



CITY COUNCIL MEETING AGENDA

February 4, 2013

- 6:00 p.m. - Special Meeting for the purpose of holding a discussion on naming the 2013 Citizen(s) of the Year Award recipient(s)
- 6:15 p.m. - Special Meeting for the purpose of holding an Executive Session to (1) discuss litigation/potential litigation, and (2) conduct the City Manager's evaluation
- 7:00 p.m. – Regular Meeting

PAGE NO.

1. CALL TO ORDER	2. PLEDGE OF ALLEGIANCE	3. ROLL CALL	
4. AGENDA CONFIRMATION			
5. PUBLIC COMMENT	Individuals will please limit their comments to three minutes, and groups to five minutes.		
6. CORRESPONDENCE FOR THE RECORD	a. Email Dated January 29, 2013, from Kimberly Hatling.		3.
7. CONSENT AGENDA	a. Approval of Vouchers: Numbers 33740 - 33890 in the Amounts of \$573,531.57.		5.
	b. Approval of Minutes: Regular Meeting, January 28, 2013.		25.
	c. Motion to Approve the 2013-2014 Public Art Plan.		29.
	d. Motion to Authorize the City Manager to Execute the 2013-2020 Interlocal Agreement with King County for Jail Services.		31.
8. BUSINESS AGENDA	a. Motion on Naming the 2013 Annual Citizen(s) of the Year Award Recipient(s).		69.
	b. Review of Revisions to the City Council Policies and Procedures.		73.
	c. Discuss Ordinance 577, Accepting Property Donations.		161.
	d. City Business.		165.
9. COUNCIL REPORTS			
10. ADJOURNMENT			

COUNCILMEMBERS

Brian Bennett, Mayor Lucy Krakowiak, Deputy Mayor Jack Block, Jr.
 Rose Clark Bob Edgar Joan McGilton Gerald F. Robison

City Hall, 400 SW 152nd Street, 1st Floor

Carol Allread

From: Public Council Inbox
Sent: Wednesday, January 30, 2013 8:41 AM
To: 'krsh@comcast.net'
Subject: RE: comments for the Public Hearing on the Comp Plan

Dear Ms. Hatling,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant, City Manager Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

From: krsh@comcast.net [<mailto:krsh@comcast.net>]
Sent: Tuesday, January 29, 2013 1:25 PM
To: Monica Lusk; Public Council Inbox
Subject: comments for the Public Hearing on the Comp Plan

Monica Lusk <MONICAL@burienwa.gov>

City Council Burien <council@burienwa.gov>

To the Burien City Council;

I am requesting that you keep the language as proposed by Council member Edgar on 11/19/12 for Policy SE 1.3 (Special Planning Area 2/RDCC) on page 278/item 6 of the Jan. 28, 2013 council packet. The language he has submitted is consistent with the Enviromental Impact Statement for the Comp Plan as well as the current draft SMP. It allows only visual public access to the water to protect the water quality.

Sincerely,

Kimberly Hatling

C: FTR: 02/04/13

cc: David Johanson, Interim Community Development Director



COMPUTER CHECK REGISTER

CHECK REGISTER APPROVAL

WE, THE MEMBERS OF THE CITY COUNCIL OF BURIEN, WASHINGTON, HAVING RECEIVED DEPARTMENT CERTIFICATION THAT MERCHANDISE AND/OR SERVICES HAVE BEEN RECEIVED OR RENDERED, DO HEREBY APPROVE FOR PAYMENT ON This 4th day of February 2013 the FOLLOWING:

CHECK NOS. 33740- 33890

IN THE AMOUNTS OF \$573,531.57

WITH VOIDED CHECK NOS. 0



Accounts Payable
Checks for Approval



User: cathy
Printed: 01/31/2013 - 8:18 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33740	02/04/2013	General Fund	Utility Tax Low Income Refund	Angelina Archer	9.72
				Check Total:	9.72
33741	02/04/2013	General Fund	Utility Tax Low Income Refund	Kia Archer	18.42
				Check Total:	18.42
33742	02/04/2013	General Fund	Utility Tax Low Income Refund	Tracy Baxter	34.88
				Check Total:	34.88
33743	02/04/2013	General Fund	Utility Tax Low Income Refund	Lila Bergamo	58.31
				Check Total:	58.31
33744	02/04/2013	General Fund	Utility Tax Low Income Refund	Elisabeth Blum	44.52
				Check Total:	44.52
33745	02/04/2013	General Fund	Utility Tax Low Income Refund	Margaret Boyd	44.52
				Check Total:	44.52
33746	02/04/2013	General Fund	Utility Tax Low Income Refund	Norman Braxton	34.19
				Check Total:	34.19
33747	02/04/2013	General Fund	Utility Tax Low Income Refund	Edward Courtney	24.08

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	24.08
33748	02/04/2013	General Fund	Utility Tax Low Income Refund	Sandra Drlevich	58.31
				Check Total:	58.31
33749	02/04/2013	General Fund	Utility Tax Low Income Refund	Judith Evans	40.36
				Check Total:	40.36
33750	02/04/2013	General Fund	Utility Tax Low Income Refund	Clarice Fenster	44.32
				Check Total:	44.32
33751	02/04/2013	General Fund	Utility Tax Low Income Refund	Thomas Fortson	22.14
				Check Total:	22.14
33752	02/04/2013	General Fund	Utility Tax Low Income Refund	Thomas Fowler	54.35
				Check Total:	54.35
33753	02/04/2013	General Fund	Utility Tax Low Income Refund	Shirley Garrard-Williams	14.46
				Check Total:	14.46
33754	02/04/2013	General Fund	Utility Tax Low Income Refund	Donna Gibson	56.08
				Check Total:	56.08
33755	02/04/2013	General Fund	Utility Tax Low Income Refund	Nancy Hasten	8.70
				Check Total:	8.70
33756	02/04/2013	General Fund	Utility Tax Low Income Refund	Arthur Hill	58.31
				Check Total:	58.31
33757	02/04/2013	General Fund	Utility Tax Low Income Refund	Sharon Houlihan	44.32

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	44.32
33758	02/04/2013	General Fund	Utility Tax Low Income Refund	Annette Hughes	54.65
				Check Total:	54.65
33759	02/04/2013	General Fund	Utility Tax Low Income Refund	Sheri Joyce	22.14
				Check Total:	22.14
33760	02/04/2013	General Fund	Utility Tax Low Income Refund	Mabel Larson	58.31
				Check Total:	58.31
33761	02/04/2013	General Fund	Utility Tax Low Income Refund	Hans Leistina	58.31
				Check Total:	58.31
33762	02/04/2013	General Fund	Utility Tax Low Income Refund	Leo & Bonnie Lloyd	54.65
				Check Total:	54.65
33763	02/04/2013	General Fund	Utility Tax Low Income Refund	Ruby Malbrough	38.51
				Check Total:	38.51
33764	02/04/2013	General Fund	Utility Tax Low Income Refund	Janet McGill	34.19
				Check Total:	34.19
33765	02/04/2013	General Fund	Utility Tax Low Income Refund	Doris Moore	9.72
				Check Total:	9.72
33766	02/04/2013	General Fund	Utility Tax Low Income Refund	Yunena Morales	5.40
				Check Total:	5.40
33767	02/04/2013	General Fund	Utility Tax Low Income Refund	Colleen Phillips	58.31

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	58.31
33768	02/04/2013	General Fund	Utility Tax Low Income Refund	Karen Pierce	58.31
				Check Total:	58.31
33769	02/04/2013	General Fund	Utility Tax Low Income Refund	Allen Pike	18.42
				Check Total:	18.42
33770	02/04/2013	General Fund	Utility Tax Low Income Refund	Ann Barnes	38.51
				Check Total:	38.51
33771	02/04/2013	General Fund	Utility Tax Low Income Refund	Winona Mary Deyman	58.31
				Check Total:	58.31
33772	02/04/2013	General Fund	Utility Tax Low Income Refund	Eleanor Mannion	44.32
				Check Total:	44.32
33773	02/04/2013	General Fund	Utility Tax Low Income Refund	Robert H. Stoffel	56.53
				Check Total:	56.53
33774	02/04/2013	General Fund	Utility Tax Low Income Refund	Marian Desgranges	44.32
				Check Total:	44.32
33775	02/04/2013	General Fund	Utility Tax Low Income Refund	Gladys Staiger	38.51
				Check Total:	38.51
33776	02/04/2013	General Fund	Utility Tax Low Income Refund	Lorraine Phelps	58.31
				Check Total:	58.31
33777	02/04/2013	General Fund	Utility Tax Low Income Refund	Fay Ann Alpaugh	44.32

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	44.32
33778	02/04/2013	General Fund	Utility Tax Low Income Refund	Larry Burton	22.14
				Check Total:	22.14
33779	02/04/2013	General Fund	Utility Tax Low Income Refund	Tanya Engeset	9.72
				Check Total:	9.72
33780	02/04/2013	General Fund	Utility Tax Low Income Refund	Richard Limmer	41.18
				Check Total:	41.18
33781	02/04/2013	General Fund	Utility Tax Low Income Refund	Edith Berger	58.31
				Check Total:	58.31
33782	02/04/2013	General Fund	Utility Tax Low Income Refund	Frieda McElbinney	18.42
				Check Total:	18.42
33783	02/04/2013	General Fund	Utility Tax Low Income Refund	Janette Williams	43.53
				Check Total:	43.53
33784	02/04/2013	General Fund	Utility Tax Low Income Refund	Geneva Goldsmith	54.35
				Check Total:	54.35
33785	02/04/2013	General Fund	Utility Tax Low Income Refund	Dina Hrisko	58.31
				Check Total:	58.31
33786	02/04/2013	General Fund	Utility Tax Low Income Refund	Artemio Idefonso	58.31
				Check Total:	58.31
33787	02/04/2013	General Fund	Utility Tax Low Income Refund	Catherine Jamerson	9.72

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	9.72
33788	02/04/2013	General Fund	Utility Tax Low Income Refund	Rudie McDaniel	34.91
				Check Total:	34.91
33789	02/04/2013	General Fund	Utility Tax Low Income Refund	Faye Schwartz	9.72
				Check Total:	9.72
33790	02/04/2013	General Fund	Utility Tax Low Income Refund	Grace Smith	26.17
				Check Total:	26.17
33791	02/04/2013	General Fund	Utility Tax Low Income Refund	Genevieve Solvang	9.72
				Check Total:	9.72
33792	02/04/2013	General Fund	Utility Tax Low Income Refund	Frances Steinebach	41.18
				Check Total:	41.18
33793	02/04/2013	General Fund	Utility Tax Low Income Refund	Lorna Toy	44.32
				Check Total:	44.32
33794	02/04/2013	General Fund	Office and Operating Supplies	ACE Hardware	3.29
33794	02/04/2013	General Fund	Office and Operating Supplies	ACE Hardware	16.38
33794	02/04/2013	General Fund	Office And Operating Supplies	ACE Hardware	14.22
33794	02/04/2013	General Fund	Office and Operating Supplies	ACE Hardware	2.51
33794	02/04/2013	General Fund	Office And Operating Supplies	ACE Hardware	12.90
				Check Total:	49.30
33795	02/04/2013	General Fund	Operating Rentals And Leases	Airgas USA LLC	28.34
				Check Total:	28.34
33796	02/04/2013	Parks & Gen Gov't CIP	No Acct Description Available	Anchor QEA, LLC	1,852.25

