors, lessees and all those in interest in any form in the property, real or personal, used in conducting or maintaining the public nuisance.
- B. Evidence of cooperation by owners, agents or managers of a building or place with police investigations or operations to control drug related activity may be used to rebut the presumptions created in this Chapter.

7.04.060 - Conviction as Prima Facie Evidence

Any conviction of any owner, manager, operator, agent or employee for any illegal drug activity, or for loitering with the intent of engaging in drug-related activity, when such offense was related to any business or commercial enterprise, shall be prima facie evidence that the building, structure or place upon or in which business or commercial enterprise is or was conducted, was used for illegal drug activities.

7.04.070 - Penalties for Maintenance of Public Nuisance

Maintenance of a public nuisance as declared herein, in addition to any other civil or criminal penalties, shall result in a civil penalty not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for a first conviction of maintaining a public nuisance and by abatement by closure of such business or commercial enterprise for the period of thirty (30) days for each subsequent conviction of maintaining a public nuisance.

7.04.080 - Violation - Penalty

Unless specifically provided otherwise, any person who violates the provisions of this Chapter is guilty of a gross misdemeanor and, upon conviction, shall be imprisoned in jail for a period of up to one year or fined an amount of not more than five thousand dollars (\$5,000.00) or both such jail time and fine.

Section 2. Severability. If any one or more sections, subsections or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 3. Effective date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON OCTOBER 1, 2012.

Ken Grassi, Mayor

ATTEST:

Emelita Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney

Date of Publication: 10/03/12
Effective Date: 10/08/12



AGENDA BILL APPROVAL FORM

Agenda Subject:

Community Development Block Grant Action Plan Update (15 Minutes) (Hinman)

Date:

November 8, 2017

Department:

Administration

Attachments:

[Executive Summary](#)

[CDBG Action Plan](#)

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

Meeting Date: November 13, 2017

Staff:

Item Number:

Executive Summary

AP-05 Executive Summary - 91.200(c), 91.220(b)

1. Introduction

Each year the City of Auburn executes specific actions to implement the goals and strategies of the Consolidated Plan for Years 2015-2019. Actions that will be undertaken in 2018 are outlined in this Annual Action Plan.

The City of Auburn anticipates the receipt of approximately \$428,078 in Community Development Block Grant (CDBG) funds in 2018. In addition to CDBG funds, the City allocates 1% of the City's General Funds to Human Services. Human Services oversees and is responsible for providing and managing financial resources to more than 30 non-profit agencies that serve the Auburn community, administering the local housing repair program, and developing collaborations among community partners to strengthen the response to residents in need.

The 2018 Action Plan proposes to allocate \$42,500 of CDBG funds to public services. Most of those funds (\$32,500) will be used to provide dental and medical care to uninsured or under insured low income Auburn residents. The remaining \$10,000 will be used for employment training.

Approximately \$85,000 of the CDBG funds will be allocated to program administration, which includes planning and citizen participation. The remaining \$300,000 will be allocated to residential rehabilitation.

The City of Auburn is committed to continuing to focus on achieving solutions to recurring social problems and achieving a greater collaboration among service providers. Overall the implementation of the Consolidated Plan is progressing as planned and all of the activities included are underway.

2. Summarize the objectives and outcomes identified in the Plan

This Action Plan allocates a total of \$428,078 dollars in anticipated 2017 Community Development Block Grant funds, to support the Community Development Block Grant program. With the overall goal of reducing the number of people living in poverty within the City of Auburn, the following objectives and outcomes will be employed:

1. Support decent, affordable housing for low income residents
2. Support job training activities as part of an anti-poverty strategy
3. Support low- and moderate-income neighborhoods
4. Support accessibility to affordable health care
5. Administer the Community Development Block Grant program to meet the community needs and HUD requirements

To accomplish these outcomes and objectives, the City invests in programs that meet the community basic needs, increase self-sufficiency, provide economic opportunity and develop a safe community.