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	1,852.25
33797	02/04/2013	General Fund	Professional Services	Admin Office of the Courts	11.64	
					Check Total:	11.64
33798	02/04/2013	General Fund	Other Travel	LISA AUMANN	28.86	
33798	02/04/2013	General Fund	Other Travel	LISA AUMANN	3.00	
					Check Total:	31.86
33799	02/04/2013	General Fund	No Acct Description Available	Paul Trevor Graham Barton	800.00	
33799	02/04/2013	General Fund	Computer Consultant Prof Svcs	Paul Trevor Graham Barton	80.00	
					Check Total:	880.00
33800	02/04/2013	General Fund	Office and Operating Supplies	Burien Sand & Gravel	356.31	
					Check Total:	356.31
33801	02/04/2013	General Fund	Repair and Maintenance	Critter Control of Seattle	338.36	
					Check Total:	338.36
33802	02/04/2013	General Fund	Professional Services	Cardmember Service	87.60	
33802	02/04/2013	General Fund	Office And Operating Supplies	Cardmember Service	109.59	
33802	02/04/2013	General Fund	No Acct Description Available	Cardmember Service	22.49	
33802	02/04/2013	General Fund	No Acct Description Available	Cardmember Service	144.99	
33802	02/04/2013	General Fund	No Acct Description Available	Cardmember Service	182.30	
33802	02/04/2013	General Fund	No Acct Description Available	Cardmember Service	206.44	
33802	02/04/2013	General Fund	No Acct Description Available	Cardmember Service	63.75	
33802	02/04/2013	General Fund	No Acct Description Available	Cardmember Service	78.40	
33802	02/04/2013	General Fund	No Acct Description Available	Cardmember Service	112.30	
33802	02/04/2013	General Fund	No Acct Description Available	Cardmember Service	135.59	
33802	02/04/2013	General Fund	No Acct Description Available	Cardmember Service	2.62	
33802	02/04/2013	General Fund	No Acct Description Available	Cardmember Service	44.84	
33802	02/04/2013	General Fund	No Acct Description Available	Cardmember Service	10.93	
33802	02/04/2013	General Fund	No Acct Description Available	Cardmember Service	882.00	
33802	02/04/2013	General Fund	No Acct Description Available	Cardmember Service	86.98	
33802	02/04/2013	General Fund	Registration - Training/Workshp	Cardmember Service	125.00	
33802	02/04/2013	General Fund	Office/Operating Supplies	Cardmember Service	64.00	
33802	02/04/2013	General Fund	No Acct Description Available	Cardmember Service	264.00	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33802	02/04/2013	General Fund	Office and Operating Supplies	Cardmember Service	78.61
33802	02/04/2013	General Fund	Software Subscription Costs	Cardmember Service	19.98
33802	02/04/2013	General Fund	Office Supplies	Cardmember Service	10.47
33802	02/04/2013	General Fund	Office And Operating Supplies	Cardmember Service	284.69
33802	02/04/2013	General Fund	No Acct Description Available	Cardmember Service	59.95
33802	02/04/2013	General Fund	No Acct Description Available	Cardmember Service	70.00
Check Total:					3,147.52
33803	02/04/2013	General Fund	Human Svc-Family/Youth	Consejo Counseling & Referral	2,375.00
Check Total:					2,375.00
33804	02/04/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	22.47
33804	02/04/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	16.89
33804	02/04/2013	General Fund	Utilities	City of Seattle	126.60
33804	02/04/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	36.97
33804	02/04/2013	General Fund	Utilities	City of Seattle	18.89
33804	02/04/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	18.60
33804	02/04/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	93.06
33804	02/04/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	126.37
33804	02/04/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	17.24
33804	02/04/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	17.22
33804	02/04/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	90.12
33804	02/04/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	201.51
33804	02/04/2013	Street Fund	Utilities-street Lighting	City of Seattle	55.57
33804	02/04/2013	Street Fund	Utilities-street Lighting	City of Seattle	24.11
33804	02/04/2013	Street Fund	Utilities-street Lighting	City of Seattle	12.90
33804	02/04/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	523.86
33804	02/04/2013	Street Fund	Utilities-street Lighting	City of Seattle	15.05
33804	02/04/2013	Street Fund	Utilities-street Lighting	City of Seattle	4,251.51
Check Total:					5,668.94
33805	02/04/2013	Surface Water Management Fund	Pole lease	Washington State DOR	1,027.20
33805	02/04/2013	General Fund	Leasehold Excise Taxes	Washington State DOR	231.90
33805	02/04/2013	General Fund	Sales Tax Payable	Washington State DOR	34.82
33805	02/04/2013	General Fund	Miscellaneous	Washington State DOR	617.40
Check Total:					1,911.32
33806	02/04/2013	Transportation CIP	No Acct Description Available	DPK Inc.	132,102.96
33806	02/04/2013	Transportation CIP	No Acct Description Available	DPK Inc.	85.92

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	132,188.88
33807	02/04/2013	General Fund	Professional Services	Goodbye Graffiti	1,761.86
				Check Total:	1,761.86
33808	02/04/2013	General Fund	No Acct Description Available	Heartland LLC	1,287.95
33808	02/04/2013	General Fund	No Acct Description Available	Heartland LLC	4,951.40
				Check Total:	6,239.35
33809	02/04/2013	General Fund	Miscellaneous	Iron Mountain	572.16
33809	02/04/2013	General Fund	Miscellaneous	Iron Mountain	164.40
33809	02/04/2013	General Fund	Miscellaneous	Iron Mountain	386.14
				Check Total:	1,122.70
33810	02/04/2013	Street Fund	Office And Operating Supplies	King County Fleet Adm.	1,014.02
33810	02/04/2013	Surface Water Management Fund	No Acct Description Available	King County Fleet Adm.	493.60
				Check Total:	1,507.62
33811	02/04/2013	Surface Water Management Fund	Swm Billed By Swm Dept	King County Office of Finance	43,946.26
				Check Total:	43,946.26
33812	02/04/2013	General Fund	Federal Lobbying Services	McBee Strategic Consulting LLC	6,000.00
				Check Total:	6,000.00
33813	02/04/2013	General Fund	Human Svc-Family/Youth	Multi-Service Center	5,782.75
				Check Total:	5,782.75
33814	02/04/2013	General Fund	Human Svc-Family/Youth	NAVOS	1,500.00
				Check Total:	1,500.00
33815	02/04/2013	Surface Water Mgmt CIP	No Acct Description Available	OTAK, Inc	91,075.32
33815	02/04/2013	Surface Water Mgmt CIP	No Acct Description Available	OTAK, Inc	82,134.76

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	173,210.08
33816	02/04/2013	Transportation CIP	No Acct Description Available	Perteet Inc.	52,677.56
				Check Total:	52,677.56
33817	02/04/2013	General Fund	Business & Occupation Tax	Uline Inc	115.95
				Check Total:	115.95
33818	02/04/2013	Street Fund	No Acct Description Available	N M I Inc	15.00
				Check Total:	15.00
33819	02/04/2013	General Fund	No Acct Description Available	Catherine Barashkoff	296.00
				Check Total:	296.00
33820	02/04/2013	General Fund	Seahurst Seawall Monitoring	Shannon & Wilson, Inc.	4,827.00
				Check Total:	4,827.00
33821	02/04/2013	General Fund	No Acct Description Available	Schlotzhauer Firm, P.S.	17,520.00
33821	02/04/2013	General Fund	No Acct Description Available	Schlotzhauer Firm, P.S.	13,380.00
				Check Total:	30,900.00
33822	02/04/2013	General Fund	No Acct Description Available	SCORE	150.00
				Check Total:	150.00
33823	02/04/2013	General Fund	No Acct Description Available	Nancy Shattuck	605.00
				Check Total:	605.00
33824	02/04/2013	General Fund	Human Svc-Family/Youth	Society of St. Vincent de Paul	2,527.00
				Check Total:	2,527.00
33825	02/04/2013	General Fund	Professional Services	Tax Recovery Services, LLC	15,062.95
33825	02/04/2013	General Fund	Professional Services	Tax Recovery Services, LLC	11,193.77

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	26,256.72
33826	02/04/2013	General Fund	No Acct Description Available	Trugreen-landcare/NW Region	13,822.46
				Check Total:	13,822.46
33827	02/04/2013	General Fund	No Acct Description Available	WASPC-Regional Cities EHM	1,093.00
				Check Total:	1,093.00
33828	02/04/2013	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	80.75
33828	02/04/2013	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	132.00
33828	02/04/2013	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	65.00
33828	02/04/2013	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	65.00
33828	02/04/2013	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	65.00
				Check Total:	407.75
33829	02/04/2013	General Fund	No Acct Description Available	West Payment Center	425.20
				Check Total:	425.20
33830	02/04/2013	Transportation CIP	No Acct Description Available	Washington State D.O.T.	68.91
				Check Total:	68.91
33831	02/04/2013	General Fund	Miscellaneous	ABC LEGAL	7.00
				Check Total:	7.00
33832	02/04/2013	Surface Water Management Fund	Office And Operating Supplies	ACE Hardware	15.32
				Check Total:	15.32
33833	02/04/2013	General Fund	Repairs And Maintenance	Tyco Integrated Security LLC	88.88
				Check Total:	88.88
33834	02/04/2013	Street Fund	Dues/memberships	American Public Works Associat	608.00
33834	02/04/2013	Surface Water Management Fund	Dues/memberships	American Public Works Associat	456.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	1,064.00
33835	02/04/2013	General Fund	Telephone	AT&T Mobility	20.46
				Check Total:	20.46
33836	02/04/2013	General Fund	Other Travel	LISA AUMANN	40.68
				Check Total:	40.68
33837	02/04/2013	General Fund	Office And Operating Supplies	Berla Corporation	600.00
				Check Total:	600.00
33838	02/04/2013	General Fund	Telephone	JACK BLOCK, JR.	55.48
				Check Total:	55.48
33839	02/04/2013	General Fund	Professional Services	BMI	327.00
				Check Total:	327.00
33840	02/04/2013	General Fund	Printing/binding/copying	Brim Press, LLC	49.28
33840	02/04/2013	General Fund	Printing/Binding/Copying	Brim Press, LLC	32.85
33840	02/04/2013	General Fund	Printing/Binding/Copying	Brim Press, LLC	32.85
				Check Total:	114.98
33841	02/04/2013	Surface Water Management Fund	Office And Operating Supplies	Burien Bark LLC	170.00
33841	02/04/2013	Surface Water Management Fund	Office And Operating Supplies	Burien Bark LLC	170.00
				Check Total:	340.00
33842	02/04/2013	General Fund	Telephone	ROSE CLARK	53.62
				Check Total:	53.62
33843	02/04/2013	General Fund	Telephone	CenturyLink	46.22
33843	02/04/2013	General Fund	Telephone	CenturyLink	45.43
33843	02/04/2013	General Fund	Telephone	CenturyLink	45.39
33843	02/04/2013	General Fund	Telephone	CenturyLink	44.25

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	181.29
33844	02/04/2013	General Fund	Human Svc-Family/Youth	City of Renton	17,000.00
				Check Total:	17,000.00
33845	02/04/2013	Surface Water Management Fund	Operating Rentals And Leases	City of SeaTac	287.50
33845	02/04/2013	Street Fund	Operating Rentals And Leases	City of SeaTac	287.50
33845	02/04/2013	Street Fund	Operating Rentals And Leases	City of SeaTac	287.50
33845	02/04/2013	Surface Water Management Fund	Operating Rentals And Leases	City of SeaTac	287.50
				Check Total:	1,150.00
33846	02/04/2013	General Fund	Professional Services	Offc.State Procurement Dept of Enterpris	500.00
				Check Total:	500.00
33847	02/04/2013	Surface Water Management Fund	Permits & Monitoring	Department of Ecology	4,566.57
				Check Total:	4,566.57
33848	02/04/2013	General Fund	Telephone	Robert Edgar	69.95
				Check Total:	69.95
33849	02/04/2013	General Fund	Operating Rentals and Leases	Emerald City Water, LLC	147.83
				Check Total:	147.83
33850	02/04/2013	General Fund	Office and Operating Supplies	FASTSIGNS	70.08
				Check Total:	70.08
33851	02/04/2013	General Fund	Utilities	Glendale Heating	1,607.89
33851	02/04/2013	General Fund	Utilities	Glendale Heating	659.16
				Check Total:	2,267.05
33852	02/04/2013	Street Fund	Operating Rentals And Leases	Greenbaum Burien-Phillips R Es	522.00
33852	02/04/2013	Surface Water Management Fund	Operating Rentals And Leases	Greenbaum Burien-Phillips R Es	522.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	1,044.00
33853	02/04/2013	General Fund	Parks Building Security	Guardian Security	65.00
				Check Total:	65.00
33854	02/04/2013	General Fund	Operating Rentals And Leases	RICOH USA Inc	631.45
				Check Total:	631.45
33855	02/04/2013	General Fund	Repair/maint-vehicle	Interstate Tire & Automotive	50.81
				Check Total:	50.81
33856	02/04/2013	General Fund	Telephone	LUCY KRAKOWIAK	54.99
				Check Total:	54.99
33857	02/04/2013	General Fund	Drug Seizure Proceeds KCSO	KC Sheriff Sgt R Crenshaw	1,515.00
				Check Total:	1,515.00
33858	02/04/2013	Street Fund	Office And Operating Supplies	McLendon Hardware Inc	14.63
33858	02/04/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	McLendon Hardware Inc	27.11
33858	02/04/2013	Street Fund	Repairs & Maint. - Fleet	McLendon Hardware Inc	27.12
33858	02/04/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	McLendon Hardware Inc	13.56
33858	02/04/2013	Street Fund	Repairs & Maint. - Fleet	McLendon Hardware Inc	13.55
				Check Total:	95.97
33859	02/04/2013	General Fund	Registration - Trainng/workshp	Nntl Tech.Investigators Assoc.	25.00
				Check Total:	25.00
33860	02/04/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Nelson Truck Equipment Co. Inc	281.97
33860	02/04/2013	Street Fund	Repairs & Maint. - Fleet	Nelson Truck Equipment Co. Inc	281.96
				Check Total:	563.93
33861	02/04/2013	General Fund	City Hall Custodial	National Maintenance Cont.	1,032.29

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	1,032.29
33862	02/04/2013	General Fund	Dues/Memberships/Registrations	National Public Employer Labor	200.00
				Check Total:	200.00
33863	02/04/2013	General Fund	Building Maintenance	OpenWorks-Billing Agent	1,003.00
33863	02/04/2013	General Fund	Building Maintenance	OpenWorks-Billing Agent	605.00
				Check Total:	1,608.00
33864	02/04/2013	Street Fund	Repairs & Maint. - Fleet	O'Reilly Auto Parts	20.80
33864	02/04/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	O'Reilly Auto Parts	20.80
33864	02/04/2013	Street Fund	Office And Operating Supplies	O'Reilly Auto Parts	7.37
33864	02/04/2013	Street Fund	Repairs & Maint. - Fleet	O'Reilly Auto Parts	86.31
33864	02/04/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	O'Reilly Auto Parts	86.31
				Check Total:	221.59
33865	02/04/2013	General Fund	Operating Rentals And Leases	Park Place Professional Bldg	490.00
				Check Total:	490.00
33866	02/04/2013	Street Fund	Office And Operating Supplies	Pacific Industrial Supply	109.32
				Check Total:	109.32
33867	02/04/2013	General Fund	Office And Operating Supplies	PLATT	17.65
				Check Total:	17.65
33868	02/04/2013	General Fund	Operating Rentals And Leases	PRG Investment Company, LLC	2,000.00
				Check Total:	2,000.00
33869	02/04/2013	General Fund	Parks Building Security	Protection One Alarm Monitorin	47.38
33869	02/04/2013	General Fund	Parks Building Security	Protection One Alarm Monitorin	110.70
				Check Total:	158.08
33870	02/04/2013	General Fund	Dues/Memberships	PSFOA	100.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	100.00
33871	02/04/2013	General Fund	Refund Clearing Account -Parks	Heather McCulloch-Neal	86.00
				Check Total:	86.00
33872	02/04/2013	General Fund	Repairs and Maintenance	Rescue Rooter LLC	831.11
				Check Total:	831.11
33873	02/04/2013	General Fund	Electrical Permit	King's Heating Inc	48.80
				Check Total:	48.80
33874	02/04/2013	General Fund	Refund Clearing Account -Parks	Jesus Acosta	61.00
				Check Total:	61.00
33875	02/04/2013	General Fund	Refund Clearing Account -Parks	Sue Sams	12.00
				Check Total:	12.00
33876	02/04/2013	General Fund	Refund Clearing Account -Parks	Cecilia Schukar	20.00
				Check Total:	20.00
33877	02/04/2013	General Fund	Miscellaneous	Claude McAlpin, III	39.28
				Check Total:	39.28
33878	02/04/2013	General Fund	Office and Operating Supplies	School Specialty Inc.	197.00
				Check Total:	197.00
33879	02/04/2013	Transportation CIP	construction	SEATTLE CITY LIGHT	240.00
33879	02/04/2013	Transportation CIP	construction	SEATTLE CITY LIGHT	240.00
				Check Total:	480.00
33880	02/04/2013	General Fund	Office and Operating Supplies	Seatown Locksmith	16.97

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	16.97
33881	02/04/2013	Street Fund	Repairs And Maintenance	Six Robblees' Inc.	39.64
33881	02/04/2013	Surface Water Management Fund	Repairs And Maintenance	Six Robblees' Inc.	39.65
				Check Total:	79.29
33882	02/04/2013	General Fund	Printing/Binding/Copying	STAPLES- Credit Plan	113.85
				Check Total:	113.85
33883	02/04/2013	Surface Water Management Fund	Office And Operating Supplies	Sunset Materials Inc	143.60
				Check Total:	143.60
33884	02/04/2013	General Fund	Registration & Training	SWKC Chamber of Commerce	50.00
				Check Total:	50.00
33885	02/04/2013	General Fund	Office and Operating Supplies	The Part Works Inc	15.56
				Check Total:	15.56
33886	02/04/2013	General Fund	Operating Rentals and Leases	United Site Services	155.00
				Check Total:	155.00
33887	02/04/2013	General Fund	Utilities	Water District No 20	53.04
33887	02/04/2013	General Fund	Utilities	Water District No 20	36.91
33887	02/04/2013	General Fund	Utilities	Water District No 20	249.23
33887	02/04/2013	General Fund	Utilities	Water District No 20	53.04
33887	02/04/2013	General Fund	Utilities	Water District No 20	34.61
33887	02/04/2013	General Fund	Utilities	Water District No 20	34.61
33887	02/04/2013	General Fund	Utilities	Water District No 20	34.61
33887	02/04/2013	General Fund	Utilities	Water District No 20	34.61
33887	02/04/2013	General Fund	Utilities	Water District No 20	36.91
				Check Total:	567.57
33888	02/04/2013	General Fund	Miscellaneous	Washington Department of	150.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	150.00
33889	02/04/2013	Street Fund	Operating Rentals And Leases	Wilken Properties, LLC	2,783.16
33889	02/04/2013	Surface Water Management Fund	Operating Rentals And Leases	Wilken Properties, LLC	2,783.17
				Check Total:	5,566.33
33890	01/31/2013	General Fund	Miscellaneous	King County Recorder	73.00
				Check Total:	73.00
				Report Total:	573,531.57

DRAFT



CITY COUNCIL REGULAR MEETING MINUTES

January 28, 2013

7:00 p.m.

400 SW 152nd Street, 1st Floor
Burien, Washington 98166

To hear Council's full discussion of a specific topic or the complete meeting, the following resources are available:

- Watch the video-stream available on the City website, www.burienwa.gov
- Check out a DVD of the Council Meeting from the Burien Library

SPECIAL MEETING

Mayor Bennett called the Special Meeting of the Burien City Council to order at 6:00 p.m. for the purpose holding an Executive Session to discuss potential litigation per RCW 42.30.110(1)(i) and real estate acquisition per RCW 42.30.110(1)(b).

Present: Mayor Brian Bennett, Deputy Mayor Lucy Krakowiak, Councilmembers Rose Clark, Bob Edgar and Gerald F. Robison. Councilmembers Jack Block Jr. and Joan McGilton were excused.

Administrative staff present: Mike Martin, City Manager, Craig Knutson, City Attorney and Dan Trimble, Economic Development Manager.

No action was taken.

The Special Meeting adjourned to the Regular Meeting at 6:57 p.m.

CALL TO ORDER

Mayor Bennett called the Regular Meeting of the Burien City Council to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE

Mayor Bennett led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Brian Bennett, Deputy Mayor Lucy Krakowiak, Councilmembers Jack Block Jr., Rose Clark, Bob Edgar and Gerald F. Robison. Councilmember Joan McGilton was excused.

AGENDA CONFIRMATION

Direction/Action

Motion was made by Deputy Mayor Krakowiak, seconded by Councilmember Clark and passed unanimously to affirm the January 28, 2013, Agenda.

PUBLIC COMMENT

JJ Conley, 1619 South 124th Street, Boulevard Park
Ilene Sison, 10941 24th Avenue Southwest, Seattle
Goodspaceguy, 10219 Ninth Avenue South, Boulevard Park
Rachel Levine, 430 South 124th Street, Burien
Chris Husband, CleanScapes, 3804 E. Garfield Street, Seattle
Jeff Wagner, Republican Services, 11819 Southeast 262nd Street, Covington
Katie Salinas, Waste Management, 4847 California Avenue Southwest #403, Seattle
Quinton Thompson, 179 South 182nd Street, Burien

CORRESPONDENCE FOR THE RECORD

- a. Email Dated January 5, 2013, from Debi Wagner.
- b. Letter Dated January 7, 2013, from Clayton Evans.
- c. Email Dated January 18, 2013, from Cory Volkert.
- d. Response from Public Works Director Maiya Andrews to letter Dated December 2, 2012, from Tom and Rhonda Duncan.
- e. Email Dated January 23, 2013, from C. Edgar.
- f. Email Dated January 23, 2013, from Linda Plein.

CONSENT AGENDA

- a. Approval of Vouchers: Numbers 33608 – 33739 in the Amounts of \$531,081.34.
- b. Approval of Minutes: Council Regular Meeting, January 7, 2013.
- c. Motion to Adopt the Amended By-Laws of the Advisory Boards.
- d. Motion to Authorize the City Manager to Sign an Interlocal Agreement with King County Flood Control Zone District.

Direction/Action

Motion was made by Deputy Mayor Krakowiak, seconded by Councilmember Clark, and passed unanimously to approve the January 28, 2013, Consent Agenda.

BUSINESS AGENDA

Presentation of Arts Commission 2013-2014 Public Art Plan

Direction/Action

Councilmembers requested placing the Public Art Plan on the February 4, 2013, Consent Agenda for approval.

Discussion of 2013-2020 Interlocal Agreement with King County for Jail Services

Direction/Action

Councilmembers requested placing the 2013-2020 Interlocal Agreement with King County for Jail Services on the February 4, 2013, Consent Agenda for approval.

Review of Revisions to the City Council Policies and Procedures

This item was removed and will be rescheduled.

Public Hearing on the North Burien Zoning Map Amendments, 2012 Comprehensive Plan Text and Map Amendments

Mayor Bennett opened the public hearing at 7:47p.m.

Troy Schmeil, 16834 Southeast 43rd Street, Issaquah
Goodspaceguy, 10219 Ninth Avenue South, Boulevard Park
Judy and John Zhang, 11806 Des Moines Memorial Drive, Burien
Chestine Edgar 1811 Southwest 152nd Street, Burien
Robert Howell, 15420 20th Avenue Southwest, Burien
Brenda Kocb, Ramco Washington Inc; Property Management, 2312 SW 2nd Place, Renton
Brenda McDonald, 220 South 152nd Street, Burien
Chet Unune, 632 Southwest 124th Street, Burien
Canhtan Ta, 5212 32nd Avenue Southwest, Seattle
John Upthegrove, 1808 Southwest 156th Street, Burien
Judy Conley, 1619 South 124th Street, Boulevard Park
Fred Brown, 22903 68th Avenue West, Mountlake Terrace, Representing Winnie Lyons,
13205 12th Avenue Southwest, Burien

There being no further testimony, Mayor Bennett closed the public hearing at 8:19 p.m.

Follow-up

Staff will create a matrix of public hearing testimony relating North Burien Zoning Map Amendments, 2012 Comprehensive Plan Text and Map Amendments.

Discuss and Decide Whether to Extend the City's Contract with Waste Management, Inc.

Direction/Action

Motion was made by Deputy Mayor Krakowiak and seconded by Councilmember Clark and passed unanimously, to not extend the current Waste Management contract and to hire a consultant to provide the City with technical assistance to obtain a new contract through the competitive bidding process, including prevailing wage and worker replacement.

Follow-up

Staff will publish a Request for Proposal (RFP) for a consultant to conduct an RFP process.

Discussion of Solid Waste Interlocal Agreement

Direction/Action

Motion was made by Councilmember Robison and seconded by Deputy Mayor Krakowiak and passed unanimously to authorize the City Manager to sign a non-binding statement of intent for Solid Waste with King County.

Follow-up

Staff will schedule a discussion when all Councilmembers are in attendance for a full consensus, and provide King County's net per ton and net to the general fund from the Cedar Hills Landfill.

Review of Council Proposed Agenda Schedule

Follow-up

Staff will schedule a discussion on creating City Council Districts, schedule a discussion on creating an Arts and Culture District in downtown, schedule a discussion on the Scope of Services for the Economic Development Strategic Plan and reschedule the Council retreat in March.

COUNCIL REPORTS

No reports were given.

ADJOURNMENT

Direction/Action

MOTION was made by Deputy Mayor Krakowiak, seconded by Councilmember Clark and passed unanimously to adjourn the meeting 9:01 p.m.

Brian Bennett, Mayor

Kathy Wetherbee, Department Assistant

PUBLIC ART PLAN

<u>Project</u>	<u>Location</u>	<u>Description</u>	<u>Costs</u>	<u>Completion</u>
Sculpture/Fountain	Atrium outside of Burien Community Center's entryway	To be designed and fabricated by Welding Program students at Puget Sound Skills Center	\$2,000*	2013
Seahurst Park Sculpture Removal	Seahurst Park	"Donut" sculpture to be removed in conjunction with Seahurst Park seawall project	No City funds required; costs to be covered by 4Culture	2013-14
New Seahurst Park Artwork	Seahurst Park	Smaller scale artwork - to be determined	\$9,000	2014-15
Ambaum Corridor Artwork	Along Ambaum Avenue	Install metal-cut bus shelters and temporary artworks, such as banners or painted bus shelters	\$14,500	2014-15
Temporary Art & General Maintenance	Not location-based	Temporary artwork in addition to maintenance and repairs, public art signage, public art map/brochure, etc.	\$8,000	Ongoing
TOTAL			\$33,500	

*Other temporary artwork projects with PSSC may also occur, based on budget availability



Interlocal Agreement Between King County and The City of Burien for Jail Services

THIS AGREEMENT is dated effective as of the 1st day of January 2013. The Parties to this Agreement are King County, a Washington municipal corporation and legal subdivision of the State of Washington (the "County") and The City of Burien, a Washington municipal corporation (the "City").