3. Evaluation of past performance

During the past year Auburn has accomplished significant achievement on its programs and impacted the lives of thousands of residents. In 2016 alone, projects funded by the City completed the following:

- Over 50 senior and/or disabled homeowners received housing repair services.
- 12 Auburn small businesses received technical assistance to expand or start up in Auburn benefitting Low to Moderate income areas.
- Over 300 low to moderate income residents received free or low cost medical and/or dental care
- 20 low to moderate income Auburn residents received employment training and supportive services

4. Summary of Citizen Participation Process and consultation process

The city has engaged in a public participation process for the 2017 Annual Action Plan, as outlined below:

- Drafts of the Action Plan have been made available for public at City Hall and notices of its public view will be publicized in the local newspaper as of November 14, 2017
- Request for public comment will be emailed to service agencies on November 13, 2017 seeking input through December 15, 2017
- A public hearing will be provided on December 18, 2017, during the City Council meeting to receive input on the 2018 Annual Action Plan

The City of Auburn in conjunction with the Consortium consulted with multiple public and private agencies during the development of the consolidated plan. Agencies that participated in

consultations included: the King County Housing Authority, King County All Home, other government human service providers and nonprofit agencies delivering services in Auburn and the sub-region.

In addition to conducting consultations during the development of the plan, the City of Auburn collaborates and works closely with numerous coalitions, committees and government entities.

5. Summary of public comments

To be included following the public comment period.

6. Summary of comments or views not accepted and the reasons for not accepting them

To be included following the public comment period.

7. Summary

Auburn residents along with stakeholders, community partners, service providers and others were consulted during the development of the Action Plan. They provided valuable input that supported to the development of the outcomes and objectives listed in the plan.

Summary of public comment to be included following the public comment period.

PR-05 Lead & Responsible Agencies - 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Agency Role	Name	Department/Agency
Lead Agency	AUBURN	
CDBG Administrator		
ESG Administrator		

Table 1 – Responsible Agencies

Annual Action Plan Contact Information

Joy Scott
Human Services Manager
25 West Main Street
Auburn, WA 98001
253-876-1965
jfscott@auburnwa.gov

AP-10 Consultation - 91.100, 91.200(b), 91.215(l)

1. Introduction

The City of Auburn recognizes the importance of citizen participation in the development and implementation of the annual Action Plan. During the process of development, city staff consulted with multiple public and private agencies. Agencies that participated in consultations included: the King County Department of Community and Human Services, King County Human Services Planners, nonprofit agencies delivering services in Auburn and the sub-region as well as City of Auburn internal partnerships.

In addition to conducting consultations during the development of the plan, the City of Auburn collaborates and works closely with numerous coalitions, committees and government entities on an ongoing basis in efforts to enhance strategies and systems to meet established goals and objectives designated in the plan.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

The City of Auburn works closely with partnering King County jurisdictions, public housing authorities and health providers to develop systems in order to improve the quality of service and access for low-income residents as well as the community as a whole within the city and throughout the region.

Additionally, the City participates in monthly meetings with staff from King County Department of Community and Human Services, Public Health King County, the Housing Development Consortium, Valley Cities, the Multi-Service Center, and the King County Housing Authority to review program progress and delivery of services funded through regional efforts. This regional collaboration work is supported by the South King Housing and Homelessness Partnership, which Auburn and other South King County Cities contribute to in order to fund a full time position to address issues related to housing and homelessness in the South King County region.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

King County's regional Continuum of Care (CoC) aims to make homelessness in our region rare, brief, and one-time. In Coordination with the CoC, Auburn supported funding programs such as

the Valley Cities Landing, Nexus Youth and Families Severson House and the YWCA Auburn Transitional Housing Program. All programs provide housing and supportive services to homeless persons (including homeless Veterans, families, chronically homeless individuals and unaccompanied youth).

The City also participates in the annual Point in Time count of unsheltered individuals in King County, organized by our CoC.

Coordinating services and funding is critical to our region's implementation of the King County All Home strategic plan on homelessness which aims to help individuals and families experiencing homelessness meet three goals:

- achieve residential stability
- increase their skill levels and/or incomes
- strengthen their ability to influence decisions that affect their lives

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

All projects receiving CoC funding are required by HUD to apply for support through a local Continuum of Care. For King County, the Continuum of Care encompasses programs and activities within the borders of King County. Each continuum sets funding priorities and need for its community. The King County CoC priorities are set by All Home King County. Auburn staff contribute to the CoC by working collaboratively with All Home on efforts for King County to ensure coordination efforts between the two entities.