WHEREAS, this Agreement is made in accordance with the Interlocal Cooperation Act (RCW Chapter 39.34) and the City and County Jails Act (RCW Chapter 70.48);

NOW THEREFORE, in consideration of the promises, payments, covenants and agreements contained in this Agreement, the parties agree as follows:

1. Definitions: Unless the context clearly shows another usage is intended, the following terms shall have these meanings in this Agreement:
 - 1.1 "Agreement" means this Interlocal Agreement by and between King County and the City for Jail Services and any amendments to this Agreement.
 - 1.2 "Booking" means registering, screening and examining persons for confinement in the Jail or assignment to Work and Education Release (WER); inventorying and safekeeping personal property of such persons; maintaining all computerized records of arrest; performing warrant checks; and all other activities associated with processing a person for confinement in Jail or assignment to WER.
 - 1.3 "Booking Fee" means the fee incurred for booking City Inmates, as further described in Section 4 and Exhibit III, Section 2.
 - 1.4 "Business Day" means Monday through Friday, 8:00 a.m. until 5:00 p.m., except holidays and County-designated furlough days.
 - 1.5 "City Detainee" means a person booked into or housed in a Secure Detention facility such as the Jail but also including any other Secure Detention facility not operated by or on behalf of the County, which individual would, if housed in the Jail, qualify as a City Inmate.
 - 1.6 "City Inmate" means a person booked into or housed in the Jail when a City charge is the principal basis for booking or confining that person.
 - A. A City charge is the principal basis for booking or confining a person where one or more of the following applies, whether pre-trial or post-trial. (See Exhibit I for further billable charge rules.):
 - 1.6.1 The person is booked or confined by reason of committing or allegedly committing a misdemeanor or gross misdemeanor offense within the City's jurisdiction, and:
 - 1.6.1.1 the case is referred to the City, through its City Attorney or contracted attorney, for a filing decision; or
 - 1.6.1.2 the case is referred to the City, through its City Attorney or contracted attorney, who then refers the case to the County Prosecutor for a filing decision per section 1.6.2; or

- 1.6.1.3 the case is filed by the City, through its City Attorney or contracted attorney, whether filed under state law or city ordinance.
- 1.6.2 The person is booked or confined by reason of committing or allegedly committing a misdemeanor or gross misdemeanor offense, whether filed under state law or city ordinance, within the City's jurisdiction and the case is referred by the City, through its City attorney or contracted attorney, to the County prosecutor and filed by the County prosecutor as a misdemeanor in district court due to a conflict or other reason but excluding a case filed in a regionally-funded mental health court as described in Section 1.6.10.
- 1.6.3 The person is booked or confined by reason of a Court warrant issued either by the City's Municipal Court or other court when acting as the City's Municipal Court;
- 1.6.4 The person is booked or confined by reason of a Court order issued either by the City's Municipal Court or other court when acting as the City's Municipal Court; or,
- 1.6.5 The person is booked or confined by reason of subsections 1.6.1 through 1.6.4 above in combination with charges, investigation of charges, and/or warrants of other governments, and the booking or confinement by reason of subsections 1.6.1 through 1.6.4 above is determined to be the most serious charge in accordance with Exhibit I.
- 1.6.6 The person has been booked or confined for reasons other than subsections 1.6.1 through 1.6.5 and would be released or transferred but for the City having requested that the County continue to confine the person.
- B. A City charge is not the principal basis for confining a person where:
- 1.6.7 The person is booked or confined exclusively or in combination with other charges by reason of a felony charge or felony investigation.
- 1.6.8 The person is confined exclusively or in combination with other charges by reason of a felony charge or felony investigation that has been reduced to a State misdemeanor or gross misdemeanor.
- 1.6.9 The City has requested the transfer of the person to another jail facility not operated by King County and the County denies the request, unless one or more of the transfer exception criteria listed in Attachment I-2 are met, in which case the person remains a City Inmate. The billing status of the person will change to no longer be the City's responsibility effective the calendar day following the day that the County denies the transfer request. If the County thereafter determines that it no longer needs to detain the person and the person would as a result become a City Inmate, then the County will provide notice to the City that it will become billable for the Inmate. For details on notice and billing, see Attachment I-2.
- 1.6.10 The person is booked or confined by reason of committing a misdemeanor or gross misdemeanor offense, whether filed under state law or city ordinance, within the City's jurisdiction and the case is referred by the City attorney or contracted attorney to the County prosecutor and filed by the County prosecutor as a misdemeanor in the mental health court (or successor) for so long as the operations of such court are substantially funded by special regional funds (for example,

Mental Illness and Drug Dependency sales tax levy) or other regional funding as the County may determine. The County shall provide the City thirty (30) days Notification before changing the status of a regionally-funded mental health court to local funding status. The City is not billed for cases filed by the County prosecutor into mental health court prior to changing to local funding status.

- 1.7 "City WER Participant" means a person ordered to WER by the City's municipal court or court designated or contracted to provide municipal court services on the City's behalf.
- 1.8 "Community Corrections Programs" means programs designed as alternatives to, or as rehabilitative or treatment in lieu of, Secure Detention, operated by or on behalf of the King County Department of Adult and Juvenile Detention (DAJD) Community Corrections Division, or its successor. Upon the date of the execution of this Agreement, Community Corrections Programs include WER, Electronic Home Detention, Community Work Program and Community Center for Alternative Programs (CCAP).
- 1.9 "Continuity of Care Records" means an Inmate's diagnosis, list of current medications, treatments, PPD (tuberculosis screening test) results and scheduled appointments or follow-ups.
- 1.10 "Contract Cities" mean cities that are signatory to an agreement in substantially similar form to this Agreement. Contract Cities do not include cities who are a party to the 2012-2030 Agreement.
- 1.11 "Contract Cities Inmates" means all Contract Cities' City Inmates.
- 1.12 "County Inmate" means any Inmate that is not a City Inmate.
- 1.13 "DAJD" means the King County Department of Adult and Juvenile Detention or its successor agency.
- 1.14 "Fees and Charges" are the Fees and Charges imposed as described in Section 4 and Exhibit III.
- 1.15 "Force Majeure" means war, civil unrest, and any natural event outside of the party's reasonable control, including fire, storm, flood, earthquake or other act of nature.
- 1.16 "Inmate" means a person booked into or housed in the Jail.
- 1.17 The first "Inmate Day" means confinement for more than six (6) hours measured from the time such Inmate or City WER Participant is first presented to and accepted by the Jail for housing in the Jail or WER until the person is released, provided that an arrival on or after six (6) o'clock p.m. and continuing into the succeeding day shall be considered one day. The second and each subsequent Inmate Day means confinement for any portion of a calendar day after the first Inmate Day. For persons confined to the Jail for the purpose of mandatory Driving Under the Influence (DUI) sentences, "Inmate Day" means confinement in accordance with Exhibit II.

- 1.18 "JAG" means the Jail Agreement Administration Group created pursuant to Section 10 of this Agreement.
- 1.19 "Jail" means a place owned or operated by or under contract to the County primarily designed, staffed, and used for the housing, in full confinement, of adults charged or convicted of a criminal offense; for the punishment, correction, and rehabilitation of offenders charged or convicted of a criminal offense; for confinement during a criminal investigation or for civil detention to enforce a court order, all where such place is structured and operated to ensure such individuals remain on the premises 24-hours a day (excluding time for court appearances, court approved off-premises trips, or medical treatment). Inmates housed in the Jail are considered to be in Secure Detention as defined in Section 1.37. Upon the date of the execution of the Agreement, Jail includes the King County Correctional Facility and the detention facility at the Maleng Regional Justice Center.
- 1.20 "Maintenance Charge" is the daily housing charge incurred for City Inmates housed in Jail as further described in Section 4 and Exhibit III, Section 1.a.
- 1.21 "Medical Inmate" means an Inmate clinically determined by the Seattle-King County Department of Public Health, or its successor charged with the same duties, as needing the level of services provided in the Jail's infirmary. If an Inmate is moved to the general population then the Inmate is no longer considered a Medical Inmate.
- 1.22 "Notification" means provision of written alert, confirmation of information or request meeting the requirements of Section 13.10. In contrast, a "notice" means providing alert or confirmation of information or request in writing to the individuals identified in Section 13.10, or their designee (as may be specified through a formal Notification) through means less formal than required by Section 13.10 including but not limited to electronic mail or facsimile.
- 1.23 "Official Daily Population Count" is an official count of Inmates in the custody of the Jail made at a point in time in a 24-hour period for, among other purposes, security and population management. It is not used for billing purposes.
- 1.24 "Offsite Medical Care Charges" means those pass through charges for treatment of a City Inmate where that Inmate is clinically determined by the Seattle-King County Department of Public Health, or its successor charged with the same duties, as needing a level of services provided from offsite medical institutions, as further defined in Exhibit III Section 4 and Attachment III-2. An Inmate may receive Offsite Medical Care that triggers an Offsite Medical Care Charge without being otherwise classified as a Medical Inmate or Psychiatric Inmate (e.g., some Inmates held in the general population receive offsite medical care that will result in Offsite Medical Care Charges being incurred).
- 1.25 "Psychiatric Inmate" means either an Acute Psychiatric Inmate or a Non-Acute Psychiatric Inmate, as defined below.
- 1.25.1 A "Non-Acute Psychiatric Inmate" is an Inmate clinically determined by the Seattle-King County Department of Public Health, or its successor charged with

- the same duties, as needing Psychiatric Care Services (as further described in Exhibit III, Attachment III-2) and housed outside the Jail's acute psychiatric housing units.
- 1.25.2 An "Acute Psychiatric Inmate" is an inmate clinically determined by the Seattle-King County Department of Public Health, or its successor charged with the same duties, as needing the level of services provided in the Jail's acute psychiatric housing units (as further described in Exhibit III, Attachment III-2). If an Inmate is moved to housing outside the Jail's acute psychiatric housing units then the Inmate is no longer considered an Acute Psychiatric Inmate.
- 1.26 "Parties" mean the City and County, as parties to this Agreement.
- 1.27 "Secure Bed Cap for Contract Cities" means the maximum total number of beds in Secure Detention in the Jail available on a daily basis to house Contract Cities Inmates in the aggregate. The Secure Bed Cap for Contract Cities is based on the Official Daily Population Count, and is established in Section 6.
- 1.28 "Secure Detention" refers to a facility structured and operated for the full confinement of City Detainees to ensure such individuals remain on the premises 24-hours a day (excluding time for court appearances, court approved off-premises trips, or medical treatment), such as the Jail but also including other similar facilities that the City may elect to house City Detainees. Secure Detention in the Jail excludes City Inmates enrolled in Community Corrections Programs.
- 1.29 "Surcharge" means any of the following special charges, defined in Exhibit III, Section 3 and further described in Attachment III-2: Infirmity Care Surcharge; Non-Acute Psychiatric Care Surcharge; Acute Psychiatric Care Surcharge; and 1:1 Guarding Surcharge.
- 1.30 "2012-2030 Agreement" means the agreement executed by the County and the City of Seattle effective on January 1, 2012 together with any other interlocal agreement in substantially the same form of said agreement executed by the County and another city.
- 1.31 "WER" means the County's Work and Education Release Program, operated by the Community Corrections Division of DAJD, or its successor.
- 1.32 "WER Charge" is the daily housing charge incurred for City WER Participants as further described in Section 4 and Exhibit III, Subsection 1.b.
2. Term. This Agreement shall commence on January 1, 2013, and shall extend through December 31, 2020. This Agreement shall supersede all previous contracts and agreements between the Parties relating to the Jail, WER, and any other jail services, except that any obligations contained in these previous contracts or agreements which expressly survived termination or expiration of these previous contracts or agreements shall remain in effect.
3. Jail and Health Services. The County shall accept City Inmates for confinement in the Jail and City WER Participants for assignment to WER, except as provided in Sections 5.4, and 6 of this Agreement. The County shall also furnish the City with Jail facilities, booking, transportation

among facilities, as determined necessary in the County's sole discretion, including the various Jail facilities, Harborview Medical Center and Western State Hospital, and custodial services, and personnel for the confinement of City Inmates at least equal to those the County provides for confinement of County Inmates. However, the County reserves the right to operate specific programs and/or facilities exclusively for County Inmates or persons sentenced or assigned to Community Corrections Programs. The County shall furnish to City Inmates in Secure Detention all Jail medical, dental and other health care services required to be provided pursuant to federal or state law. Also, the County shall make every reasonable effort to release a City Inmate or City WER Participant as expeditiously as possible after the County has received notice of a court order to release. Nothing in this section shall be deemed to limit the County's right to refuse to accept City Detainees for confinement in Jail or sentencing to WER when they are deemed by the County to be in need of urgent medical care.