2. Agencies, groups, organizations and others who participated in the process and consultations

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	KING COUNTY
	Agency/Group/Organization Type	Other government - County
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	

Identify any Agency Types not consulted and provide rationale for not consulting

The City of Auburn consulted with all types of organizations that primarily serve the populations focused on in the Action Plan and implemented programs that addressed the greatest need in the community.

The only types of organizations not consulted with were corrections facilities and homeless shelters. The rationale for not consulting with these facilities is that the City does not host either type of organization in the region.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	King County	The goals of Auburn's Strategic Plan overlap with the goals of the CoC to address the needs of homeless residents in the community and reduce the risk of homelessness.

Table 3 - Other local / regional / federal planning efforts

AP-12 Participation - 91.401, 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

Citizen participation plays a crucial role in the success of the City's Annual Action Plan. The goals are to hear the community's feedback and recommendations on how CDBG funds should be invested and how services can coordinate to achieve the greatest impact. In addition to the targeted outreach listed below, the City regularly engages service providers and stakeholders in discussions regarding human services and local economic development needs. Organizations funded by the city are monitored throughout the year and report quarterly on progress, trends, and challenges. City staff co-host a monthly meeting of service providers working with individuals and families experiencing homelessness in the region to gather feedback and support increased capacity building through broad collaboration of regional providers. In addition, City staff meet regularly with other cities in the area and other funders to evaluate gaps in services and seek solutions to local and regional community development challenges.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Newspaper Ad	Non-targeted/broad community		To be included following the public comment period.		
2	Email	Service providers in Auburn		To be included following the public comment period		

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

Introduction

The City of Auburn anticipates funding for the duration of the Consolidated Plan from

- CDBG
- City of Auburn General Fund allocation for Human Services

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	428,078	0	0	428,078	856,156	

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
General Fund	public - local	Public Services	500,000	0	0	500,000	1,000,000	1% of City's General Fund is allocated to Human Services. These funds support agencies that deliver services to Auburn residents addressing child abuse and neglect, domestic violence and sexual assault, health care, and poverty reduction.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City of Auburn relies on CDBG funds to support community and economic development projects and activities in efforts to support low to moderate income populations to become self-sufficient and sustain affordable housing. However, CDBG funds are not the only source of funds the City uses to support community projects and activities.

The City's general funds are used to support direct services benefitting Auburn's at risk populations in addition to CDBG funds.

CDBG funds do not require matching funds.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs

identified in the plan

N/A

Discussion

The City of Auburn will use CDBG funds to support eligible projects and activities that align with CDBG guidelines and regulations.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	End Homelessness	2015	2019	Homeless		Homeless Prevention and Intervention	CDBG: \$42,500	Homelessness Prevention: 150 Persons Assisted Jobs created/retained: 15 Jobs
2	Ensure Decent, Affordable Housing	2015	2019	Affordable Housing Public Housing		Affordable Housing Development and Preservation Neighborhood Revitalization	CDBG: \$300,000	Homeowner Housing Rehabilitated: 50 Household Housing Unit
3	Planning and Administration	2015	2019	Planning and Administration			CDBG: \$85,578	

Table 6 – Goals Summary

AP-35 Projects - 91.420, 91.220(d)

Introduction

Auburn's Annual Action Plan provides descriptions of proposals of how funds will be prioritized to achieve goals identified in the Consolidated Plan. Projects funded by the City will address the priority needs of providing assistance to prevent homelessness, ensure affordable housing and a suitable living environment. Projects and programs are selected through a competitive application process to ensure optimal quality services is provided to the community in use of the funds.

#	Project Name
1	Housing Repair
2	Administration
3	HealthPoint
4	Employment Training Program

Table 7 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The allocations proposed are based on the assessment of Auburn's needs, the resources available in the region, the availability of other funds also focusing on needs, and the purpose of Consolidated Plan funds.

Should CDBG revenues exceed the proposed amount, the additional resources shall be allocated in accordance to the following guidelines:

- Fill gaps in human services primarily healthcare, homeless prevention and intervention and affordable housing accessibility.
- Increase funding for community development projects and activities including housing, community facilities and economic development.

If increases are not significant enough to enhance projects or activities funds may be placed in contingency for programming later in the year or the following program year.

Should CDBG revenues come in lower than anticipated; the City will continue with its planned policy and to the extent allowed reduce funding allocations in physical development projects and administrative activities.

Should CDBG revenues come in less than originally proposed, the City will continue managing the

programs with decreased resources to the extent possible and reduce funding allocations in administrative activities and not public services.

If exceeded revenues are not significant enough to enhance or fund a project, funds may be placed in contingency for programming later in the year or in the next program year.

AP-38 Project Summary
Project Summary Information

1	Project Name	HOUSING REPAIR
	Target Area	
	Goals Supported	Ensure a Suitable Living Environment End Homelessness Ensure Decent, Affordable Housing
	Needs Addressed	Affordable Housing Development and Preservation Neighborhood Revitalization
	Funding	CDBG: \$300,000
	Description	Maintain the affordability of decent housing for low-income Auburn residents by providing repairs necessary to maintain suitable housing for low income Auburn homeowners.
	Target Date	12/29/2018
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 50 low to moderate income families will benefit from the housing repair program. As the City's largest homeless prevention program, housing repair ensures the sustainability of a safe home for some of Auburn's most vulnerable residents. Of the 50 low to moderate income residents who apply for the program, over half of them are of the senior and disabled population.
	Location Description	n/a
	Planned Activities	Activities include minor home repairs.
2	Project Name	ADMINISTRATION
	Target Area	
	Goals Supported	Planning and Administration
	Needs Addressed	
	Funding	CDBG: \$85,578
	Description	General administration and project management
	Target Date	12/29/2017
	Estimate the number and type of families that will benefit from the proposed activities	n/a
	Location Description	n/a

	Planned Activities	General planning and administration of the CDBG programs include: management of the housing repair program, management of all CDBG related finances, all grant reporting, monitoring of subrecipients and providing guidance of program implementation in Auburn.
3	Project Name	HEALTHPOINT
	Target Area	
	Goals Supported	End Homelessness
	Needs Addressed	Homeless Prevention and Intervention
	Funding	CDBG: \$32,500
	Description	Providing healthcare services which include medical and dental to 200 or more low to moderate income, Auburn residents.
	Target Date	12/29/2018
	Estimate the number and type of families that will benefit from the proposed activities	Over 200 low to moderate income Auburn residents will have benefitted from the proposed activities.
	Location Description	n/a
	Planned Activities	Activities include medical and dental services to residents of Auburn.
4	Project Name	EMPLOYMENT TRAINING PROGRAM
	Target Area	
	Goals Supported	End Homelessness
	Needs Addressed	Homeless Prevention and Intervention
	Funding	CDBG: \$10,000
	Description	Provide employment training supportive services to approximately 15 low to moderate income Auburn residents so that at least half of them can find and sustain a job. This project is a public service.
	Target Date	12/29/2018
	Estimate the number and type of families that will benefit from the proposed activities	15 low to moderate income Auburn residents will benefit from the employment training program.
	Location Description	n/a

	Planned Activities	Planned activities include employment training supportive services to Auburn residents.
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AP-50 Geographic Distribution - 91.420, 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The City of Auburn intends on distributing funds throughout the jurisdiction.

Rationale for the priorities for allocating investments geographically

Due to the fact that all areas of Auburn have low to moderate income families dispersed throughout the entire City, the City intends on investing throughout the entire jurisdiction to ensure that all populations throughout the region have access to beneficial programs and housing opportunities.

AP-75 Barriers to affordable housing -91.420, 91.220(j)

Introduction

The City of Auburn will continue to work with service providers, the housing authority and residents in coordination to fully address and develop systems and strategies to promote their efforts in providing sustainable, affordable housing.

Auburn's partnerships with organizations such as the King County Housing Authority, Master Builders Association and the Seattle King County Housing Development Consortium have allowed the City to explore new and innovative strategies to continue to offer affordable housing to its current and prospective residents.