4. City Compensation. The City will pay the County a Booking Fee, Maintenance Charge, WER Charge, Surcharges and Offsite Medical Charges as follows (together with such other charges as may be applicable in accordance with this Agreement):
 - 4.1 Booking Fee. The Booking Fee shall be assessed for the booking of City Inmates by or on behalf of the City into Secure Detention in the Jail, and for the booking of City WER Participants directly reporting to WER, as further described in Exhibit III, Section 2. The Booking Fee will be annually adjusted effective each January 1st.
 - 4.2 Maintenance Charge. The Maintenance Charge shall be assessed for a City Inmate for each Inmate Day as provided in Exhibit III, Subsection 1.a. The Maintenance Charge will be annually adjusted effective each January 1st.
 - 4.2.1 The County will maintain its program to provide notice to the City after booking a City Inmate in order to give notice that the City Inmate has been booked and to provide the opportunity for release to the City if the City so desires. Such action will take place as soon as reasonably possible but no later than the next business day after booking. A City Inmate released within six hours of booking will result in no Maintenance Charges.
 - 4.2.2 The County will maintain its program to provide notice to the City of the billing status of its Inmates for the prior calendar day in cases where confinement is the result of multiple warrants or sentences from two or more jurisdictions. As of the date of this Agreement, this notice is provided to the City once each business day when applicable. The intent of this program is to allow the City to take custody of a City Inmate if it so desires after the other jurisdictional warrants are resolved and thereby prevent unnecessary Maintenance Charges.
 - 4.2.3 The Parties may amend the notice requirements of Sections 4.2.1 and 4.2.2 by administrative agreement signed by both the Chief Executive Officer of the City and the King County Executive.
 - 4.3 WER Charge. The WER Charge shall be assessed for a City WER Participant for each Inmate Day as provided in Exhibit III, Subsection 1.b. The WER charge will be annually adjusted effective each January 1st.

- 4.3.1 Access to and Charges for City Inmate Use of Community Corrections Programs. The Parties agree to discuss in good faith the ability for the City to access Community Corrections Programs in addition to WER, and to negotiate charges for such access. Any agreement between the Parties with respect to access and charges for Community Corrections Programs in addition to WER shall be enacted through an amendment to this Agreement.
- 4.4 Surcharges and Offsite Medical Charges. In addition to the Booking Fee, Maintenance Charge, WER Charge, and any other charges agreed to per Section 4.3.1, the City will be charged for Offsite Medical Charges and Surcharges as detailed in Exhibit III, Section 3 and 4.
- 4.4.1 Proposed Notice of Certain Surcharges. The County intends to provide or make available to the City timely notice of occurrences when a City Inmate is *admitted* to Harborview Medical Center or other offsite medical institution, or is receiving infirmary care or psychiatric care that will subject a City to Surcharges. Notice provided or made available will be based on information known to DAJD at the time (since billing status of an Inmate may be changed retroactively based on new information or other factors). The County intends to provide or make available this notice within 2 business days following the day in which the chargeable event occurs and will make good faith efforts to provide notice sooner if practicable. The County will make good faith efforts to try to institute a means to provide notice to the City within 24 hours of the admittance of a City Inmate to Harborview Medical Center or other offsite medical institution. The County's failure to provide or make available notice or develop quicker means to provide notice to the City as detailed above shall not excuse the City from financial responsibility for related Offsite Medical Charges or Surcharges, and shall not be a basis for imposing financial responsibility for related Offsite Medical Charges or Surcharges on the County.
5. Billing and Billing Dispute Resolution Procedures.
- 5.1 The County shall transmit billings to the City monthly. Within forty-five (45) days after receipt, the City shall pay the full amount billed or withhold a portion thereof and provide the County written notice meeting the requirements of Section 5.2.1 specifying the total amount withheld and the grounds for withholding such amount, together with payment of the remainder of the amount billed (if any amount remains). Notwithstanding the foregoing, the County shall bill the City for Offsite Medical Charges as such charges are periodically received by the County from third party medical institutions or other offsite medical providers. Offsite Medical Charges shall be due within such time and subject to such withholding and dispute resolution procedures as otherwise provided in this Section 5.
- 5.2 Withholding of any amount billed or alleging a violation related to billing provisions of this Agreement shall constitute a dispute, which shall be resolved as follows:

- 5.2.1 The County shall respond in writing to billing disputes within 60-days of receipt of such disputes by the DAJD billing offices. To ensure the soonest start to the 60-day timeline, the City should send billing disputes directly to the DAJD billing office by fax or U.S. mail, rather than to any other County office or officer. The DAJD billing office address as of the date of this Amendment is:

KC DAJD
Attn: Finance – Inmate Billing
500 5th Avenue
Seattle, WA 98104 FAX Number: 206-296-0570

- 5.2.2 Thereafter, the County and the City shall attempt to resolve the dispute by negotiation. If such negotiation is unsuccessful, either Party may refer the dispute to JAG for resolution. In the event JAG is unable to resolve the dispute within 30-days of referral, either Party may pursue the dispute resolution mechanisms outlined in Section 11.
- 5.3 Any amount withheld from a billing, which is determined to be owed to the County pursuant to the dispute resolution procedure described herein, shall be paid by the City within thirty (30) days of the date of the negotiated resolution or appeal determination.
- 5.4 If the City fails to pay a billing within 45-days of receipt, the County will provide the City with a notice of its failure to pay and the City shall have ten (10) days from receipt of such notice to cure non-payment. Any undisputed billing amount not paid by the City within sixty (60) days of receipt of the billing, and any amounts found to be owing to the County as a result of the billing dispute resolution procedure that are not paid within thirty (30) days of resolution, shall be conclusively established as a lawful debt owed to the County by the City, shall be binding on the Parties and shall not be subject to legal question either directly or collaterally. In the event the City fails to cure its nonpayment, the City shall be deemed to have voluntarily waived its right to house City Inmates in the Jail or be assigned to WER and, at the County's request, will remove City Inmates already housed in the Jail or assigned to WER within thirty (30) days. Thereafter, the County, at its sole discretion, may accept no further City Inmates or City WER Participants until all outstanding bills are paid. This provision shall not limit the City's ability to challenge or dispute any billings that have been paid by the City.
- 5.5 The County may charge an interest rate equal to the interest rate on the monthly County investment earnings on any undisputed billing amount not paid by the City within forty-five (45) days of receipt of the billing, and any amounts found to be owing to the County as a result of the billing dispute resolution procedure.
- 5.6 Each Party may examine the other's books and records to verify charges. If an examination reveals an improper charge, the next billing statement will be adjusted appropriately. Disputes on matters related to this Agreement which are revealed by an audit shall be resolved pursuant to Section 5.2.

6. Jail Capacity.

- 6.1 The Contract Cities may house Contract Cities Inmates in the Jail at an aggregate number, calculated based on the Jail's Official Daily Population Count, equal to or less than the Secure Bed Cap for Contract Cities established in Sections 6.1.1 and 6.1.2.
- 6.1.1 Effective January 1, 2012 and through December 31, 2016, the Secure Bed Cap for Contract Cities in the aggregate is 75 beds. These 75 beds shall be available on a first-come, first-served basis measured at the time of the Jail's Official Daily Population Count.
- 6.1.2 For the calendar year beginning January 1, 2017 and each calendar year thereafter through the term of this Agreement, the County at its sole discretion shall establish the Secure Bed Cap for Contract Cities; provided that the Secure Bed Cap for Contract Cities cannot exceed 130 without approval of the Parties' respective legislative bodies. The County shall provide to the Contract Cities notice of the Secure Bed Cap for Contract Cities six months before the start of the calendar year beginning with notice on July 1, 2016 for the 2017 calendar year.
- 6.1.2.1 The County shall also provide to the Contract Cities a preliminary estimate of the Secure Bed Cap for Contract Cities 12 months before the start of the calendar year. Such preliminary estimate is provided to the Contract Cities for planning purposes only and does not limit the County in setting the Secure Bed Cap as described in Section 6.1.2.
- 6.2 In the event the number of Contract Cities Inmates exceeds the Secure Bed Cap for Contract Cities described in Section 6.1, the County will notify the Contract Cities by phone or electronic mail. The County may then decide to continue to house Contract Cities Inmates in excess of the Secure Bed Cap for Contract Cities. Alternatively, the County may refuse to accept bookings from the City until such time as the aggregate number of Contract Cities Inmates is reduced below the Secure Bed Cap for Contract Cities. If the aggregate number of Contract Cities Inmates is reduced below the Secure Bed Cap for Contract Cities through removal of Contract Cities Inmates from the Jail, then the County will be obligated to accept new City bookings. The notice required by the first sentence of this Section 6.2, will be made to the person designated in Section 13.10 of this Agreement, and will inform the City whether the County intends to continue to house Contract Cities Inmates in excess of the Secure Bed Cap for Contract Cities described in Section 6.1, or whether the County will refuse to accept bookings from the City until such time as the aggregate number of Contract Cities Inmates is reduced below the Secure Bed Cap for Contract Cities described in Section 6.1.
- 6.3 At the end of the last day of this Agreement, the City agrees to reduce the number of City Inmates in the Jail to 0 and the number of City WER Participants to 0, with the exception that Inmates whose status has changed to City Inmate, or WER participants whose status has changed to City WER Participant will not be included in the calculation of the number of City Inmates or WER Participants if such individuals are removed from the Jail or WER within 72-hours of such change in status.

For the purpose of determining the number of Contract Cities Inmates and Contract Cities WER Participants only, and not for billing purposes, Inmates held on multiple warrants or sentences by the County which include one or more city warrants or sentences in addition to a County and/or state warrant or sentence, and Contract Cities Inmates or Contract Cities WER Participants that have been booked into the Jail or WER and the City has not been notified of such booking shall not be considered a Contract Cities Inmate or Contract Cities WER Participant. Also, Contract Cities Inmates housed in the Jail or Contract Cities WER Participants assigned to WER pursuant to a reciprocal bed-use agreement will not be considered Contract Cities Inmates or Contract Cities WER Participants for the purpose of determining the number of City Inmates or City WER Participants.

- 6.4 The Contract Cities can access WER beds, subject to availability, on a first come, first serve basis. The County may in its sole discretion provide a specific number of WER beds to City WER Participants.
- 6.5 The Jail's capacity limit for Medical Inmates is thirty (30). The Jail's capacity limit for Psychiatric Inmates is one-hundred fifty-one (151). For the purpose of this Section the Medical and Psychiatric Inmate population will be determined following the definitions in Sections 1.21 and 1.25 at the time of the Jail's Official Daily Population Count.
- 6.6 When the Jail has reached its capacity limit for either Medical or Psychiatric Inmates as set forth in Section 6.5, the County will provide notice to the City by phone or electronic mail. Such notification will be made to the person designated in Section 13.10 of this Agreement. At the time this notification is made the County may request that the City take custody of a sufficient number of its Medical or Psychiatric Inmates to reduce the number of Medical or Psychiatric Inmates to the capacity limits detailed in Section 6.5, or the County may inform the City that it is willing to continue to house these Inmates.
- 6.7 County requests under Section 6.6 will be made as follows. The billable city (under this Agreement or other jail service agreements between the County and cities that have identical provisions as this Section) with the Inmate most recently admitted as Medical or Psychiatric Inmate will be asked to take custody of that inmate. This process will be repeated until such time as the Medical and Psychiatric populations are reduced below capacity limits, or the Jail is willing to house these Inmates.
- 6.8 If the County, pursuant to Sections 6.6 and 6.7, requests that the City take custody of Medical or Psychiatric Inmates, the City shall comply with the County's request. The City may take custody of its¹ Medical or Psychiatric Inmates by picking them up within

¹ Within eight (8)-hours of the County's request, the City may provide the County with the names of other Medical Inmates to substitute for the Medical Inmates identified for pick-up by the County. In the event the City identifies substitute Medical Inmates that are City Inmates, the provisions of Section 6 will continue to apply. In the event the City identifies substitute Medical Inmates that are the responsibility of a different city (Substitute City) that is party to this Agreement or a jail services agreement with the King County containing these same provisions, the Substitute City will be responsible for picking-up the substitute Medical Inmates within 24-hours of the initial request for pick-up. In the event the Substitute City fails to pick-up its Medical Inmates within 24-hours of initial notification to the

24-hours of the County's request, or by providing notice to the County, within 24-hours of the County's request, that the City would like the County to deliver the Inmates to the City's designated drop-off location or a backup location previously provided to the County². If the City has not picked-up the Medical or Psychiatric Inmate within 24-hours of the County's request, or the City has requested that the County take the Medical or Psychiatric Inmate to the designated drop-off location or backup location, the County will deliver the Medical or Psychiatric Inmate to the City's designated drop-off location or backup location. In either case, the City's designated drop-off location or backup location must accept delivery from the County, and must be available to do so seven days a week, twenty-four hours a day. In all cases, the County shall provide the receiving entity with Continuity of Care Records, in a sealed envelope, at the time custody is transferred. The City will ensure that the City and the receiving entity comply with all applicable confidentiality laws and rules. Similarly, the City will ensure that Continuity of Care Records are provided to the County at the time custody of a City Inmate receiving the level of care consistent with a Medical or Psychiatric Inmate is transferred to the County.

- 6.9 The County will transport Medical or Psychiatric Inmates to a designated drop-off location or backup location within King County, Washington without charge. The City will pay all transportation costs for Medical or Psychiatric Inmates taken to a designated drop off location or backup location outside of King County, Washington. In no case will the County be obligated to transport a Medical or Psychiatric Inmate out-of-state.

7. Jail Planning and Potential Future Agreements.

- 7.1 Jail Planning. The County and the City recognize the value of sharing information about their respective inmate populations and anticipated use of Secure Detention and alternative means of detention. The Parties agree to make good faith efforts to share this information regularly through the Regional Jail Group or similar forum. Furthermore, at the point the County begins planning for potential jail bed expansion, the County will make good faith efforts to provide notice to the City that such planning is underway so that the City has an opportunity to express any interest in contracting for additional jail beds based on terms potentially similar to many of those in the 2012-2030 Agreement.

- 7.2 Potential Future Agreements. If in the future the City is interested in executing an agreement with the County for jail beds incorporating terms similar to many of those in the 2012-2030 Agreement, the City shall provide Notification of its interest to enter into negotiations with the County. Within 60 days of the City's Notification, the County shall provide a response through written Notification to the City of whether it agrees to enter negotiations with the City. The County at its sole discretion can determine whether to negotiate an agreement with the City for jail beds incorporating terms similar to many of

City, the County will deliver the Medical Inmates named in the original notification to the City's designated drop-off location or backup location. The procedures outlined in this footnote will also apply to Psychiatric Inmates.

² The City's designated drop off location and backup location must be either a facility in the direct control of the City or a facility that is contractually obligated, consistent with the terms of this Agreement, to act as the City's designated drop-off location or backup location. The City may change its designated drop off location or backup location by providing Notification to the County of the change.

those in the 2012-2030 Agreement, which agreement would be subject to approval by both Parties' respective legislative bodies.

8. Indemnification.

- 8.1 The County shall indemnify and hold harmless the City and its officers, agents, and employees, or any of them, from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason of or arising out of any negligent action or omission of the County, its officers, agents, and employees, or any of them. In the event that any suit based upon such a claim, action, loss, or damage is brought against the City, the County shall defend the same at its sole cost and expense; provided, that, the City retains the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment be rendered against the City and its officers, agents, and employees, or any of them, or jointly against the City and the County and their respective officers, agents, and employees, or any of them, the County shall satisfy the same.
- 8.2 The City shall indemnify and hold harmless the County and its officers, agents, and employees, or any of them, from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason of or arising out of any negligent act or omission of the City, its officers, agents, and employees, or any of them. In the event that any suit based upon such a claim, action, loss, or damage is brought against the County, the City shall defend the same at its sole cost and expense; provided that the County retains the right to participate in said suit if any principle of governmental or public laws is involved; and if final judgment be rendered against the County, and its officers, agents, and employees, or any of them, or jointly against the County and the City and their respective officers, agents, and employees, or any of them, the City shall satisfy the same.
- 8.3 In executing this agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility, which arises in whole or in part from the existence or effect of City ordinances, rules or regulations. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such City ordinance, rule or regulation is at issue, the City shall defend the same at its sole expense and if judgment is entered or damages are awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and attorney's fees.
- 8.4 The terms of this Section 8 "Indemnification" shall survive the termination or expiration of this Agreement.

9. Most Favored Treatment.

- 9.1 During the term of this Agreement, the County represents and assures the City that no other city or town will be offered a contract covering the Jail, WER or jail services that grants such city or town Favored Treatment (as defined below), unless such contract, in substantially similar form, is also offered through Notification by the King County Executive to the City.

- 9.2 Within 60-days of receipt of an offer that the County represents as being made in accordance with Section 9.1, the City through Notification by its Chief Executive Officer must either:
- i) Accept the offer and such acceptance means the City acknowledges that the County has complied with Section 9.1;
 - ii) Decline the offer; or
 - iii) Inform the County that the City believes the offer does not comply with the requirements of Section 9.1 at which point the matter will be deemed referred to JAG pursuant to Section 10 and thereafter either party may pursue dispute resolution per Section 11 of this Agreement.

If the City within 60-days declines the offer per Section 9.2 (ii), or fails to respond within 60-days in the manner described in Section 9.2 (i), (ii) or (iii), then the City shall be deemed to have waived its right to enforce this Section with respect to the offer.

- 9.3 Per Section 13.11 of this Agreement, final execution of any new or amended contract is subject to City Council and County Council approvals.
- 9.4 Favored Treatment means that the terms contained in such other contract are clearly preferable to the terms contained in this Agreement, taking into account all provisions, including but not limited to, rates, guaranteed bed capacity, and minimum payment obligations.
- 9.5 This Section shall not apply to a) temporary service contracts of twelve months or less in duration; provided that such temporary service contracts shall not cause the City to pay more in Maintenance Charges and booking fees than the City would have paid without such a temporary service contract; b) reciprocal bed use agreements; and c) any agreements among the County and any city or town for additional services not provided for in this Agreement.
- 9.6 The City acknowledges that the County offered the City the 2012-2030 Agreement and hereby waives its right under Section 9 with respect to the 2012-2030 Agreement.
10. Jail Agreement Administration Group (JAG). A JAG is hereby established to work together to assure the effective implementation of this Agreement and resolve any Agreement administration, implementation or interpretation issues including, without limitation, issues related to Inmate transportation, alternative and community correction programs, coordination with the courts and law enforcement, mental health, drug and alcohol treatment, Agreement interpretation, any capital expenditure charge or budget included in the Maintenance Charge or WER Charge, referrals of disputes (including but not limited to disputes arising under Section 5) and issues related to the expedient transfer of City Inmates into or out of alternative facilities within or outside of King County. Each Contract City shall have one representative on the JAG. The County shall have two representatives (including a representative of the Executive and the Director of DAJD).

The Parties agree that the JAG has no authority to make a final decision with regard to any matter related to the Agreement. If the City, or the County, is not satisfied with status of a matter after

discussion in the JAG, that party retains all rights to seek further legal redress as provided for the Agreement, including referral of matters to dispute resolution per Section 11 of the Agreement. The JAG may meet with other similar jail agreement advisory groups created under other jail service agreements between the County and other cities when there are issues in common between this Agreement and other agreements.

11. Dispute Resolution. In the event the Parties are unable to resolve a dispute within 30 days of its referral to the JAG per Section 5 or Section 10, then either Party may pursue the dispute resolution provisions of this Section 11.
 - 11.1 Either Party may give Notification to the other in writing of a dispute involving the interpretation or execution of the Agreement. Within thirty (30) days of this Notification, the King County Executive and the Chief Executive Officer of the City shall meet to resolve the dispute. If the dispute is not resolved, then at the request of either Party it shall be referred to non-binding mediation. Except as provided in Section 11.2, the mediator will be selected in the following manner: the City shall propose a mediator and the County shall propose a mediator; in the event the mediators are not the same person, the two proposed mediators shall select a third mediator who shall mediate the dispute. Alternately, the Parties may agree to select a mediator through a mediation service mutually acceptable to both Parties. The Parties shall share equally in the costs charged by the mediator or mediation service.
 - 11.2 If other cities are party to an agreement substantially similar to this Agreement, each such city shall be promptly sent Notification of the dispute and, any such city shall be given the opportunity to both participate in the initial meeting to resolve the dispute and to participate as a party in mediation of such dispute. In the case of more than two cities participating in a mediation, the parties agree to engage a mediator through a mediator or mediation service acceptable to both King County and a majority of cities participating in the mediation. The County and all cities joining the mediation shall share equally in the costs thereof per Section 11.1.
 - 11.3 Each party reserves the right to litigate any disputed issue in court, *de novo*.
12. Termination. Either Party may initiate a process to terminate this Agreement as follows:
 - 12.1 Ten-Day Notification of Intent to Terminate. Any Party wishing to terminate this Agreement shall issue a written Notification of intent to terminate, not less than ten (10) days prior to issuing a ninety (90) day termination Notification under Section 12.2 of this Agreement. Upon receipt of the written Notification of intent to terminate, the parties will meet to confer on whether there are steps that the non-terminating party can take in order to avoid a ninety (90) day termination Notification notice under Section 12.2 of this Agreement.
 - 12.2 Ninety-Day Termination Notification. After the ten (10) day period has run under Section 12.1 of this Agreement, the party desiring to terminate this Agreement may provide the other party ninety (90) days written termination Notification, as provided in RCW 70.48.090.

13. General Provisions.

- 13.1 Other Facilities. This Agreement reserves in each party the power to establish a temporary holding facility during a riot, civil disobedience or natural disaster, to establish group homes or other care or rehabilitation facilities in furtherance of a social service program, to temporarily transfer Inmates to alternative detention facilities in order to respond to Jail overcrowding, and to comply with a final order of a federal court or a state court of record for the care and treatment of Inmates.
- 13.2 Grants. Both Parties shall cooperate and assist each other toward procuring grants or financial assistance from the United States, the State of Washington, and private benefactors for the Jail, the care and rehabilitation of Inmates, and the reduction of costs of operating and maintaining Jail facilities.
- 13.3 Severability. If any provision of this Agreement shall be held invalid, the remainder of this Agreement shall not be affected thereby.
- 13.4 Remedies. No waiver of any right under this Agreement shall be effective unless made in writing by the authorized representative of the party to be bound thereby. Failure to insist upon full performance on any one or several occasions does not constitute consent to or waiver of any later non-performance nor does payment of a billing or continued performance after Notification of a deficiency in performance constitute an acquiescence thereto. The Parties are entitled to all remedies in law or equity.
- 13.5 Exhibits. This Agreement consists of several pages plus the following attached exhibits, which are incorporated herein by reference as fully set forth:
- | | |
|-------------|--|
| Exhibit I | Method of Determining Billable Charge and Agency |
| Exhibit II | Exception to Billing Procedure |
| Exhibit III | Calculation of Fees, Charges and Surcharges |
- 13.6 Not Binding on Future Agreements. This Agreement does not bind the Parties as to the terms, fees, or rate formulas to be included in any future jail services agreements.
- 13.7 Entire Agreement. This Agreement, including all exhibits and attachments hereto, represents the entire understanding of the Parties and supersedes any oral representations that are inconsistent with or modify its terms and conditions.
- 13.8 Modifications. The provisions of this Agreement may only be modified and amended with the mutual written consent of the King County Executive and the Chief Executive Officer of the City and the approval of their respective legislative bodies, excepting that certain modifications to the fee re-sets and the notice requirements in Sections 4.2.2, 4.2.3 and Attachment I-2 may be approved administratively by signature of both the Chief Executive Officer of the City and King County Executive as specified herein.
- 13.9 Force Majeure. In the event either party's performance of any of the provisions of this Agreement become impossible due to Force Majeure, that party will be excused from

performing such obligations until such time as the Force Majeure event has ended and all facilities and operations have been repaired and/or restored.

- 13.10 Notifications. Except as otherwise provided in this Agreement, any Notification required to be provided under the terms of this Agreement, shall be delivered by certified mail, return receipt requested or by personal service to the following person:

For the City of Burien:

Lori Fleming
400 SW 152nd St., Ste. 300
Burien, WA 98166

Or his/her successor, as may be designated by written Notification from the City to the County.

For the County:

Chief of Administration
Dept. of Adult and Juvenile Detention
500 Fifth Avenue
Seattle, WA 98104

Or his successor, as may be designated by written Notification from the County to the City.

As defined in Section 1.22, written notices delivered to the individuals identified above, or their designee (as may be specified through a formal Notification) through alternate means including but not limited to electronic mail are intended to meet the requirements of this Agreement when the term "notice" rather than "Notification" is used.

- 13.11 Council Approval. The Parties' obligations under this Agreement are subject to official City and County Council approval.
- 13.12 Filing. As provided by RCW 39.34.040, this Agreement shall be filed with the King County Department of Records and Elections.
- 13.13 Assignment/Subcontracting. The City may not assign or subcontract any portion of this Agreement or transfer or assign any claim arising pursuant to this Agreement.
- 13.14 No-Third Party Beneficiaries. Except as expressly provided in Section 10 and 11 relating to the JAG and Dispute Resolution, there are no third-party beneficiaries to this Agreement. No person or entity other than a party to this Agreement shall have any rights hereunder or any authority to enforce its provisions, and any such rights or enforcement must be consistent with and subject to the terms of this Agreement.
- 13.15 Execution in Counterparts. This Agreement and any amendments thereto, shall be executed on behalf of each party by its duly authorized representative and pursuant to an

appropriate motion, resolution or ordinance. The Agreement may be executed in any number of counterparts, each of which shall be an original, but those counterparts will constitute one and the same instrument.

King County

The City of Burien

King County Executive

Mayor

Date

Date

Approved as to Form:

Approved as to Form:

King County
Deputy Prosecuting Attorney

City Attorney

Date

Date

EXHIBIT I
Method of Determining Billable Charge and Agency

Process Overview

The application of all billing rules in conjunction with Section 1.6 of this Agreement comprises the method for determining the principal basis for booking or confining a person. The County's billing system examines all open and active charges and holds for each calendar day and applies the Billing Priority Rules and Tie Breaker Rules as set forth below. Then the charge billable agency is determined from the billable charge(s) or hold(s) and the application of exception rules, for example, the special DUI sentencing rule or the special six hour rule.