In 2017, Auburn saw the addition of over 1000 new units of multifamily housing that cater to seniors as well as low to moderate income residents.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City of Auburn will continue to look at policies that remove barriers to affordable housing. The City of Auburn's Comprehensive Land Use Plan includes several policies and objectives that will guide the city toward achieving its affordable and fair housing goals. These policies include maintaining flexibility in land use to achieve a balanced mix of affordable housing opportunities. The City will continue to pursue mixed use developments that are consistent with the transportation oriented developments located in Auburn's downtown. The City will look for opportunities with public and private agencies to implement policies and offer programs that help alleviate physical and economic distress, conserve energy resources, improve the quality and quantity of community services, and eliminate conditions that are detrimental to health, safety and public welfare.

In 2017 the City of Auburn passed an ordinance that does not allow landlords of multifamily units to discriminate against potential renters based on their source of income. This means that those seeking housing with income sources such as: SSI/SSDI, Veterans

benefits, Section 8 vouchers, other forms of income will have the same access to housing as the rest of the community.

AP-85 Other Actions - 91.420, 91.220(k)

Introduction

The City of Auburn will continue to work with service providers throughout the region in coordination to develop systems and strategies to promote their efforts in providing optimal, easily accessible services. The City will work to reduce the number of families in poverty, sustain relationships with employment training agencies, and work to preserve the affordable housing stock in our community.

Actions planned to address obstacles to meeting underserved needs

By establishing a strong foundation of networks between local service providers, stakeholders and government agencies through committees and coalitions, the City will work in partnership to address obstacles and ameliorate barriers to meeting underserved needs. The collaborated organizations will develop detailed strategic plans that will delegate tasks, build systems and ongoing assessment of service delivery.

Actions planned to foster and maintain affordable housing

The City will continue to maintain the affordability of decent housing for low income Auburn residents by allocating \$300,000 of CDBG funds to the City's Housing Repair Program. The program provides emergency repairs necessary to maintain safe housing for up to 65 Auburn homeowners, many of whom are senior citizens and/or are experiencing barriers to safely accessing their homes due to physical disabilities or impairment.

In addition to Auburn's Housing Repair program, the City will maintain affordable housing by continuing to engage and partner with coalitions, committees and other government agencies to integrate and enhance efforts on the issue.

Actions planned to reduce lead-based paint hazards

The City of Auburn will continue to implement U.S. Department of Housing Urban Development (HUD) regulations to protect residents from lead-based paint hazards in housing that is financially assisted by the federal government. The requirements apply only to housing built prior to 1980, the year lead-based paint was banned nationwide for consumers.

Actions planned to reduce the number of poverty-level families

The City of Auburn's planned actions to reduce the number of poverty- level families include but are not

limited to:

- Allocating \$10,000 to employment and training programs
- Allocating more than \$32,000 to healthcare services targeted at families who are uninsured or underinsured
- Participate and partner with coalitions, committees and agencies that provide antipoverty services to develop and enhance strategies and efforts to reduce poverty level families
- Supporting the development and sustainability of affordable multi-family housing in Auburn
- Support and continue to fund programs serving families living in poverty

Actions planned to develop institutional structure

The City's planned actions to address the gaps and weaknesses identified in the strategic plan include:

- Maintaining partnerships with and participating in the South King County Housing and Homelessness Partnership, All Home of King County and other regional human service providers, coalitions and committees who address homeless issues. The City will also continue to work collaboratively with partnering organizations and groups to integrate and enhance services to provide optimal services to individuals and families currently experiencing or at risk of homelessness. In addition the City will allocate more than \$45,000 to emergency shelters and transitional housing and more than \$60,000 to emergency services such as food, financial assistance, clothing and healthcare.
- Take a comprehensive approach to consolidated and comprehensive planning to include all internal City departments, commissions, committees and task force.

Actions planned to enhance coordination between public and private housing and social service agencies

The City of Auburn has heavily contributed and intends to continue cultivating relationships between public and private housing and social service agencies. In addition the City will continue to participate in collaborations with the South King County Forum on Homelessness, the South King County Council of Human Services, Seattle-King County Housing Development Consortium and the King County Joint Planners Meeting.

In 2016 the City of Auburn started participating in Affordable Housing Week through the Housing Development Consortium along with other public and private housing agencies in King County to continue our partnerships in providing affordable housing in the region. The City will continue participation in this annual event and look for other similar opportunities to raise build partnerships to support the

preservation and enhanced affordability of housing in our community.