Billing Priority Rules

The Billing Priority Group is determined in the following order:

1. Local felony charge(s)	A local felony charge is filed by the King County Prosecuting Attorney into a King County court.
2. Investigation holds from King County agencies or pursuant to a contract	An investigation hold is one that has been referred to the King County Prosecutor and includes King County investigation holds.
3. Department of Corrections (DOC) charge(s) pursuant to contract with DOC	Felony and misdemeanor charges adjudicated by DOC hearing examiner. Cases heard by a local court are considered local misdemeanors even if DOC is the originating agency.
4. Local misdemeanor charge(s) and city court appearance orders	Includes King County misdemeanors.
5. Other holds (contract and non-contract)	

Tie Breaker Rules

Tie breaker rules are applied in the following order to the Local Misdemeanor Priority Group (Number 4 under Billing Priority Rules) when there are charges with multiple charge billable agencies. The first rule that applies determines the billable charge(s). The charge billable agency for the selected charge(s) is the billable agency.

1. Longest or only sentenced charge rule	This rule selects the charge(s) with an active sentenced charge or, if there is more than one active sentenced charge, the rule selects the charge with the longest imposed sentence length.
2. Earliest sentence rule	This rule selects the charge(s) with the earliest sentence start date.
3. Lowest sentence charge number rule	This rule selects the sentenced charge(s) with the lowest charge number as given on the Subject-in-Process (SIP) booking system.
4. Arresting agency rule	This rule selects the charge(s) or hold(s) with a charge billable agency that matches the arresting agency for the booking.
5. Accumulated bail rule	This rule selects the agency with the highest total bail summed for all of the charge(s) and hold(s) for which the agency is the charge billable agency.
6. Lowest charge number rule	This rule selects the charge or hold with the lowest charge number as given on the Subject-in-Process (SIP) booking system.

Attachment I-1: City and County Jail Charges Clarification

This document contains several examples consistent with Section 1.6 of this Agreement.

#	Situation	Jail Costs associated with these cases are:
1	<i>Inmate booked by a city on a felony investigation, whose case is filed by the Prosecutor initially as a felony in Superior Court but subsequently amended to a misdemeanor charge (for evidentiary reasons, or entry into mental health court, or for other reasons)</i>	County responsibility
2	<i>Inmate booked by a city on a felony investigation and whose case is initially filed by the Prosecutor as a felony in District Court as part of a plea bargain effort (so called "expedited cases")</i>	County responsibility (including the expedited cases to be filed under the new Prosecutor Filing Standards).
3	<i>Inmate booked by a city on a felony investigation whose case is initially filed by the County Prosecutor as a misdemeanor in district court (i.e., mental health, domestic violence <u>or</u> in regular district court)</i>	County responsibility
4	<i>Inmate booked by a city on a felony investigation. The County prosecutor declines to file the case and refers it to a city prosecutor or law enforcement for any further action.</i>	County responsibility prior to release of felony investigation by County prosecutor; City responsibility from and after release of felony investigation
5	<i>Misdemeanor or felony cases originated by state agencies (i.e., WSP)</i>	County responsibility
6	<i>Inmates booked by a city on a juvenile charge who are held in adult detention or become adults during the pendency of their charge or sentence.</i>	County responsibility

Attachment I-2

**Inmate Transfers: Transfer Request Exemption Criteria, Notice and Billing
(Relating to Section 1.6.9)**

- A. In the event of one or more of the following transfer exception criteria are met, a transfer may be denied by the County, in which case the person for whom the City has sought a transfer remains a City Inmate:
- (1) Inmate has medical/health conditions/ treatments preventing transfer.
 - (2) Transfer location refuses Inmate.
 - (3) Inmate refuses to be transported and poses a security risk.
 - (4) Inmate misses transport due to being at court or other location.
 - (5) City refuses to sign transfer paperwork requiring the City to arrange transportation for Inmate back to King County, if needed, when City sentence ends.
- B. If the County has refused a transfer request and thereafter determines that it no longer needs to detain the person and the person would as a result become a City Inmate, then the County will provide notice to the City that it will become billable for the Inmate. The City will not incur a Maintenance Charge on the day of notice. If the City transfers the Inmate during the six calendar days immediately following the day of notice, it will not incur a Maintenance Charge for the first calendar day following notice, but will incur a Maintenance Charge for each subsequent calendar day until the Inmate is transferred. If the City does not transfer the Inmate from the Jail during this six day period, the City is billable beginning the calendar day following the day of notice from the County.
- C. The terms of this Attachment I-2 may be amended by administrative agreement evidenced by execution in writing by the Chief Executive Officer of the City and King County Executive.

EXHIBIT II
Exception to Billing Procedure

For persons serving the one and two day commitments pursuant to the mandatory DUI sentence grid who report directly from the community to the Jail for incarceration, Inmate day shall not be defined according to Section 1.17 of the Agreement. Instead, Inmate day shall be defined as a twenty-four hour period beginning at the time of booking. Any portion of a twenty-four hour period shall be counted as a full Inmate day. The number of days billed for each sentence shall not exceed the sentence lengths specified on the court commitment.

Two examples are provided for illustration:

Two-day sentence served on consecutive days:

John Doe	Booked 7/1/90 0700	Released 7/3/90 0700
	Number of Inmate days = 2	

Two-day sentence served on non-consecutive days:

John Doe	Booked 7/1/90 0700	Temporary Release 7/2/90 0700
	Return to Jail 7/8/90 0700 Number of Inmate days = 2	Released 7/9/90 0700

The Department of Adult and Juvenile Detention will apply this definition of Inmate day to the City's direct DUI one and two-day Inmates by adjusting the City's monthly bill before it is sent to the City. If the changes are not made for some reason, the City will notify the Department of Adult and Juvenile Detention, which will make the necessary adjustments.

EXHIBIT III
Calculation of Fees, Charges and Surcharges

The City shall pay the fees, charges, surcharges and Offsite Medical Charges with such annual adjustments for inflation and other re-sets as described below.

1. MAINTENANCE CHARGE, WER CHARGE AND CAPITAL EXPENDITURE CHARGE

The Maintenance Charge and WER Charge shall be calculated as shown in Attachment III-1 and as described below.

a. The **Maintenance Charge** starting **January 1, 2012**, and for the remainder of the calendar year 2012, **excluding** any adjustments for Capital Expenditure Charges, will be **\$127.97**. When combined with the Capital Expenditure Charges, the Maintenance Charge for calendar year 2012 is **\$132.01**. The Maintenance Charge shall be annually adjusted as described in Section 5 below and shall be annually inflated and/or re-set as described in Section 5 below. The Maintenance Charge calculation shall include 70.56% of the total DAJD Budgeted Jail Costs associated with booking; this percentage of booking costs to be included in the Maintenance Charge shall remain fixed through the term of this Agreement.

i. The City will not be charged a Maintenance Charge for a City Inmate where the Inmate has been offsite (e.g. housed outside of the Jail) for all 24 hours of a Surcharge Day and subject to 1:1 Guarding Surcharge for the entirety of such 24 hour period.

b. **WER Charge.** In lieu of the Maintenance Charge, the City will be charged a WER Charge for each Inmate Day in which a City WER Participant is in the WER program. Starting **January 1, 2012**, and for the remainder of the calendar year 2012, **excluding** any adjustments for Capital Expenditure Charges, the WER Charge will be **\$88.10**. When combined with Capital Expenditure Charges, the WER Charge for calendar year 2012 is **\$92.14**. The WER Charge shall be annually adjusted as described in Section 5 below and shall be annually inflated and/or re-set as described in Section 5 below.

c. In addition to the annual adjustments to the Maintenance Charge and WER Charge described above, King County will increase the Maintenance Charge and WER Charge to capture the cost of **Capital Expenditures**. Capital Expenditures are defined as the cost of repairing and renovating current jail capacity and support and administrative facilities that benefit Jail or WER operations. Capital Expenditures include, but shall not be limited to, the Integrated Security Project (ISP) and the Courthouse Seismic Stabilization Project (CSSP). Additional Capital Expenditures will be included in the Maintenance Charge and WER Charge if such expenditures benefit City Inmates or City WER Participants. Any Capital Expenditure that solely benefits County Inmates will not be charged to the City. Capital Expenditures do not include Jail Bed Expansion Projects. Capital Expenditures do not include Major Maintenance as defined in Attachment III-1.

i. Capital Expenditures will be calculated in proportion to the square footage that benefits adult detention. Cities will be billed their proportionate share based on the total number of Inmate Days (as defined in Section 1.17). By August 15 of each year, DAJD will estimate the total number of Inmate Days for the following calendar year and provide notice to the City of the Capital

Expenditure Charge to be included in the Maintenance Charge and WER Charge in the following calendar year.

ii. Upon request of the City, the County shall provide its 6-year CIP and its 6-year major maintenance plan to the City. The County will provide a detailed line item budget of each Capital Expenditure. If the City disputes that the Capital Expenditure benefits City Inmates or otherwise disputes the inclusion of the Capital Expenditure or any portion of the Capital Expenditures' budget in the maintenance fee, the matter will be referred to the JAG as described in Sections 10 and 11 of this Agreement. Capital Expenditures will not be charged to the City to the extent such Capital Expenditures are covered by federal grants, state grants, insurance proceeds, capital maintenance reserves or voter approved capital funding for jail related improvements.

iii. Capital Expenditures, if debt financed, shall begin being charged when debt service payments begin for the permanent financing of the Capital Expenditure and shall continue until the end of the debt amortization unless the debt amortization is less than fifteen (15) years, in which case the charges to the City will be amortized over fifteen (15) years. If the Capital Expenditure is not debt financed, Capital Expenditure charges shall be based on actual expenditures. The County will make available documentation evidencing such expenditures.

iv. Beginning **January 1, 2012** and continuing through calendar year 2012, the Capital Expenditure Charge for ISP for the City is **\$3.36** and the Capital Expenditure Charge for the CSSP is **\$0.68**, for a combined total Capital Expenditure Charge of **\$4.04** to be added to the Maintenance Charge and WER Charge amounts set forth in subparagraphs a and b above.

2. BOOKING FEE

a. The booking fee shall be based on whether or not the City is using the County's Personal Recognizance (PR) screeners for individuals it brings to a County jail facility to be booked. The two booking fees starting January 1, 2012 and for the remainder of the calendar year 2012 will be initially set as follows, as illustrated in **Exhibit III-1**:

i. The **Base Booking Fee** shall be **\$150.00**. This is the booking fee payable by Contract Cities that are **not** using the County's PR screeners. This Booking Fee shall include **40.86%** of the total Budgeted Jail Costs associated with booking (including Jail Health Intake Services); this percentage of booking costs to be included in the Booking Fee shall remain fixed through the term of this Agreement.

ii. The **Standard Booking Fee** shall be **\$195.96**. This is the booking fee payable by Contract Cities using the County's PR screeners. This booking fee is composed of the Base Booking Fee plus the fee associated with the County's PR screeners.

b. If the City has a court order on file as of January 1, 2012, confirming that the City and not the County will have authorization to provide PR screening for City Inmates, then the City will be qualified for the Base Booking Fee in 2012. To qualify for the Base Booking Fee in subsequent years, the City must either provide a court order not later than July 1 of the preceding calendar year confirming that the City and not the County will have authorization to provide PR screening for City Inmates, or a previously issued court order must remain in effect. If an authorizing court order is revoked or expires and is not renewed, the City will no longer qualify for the Base Booking Fee.

3. SURCHARGES

In addition to payment of the Maintenance Charge, WER Charge and the Booking Fees, the City shall pay Surcharges associated with services provided to City Inmates as described below. The types of services provided to an Inmate associated with each Surcharge, and a general description of each Surcharge, is set forth in Attachment III-2.