Discussion

The expressed goal of the City's Consolidated Plan is to reduce the number of people living in poverty within Auburn. The City intends to give funding priority to programs that, in addition to complying with federal regulations, address a priority outlined in the Consolidated Plan consistent with all of the goals and objectives identified.

Program Specific Requirements

AP-90 Program Specific Requirements - 91.420, 91.220(I)(1,2,4)

Introduction

The City of Auburn will use all CDBG funds to support projects and activities benefiting low and moderate income residents. Funds will be used for Public Services and Planning and Administration with the remaining balance intended for housing rehab services.

Community Development Block Grant Program (CDBG) - Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

Discussion

The City of Auburn will continue to use all of its funds to support residents of low/moderate income while maintaining a focus on underserved and special populations

City of Auburn

Housing and Urban Development Community Development Block Grant

2018 ACTION PLAN

Community Development Block Grant

The CDBG Entitlement Program provides annual grants on a formula basis to entitled cities to develop viable urban communities.

Projects must:

- Align with HUD's National Objectives
- Be eligible under HUD's guidelines
- Benefit low and moderate income persons

Examples of Eligible Activities for CBDG Funds

- Acquisition of Real Property
- Public Facility ADA improvements
- Site Preparation
- Public Services **(15% of annual allocation)**
- Home Rehabilitation
- Code Enforcement
- Economic Development Activities
- Job Creation for Low-Income Individuals
- Microenterprise Assistance
- Homeownership Assistance
- Planning and Capacity Building
- Program Admin Costs **(20% of annual allocation)**

CDBG Projects Past and Present

- Housing Repair Program (*Rehabilitation*)
- Employment Training (*Public Service*)
- Healthcare to under and uninsured Auburn residents (*Public Service*)
- Small Business Assistance (*Economic Development*)
- Les Gove Bathroom ADA Upgrade (*Public Facility Improvement*)
- Downtown Business Façade Upgrades (*Economic Development*)
- Shaughnessy Park Improvements (*Public Facility Improvement*)

Our CDBG Dollars at Work

Auburn's Housing Repair
Program



Our CDBG Dollars at Work

Auburn's Housing Repair
Program



Our CDBG Dollars at Work

Auburn's Housing Repair
Program



CDBG Administrative Requirements

- Five Year Consolidated Plan
- Eligibility Reviews
- **Annual Action Plans**
- Consolidated Annual Performance Evaluation Report (CAPER)
- Annual Subrecipient Monitoring
- Financial Management
- Project Management
 - Environmental Reviews
 - Procurement Procedure
 - Lead Mitigation

2018 Action Plan

- Expected CDBG Funding Allocation: \$428,078
 - Public Services (15% Cap): \$42,500
 - HealthPoint: \$32,500
 - Medical and dental care for un- and under-insured Auburn residents
 - Multi-Service Center: \$10,000
 - Job training services for low- to moderate-income Auburn residents
 - Housing Repair: \$300,000
 - At least 50 low- to moderate-income Auburn homeowners served
 - Over 50% Seniors or Disabled
 - Administration (20% Cap): \$85,578

2018 Action Plan

Next Steps:

- Public Comment Period
 - 30 Days
 - Ad in Seattle Times
 - Email to Service Providers
 - Public Hearing
- Revised Action Plan
 - Public input reflected in new draft
- December 18th Council Meeting
 - Approve Action Plan to submit to HUD

Thank you!

Joy Scott
Human Services Manager
253-876-1965
jfscott@auburnwa.gov

Questions?

AGENDA BILL APPROVAL FORM

Agenda Subject:

Matrix

Date:

November 8, 2017

Department:

Administration

Attachments:

[Matrix](#)

[Special Focus Areas](#)

Budget Impact:

Administrative Recommendation:

Background Summary:

Reviewed by Council Committees:

Councilmember:

Meeting Date: November 13, 2017

Staff:

Item Number:

COUNCIL MATRIX

NO.	TOPIC	Chair	STAFF LEAD(S)	STUDY SESSION REVIEW DATE(S)	COUNCIL DISCUSSION SUMMARY	ACTION DATE
1	Capital Projects Update and Featured Capital Project Discussion	Chair Wagner Vice Chair DaCorsi	Director Snyder	12/11/2017		
2	Community Sustainability Series: Economic and Statutory Considerations for Municipalities	Chair Wagner Vice Chair DaCorsi	Director Snyder	Rescheduled for later this year		
3	IT Update on Digital Parity	Chair Wagner Vice Chair DaCorsi	Director Haugan	12/11/2017		
4	Code Enforcement Presentation	Chair Wagner Vice Chair DaCorsi	Director Snyder	2018		
5	Property at 104th and 102nd and Plans for the Green River Park	Chair Wagner Vice Chair DaCorsi	Director Snyder	12/11/2017		
6	118th Avenue SE Roadway Issue	Chair Wagner Vice Chair DaCorsi	Director Snyder	12/11/2017		
7	Density Calculation	Chair Wagner Vice Chair DaCorsi	Director Snyder	12/11/2017		
8	Centers Designation Overview	Chair Wagner Vice Chair DaCorsi	Director Snyder	12/11/2017		
9	Traffic Calming	Chair Wagner Vice Chair DaCorsi	Director Snyder	2/26/2018		
10	Business Shopping Carts	Chair Pelosa Vice Chair Baggett	Director Snyder	3/1/2018		
11	Auburn Avenue Theater	Chair Pelosa Vice Chair Baggett	Director Faber	1/8/2018		
12	Third Quarter Financial Report	Chair Baggett Vice Chair Wagner	Director Coleman	TBD		
13	Council Budget Priorities	Chair Baggett Vice Chair Wagner	Director Coleman	11/27/2017		
14	Legal Rights for Undocumented Residents	Chair Trout-Manuel Chair Wales	Vice Director Hinman	future meeting		
15	Additional funding for the Community Block Grant Matching Funds	Chair Trout-Manuel Chair Wales	Vice Director Hinman	11/13/2017		

SPECIAL FOCUS AREAS

HEALTH & HUMAN SERVICES	FINANCE & ECONOMIC DEVELOPMENT	PUBLIC WORKS & COMMUNITY DEVELOPMENT	MUNICIPAL SERVICES
HUMAN SERVICES FUNDING PUBLIC WELLNESS DOMESTIC VIOLENCE SERVICES HOMELESSNESS SERVICES AFFORDABLE HOUSING COMMUNITY SERVICES HUMAN RESOURCES MEDICAL COMMUNITY RELATIONS	CITY BUDGET & AMENDMENTS RISK MANAGEMENT EQUIPMENT RENTAL FACILITIES CITY REAL PROPERTY LEGAL DEVELOPMENT INCENTIVES BUSINESS DEVELOPMENT ECONOMIC DEVELOPMENT STRATEGIES	UTILITIES ZONING, CODES & PERMITS INNOVATION & TECHNOLOGY TRANSPORTATION STREETS ENGINEERING CAPITAL PROJECTS SUSTAINABILITY ENVIRONMENTAL PROTECTION CULTURAL ARTS & PUBLIC ARTS PLANNING	POLICE SCORE JAIL DISTRICT COURT PARKS & RECREATION ANIMAL CONTROL SOLID WASTE EMERGENCY PLANNING AIRPORT AIRPORT BUSINESSES SISTER CITIES MULTIMEDIA
Councilmember Trout-Manuel, Chair Deputy Mayor Wales, Vice Chair	Councilmember Baggett, Chair Councilmember Wagner, Vice Chair	Councilmember Wagner, Chair Councilmember DaCorsi, Vice Chair	Councilmember Peloza, Chair Councilmember Baggett, Vice Chair
2017 MEETING DATES March 13, 2017 May 8, 2017 July 10, 2017 September 11, 2017 November 13, 2017	2017 MEETING DATES March 27, 2017 May 22, 2017 June 12, 2017 July 24, 2017 August 14, 2017 September 25, 2017 November 27, 2017	2017 MEETING DATES April 10, 2017 June 12, 2017 May 22, 2017 August 14, 2017 July 24, 2017 October 9, 2017 December 11, 2017	2017 MEETING DATES April 24, 2017 June 26, 2017 August 28, 2017 October 23, 2017 December 26, 2017