The initial Surcharge amounts described in paragraphs (a) – (d) below shall apply from the January 1, 2012 through December 31, 2012 and shall thereafter be annually adjusted as described in Section 5 below.

a. **Infirmary Care.** For Medical Inmates, the City shall pay an Infirmary Care Surcharge of **\$193.87** for each Surcharge Day.

b. **Non-Acute Psychiatric Care.** For Non-Acute Psychiatric Inmates, the City shall pay a Psychiatric Care Surcharge of **\$61.00** for each Surcharge Day.

c. **Acute Psychiatric Care.** For Acute Psychiatric Inmates, the City shall pay an Acute Psychiatric Care Surcharge of **\$231.11** (which is the sum of the Psychiatric Care Surcharge plus the Acute Psychiatric Housing Surcharge) for each Surcharge Day.

i. The **Acute Psychiatric Housing Surcharge** for each Surcharge Day shall be **\$170.11**.

ii. The **Psychiatric Care Surcharge** for each Surcharge Day of **\$61.00** is added to the Acute Psychiatric Housing surcharge for a total Acute Psychiatric Care Surcharge of **\$231.11**.

d. **1:1 Guarding Surcharge.** The 1:1 Guarding Surcharge is the charge imposed when the County dedicates an individual officer to guard a City Inmate. The Surcharge shall be **\$57.67** per guard *for each hour* or portion thereof, and as further described in Attachment III-2.

e. A **Surcharge Day** is defined as a 24-hour period from midnight to midnight, or any portion thereof, in which an Inmate receives any of the services within the Surcharges listed in subparagraphs (a) – (c) above; *provided that* with respect to the Infirmary Care Surcharge, Psychiatric Care Surcharge and Acute Psychiatric Surcharge, a maximum of one (1) charge may be imposed within the 24-hour period for a single inmate, and the charge imposed shall be the highest applicable charge. For example, if an inmate is placed in Acute Psychiatric Care, released to the general population, and then again placed in Acute Psychiatric Care all within the same 24-hour period (midnight to midnight), a single Acute Psychiatric Care Surcharge will be imposed. Similarly, if an Inmate is placed in Acute Psychiatric Care and then in Non-Acute Psychiatric Care within the 24-hour midnight to midnight period, then a single Acute Psychiatric Care charge will be imposed.

4. OFFSITE MEDICAL CARE CHARGES

In addition to the Maintenance Charge or WER Charge, the Booking Fee, and the Surcharges detailed above, the City shall be responsible for payment of all Offsite Medical Care Charges incurred by a City Inmate.

5. INFLATORS AND RE-SETS OF FEES AND CHARGES

a. Inflators. All fees and charges, excluding: (1) Offsite Medical Care Charges and (2) the Capital Expenditure Charge components of the Maintenance Charge and WER Charge shall be annually inflated by the percentage rates described below, effective January 1 of each calendar year starting January 1, 2013, in order to determine the final rates and charges for said calendar year, subject further to re-set of the underlying "base rates" periodically as described in Subsection 5.e below.

Non-Medical Charges: the following fees and charges are subject to an annual inflator of the Seattle-Tacoma-Bremerton CPI-W (covering the 12-month period ending in June) plus 1.5%, but shall in no event be lower than 1.5%:

- i. Maintenance Charge
- ii. WER Charge
- iii. Booking Fee
- iv. Acute Psychiatric Housing Surcharge
- v. 1:1 Guarding

Medical Charges: the following fees and charges are subject to an annual inflator of the Seattle-Tacoma-Bremerton CPI-W (covering the 12-month period ending in June) plus 3%, but shall in no event be lower than 3%:

- i. Infirmiry Care Surcharge
- ii. Psychiatric Care Surcharge

b. Final Fee and Charge Notice for Following Calendar Year. No later than August 15 of each year, the County will provide notice to the City of the final fees and charges listed in this Subsection 5.a for the following calendar year reflecting the application of the June-June CPI index in the manner prescribed in Subsection 5.a above.

c. Inflation Re-sets. Notwithstanding the terms of Subsections 5.a and 5.b to the contrary, in the event the Seattle-Tacoma-Bremerton CPI-W (June-June) exceeds 8% then, as part of the August 15 final fee and charge notice, the County will include information demonstrating whether, based on factors affecting the DAJD Budgeted Jail Costs including but not limited to personnel costs, food, utilities and pharmaceuticals, the County's reasonably expected inflation experience for the DAJD Budgeted Jail Costs in the next calendar year (the "Expected Inflation Rate") is *less than or greater than* said CPI-W (June-June) rate. If the Expected Inflation Rate is lower than the CPI-W (June-June) rate, the County will apply the lower of the two rates to the fees and charges listed in this Subsection 5.c for the following calendar year.

d. 2012 Fees and Charges. Attachment III-1 shows the allocation of **2011 Budgeted Jail Costs** used to derive the 2012 fees and charges, applying the inflators in Subsection 5.a above in order to calculate the fees and charges applicable in 2012 as set forth above in Sections 1, 2, 3 and 4.

e. Five-Year Base Re-set for Fees and Charges. After five years, the base costs on which fees and charges are based will be updated, by applying the previous year's Budgeted Jail Costs to the allocation methodology as illustrated in Attachment III-1. Thus, fees and charges in 2017 will be determined using the model in Attachment III-1 incorporating 2016 Budgeted Jail Costs, and then applying the annual inflators per Subsection 5.a. By **March 1** of the calendar year before each Base Re-set Year, the County will provide the City written notice including a detailed calculation of the re-set fees and charges for the next occurring Base Year (excluding application of inflators, which will be provided

by August 15 per Subsection 5.b above). The Parties shall promptly thereafter meet to review the information and will work in good faith to resolve any questions or issues by May 1 of calendar year preceding the Base Re-set Year. In the event that the County implements a new accounting system that makes it impracticable to generate the same cost allocations shown in the cost model illustrated in Attachment III-1, the Parties agree that technical adjustments may be made to the rate model in order to recreate as nearly as practicable the original rate model.

By way of illustration and without limitation:

- Year 2013 fees and charges are determined by applying the inflators to 2012 fees and charges per Subsection 5.a.
- Year 2014 fees and charges are determined by applying the inflators to 2013 fees and charges per Subsection 5.a.
- Year 2015 fees and charges are determined by applying the inflators to 2014 fees and charges per Subsection 5.a.
- Year 2016 fees and charges are determined by applying the inflators to 2015 fees and charges per Subsection 5.a.
- Year 2017 fees and charges are determined by allocating the 2016 Budgeted Costs per the cost model in Attachment III-1 and applying the inflators per Subsection 5.a.
- Year 2018 fees and charges are determined by applying the inflators to 2017 fees and charges per Subsection 5.a.

Definition of Budgeted Jail Costs:

Budgeted Jail Costs means the direct and indirect costs related to operating the Jail, including without limitation health services, per the adopted County Budget approved by the County Council.

**Attachment III-1
Illustration of Fee and Charge Calculations**

MAINTENANCE (DAILY) CHARGE

PART I: CALCULATION OF THE MAINTENANCE (DAILY) CHARGE

<u>Based on 2011 Adopted Budget</u>	<u>Budgeted Costs</u>
1 Total Department of Adult and Juvenile Detention	126,871,483
2 Plus County Admin for Detention	4,474,086
3 Remove 70% of court detail	(5,545,872)
4 Less Juvenile Detention and Associated DAJD Admin	(17,768,627)
5 Less CCD Division and Associated DAJD Admin	(6,047,574)
6 Less WER Secure Detention Costs	(1,553,522)
7 Less 1:1 Guarding Detention	(2,335,103)
8 Less Psych Housing DAJD	(3,050,414)
9 Less 29.44% of DAJD Booking Costs (Booking Fee line 3)	(4,186,451)
10 SUBTOTAL DETENTION COSTS for Daily Maintenance	90,858,006
11 Total Jail Health Services (JHS) Costs	27,415,896
11a Less Off Site Medical	-
11b Less Psych Services JHS	(3,325,962)
11c Less Infirmery JHS	(1,665,769)
11d Less Booking Costs - JHS ONLY	(2,744,549)
12 SUBTOTAL JAIL HEALTH COSTS for Daily Maintenance Charge	19,679,616
13 SUBTOTAL DAJD plus JHS for Daily Maint. Only	110,537,622
14 Less DAJD Cost Recoveries	
14a SMC Transport	(192,559)
14b Medical Reimbursement	(19,000)
14c SSI Incentive	(100,000)
14d Bulletproof Vest Reimbursement	(5,000)
14e IWF CX Transfer	(531,810)
14f SCAAP	(883,136)
15 Subtotal DAJD Cost Recoveries	(1,731,505)
16 NET Maintenance Costs	108,806,117
17 Total Maintenance Days	875,807
18 Average Maintenance Days	2,399
19 Cost per General Maintenance Day PRIOR to Capital Expenditure Surcharge	124.24

PART II: 2011 Costs inflated to 2012

20	3% Increase 2012	127.97
21	2012 CSSP	0.68
22	2012 ISP	3.36
	Total 2012 Daily Maintenance Charge including Debt Service	\$132.01

NOTES:

- 1 Based on DAJD 2011 Adopted Budget in Essbase (the budget system).
- 2 Includes 100% of County Admin for Personnel, F/A Mgmt, Mail, State Auditor, and Budget. In addition, includes \$3.57 million of Major Maintenance. This amount is the 2009 County adopted contribution from DAJD to the Major Maintenance Reserve Fund for the KCCF and MRJC facilities. It represents the annualized amount necessary to fund major maintenance projects at these two facilities on a rolling 20 year-basis in effect a "depreciation payment," applicable for each year of use/wear & tear.
- 3 70% of Court Detail costs are attributed directly to Superior Court, therefore not accessible to the cities and are removed from calculation.
- 4 Remove Juvenile Detention Division low orgs (cost centers) and associated DAJD Admin.
- 5 Remove Community Corrections Division (CCD) low orgs (cost centers) and associated DAJD admin.
- 6 WER is a standalone rate therefore all CCD costs associated with WER including the cost recoveries were removed in line 5. This line represents the removal of the costs from the detention operation that is used to support WER and are now included in the standalone WER Charge.
- 7 Surcharge for 1:1 guarding is removed from the maintenance charge.
- 8 Surcharge charge for services associated with housing the Acute Psychiatric Inmates is removed from the maintenance charge.
- 9 Removal of 29.44% of DAJD's Booking Costs associated with Booking from the maintenance charge. (See Exhibit III, Section 1a).
- 11 a-d All jail health services direct and indirect budgeted costs for: Offsite Medical Care, Psychiatric Care for Acute- and Non-Acute Psychiatric Inmates, Infirmiry Care, and intake health screening are removed from the calculation of the maintenance charge and are instead established as separate surcharges or components of separate charges. Other remaining direct and indirect Jail Health Services budgeted costs are included in the jail health portion of the maintenance charge.
- 12 The subtotal of lines 11 through 11d.
- 13 The subtotal of lines 10 and 12.
- 14 a-f Removal of reimbursements received by DAJD.
- 17 Calculation of total Maintenance days in 2011 is a weighted average of Secure and WER days based on the allocation of percentage of actual costs.
- 18 Calculation is Line 17 divided by number of days in year.
- 19 Cost per General Maintenance Day is PRIOR to the additional cost for capital expenditure charges (e.g. in 2012 seismic retrofit and ISP). See Exhibit III.c.i-III.c.iv.
- 20 This is the rate for 2012. For future years the inflator will be calculated as described in Exhibit III, Section 5.
- 21 Debt service CSSP is the Courthouse Seismic Project; DAJD is responsible for 10% of the \$84,747,000 that is financed over 20 years (2005-2024). The 2012 charge (\$.68) is calculated by taking the amount apportioned for 2012 (\$641,773) divided by the number of custodial maintenance days for 2012 (946,036).
- 22 Debt service ISP is the Integrated Security Project; DAJD is responsible for \$42,921,801 that is financed over 20 years (2010-2029). The 2012 (\$3.36) charge is calculated by taking the amount apportioned for 2012 (\$3,179,500) divided by the number of custodial maintenance days for 2012 (946,036).

WORK EDUCATION RELEASE (WER) (DAILY) CHARGE

PART I: CALCULATION OF THE WER (DAILY) CHARGE

<u>Based on 2011 Adopted Budget</u>		<u>Budgeted Costs</u>
1	Direct Detention Staffing Costs	1,389,308.98
2	Overhead - County and DAJD Admin	164,213.09
3	Subtotal Direct Detention	1,553,522.07
4	Work Release in Community Corrections	1,481,264.00
5	County, DAJD, and CCD Admin	418,844.34
6	Less WER Revenue	(245,556.00)
7	Subtotal CCD WER	1,654,552.34
8	Subtotal Detention and CCD Costs	3,208,074.41
9	Detention Support Services	2,036,453.66
10	Total WER (Daily) Costs	5,244,528.07
11	Total WER Maintenance Days	61,320.00
12	WER Cost/Day	85.53

PART II: 2011 Costs inflated to 2012

13	3% Increase 2012	88.10
14	2012 CSSP	0.68
15	2012 ISP	3.36
	Total 2012 WER Charge including Debt Service	\$92.14

NOTES:

- 1 Detention costs include staffing, shift relief, meal delivery, etc.
- 2 Overhead is allocated based on proportionate share of the adopted budget.
- 4 Community Corrections costs are for case managers, and administrative staff in WER.
- 6 WER Inmate payments for room and food charges are backed out of the total costs.
- 9 Additional services used to support WER include food preparation and food costs, janitorial costs, utilities, supplies, command management, etc. Costs are added proportionately including overhead charges.
- 11 Budget ADP of 168 multiplied by 365 = 61,320.
- 12 Cost per WER is PRIOR to the additional cost for capital expenditure charges (e.g. in 2012 seismic retrofit and ISP). See Exhibit III.c.i-III.c.iv.
- 13 This is the rate for 2012, for future years the inflator will be calculated as described in Exhibit III, Section 5.
- 14 Debt service CSSP is the Courthouse Seismic Project; DAJD is responsible for 10% of the \$84,747,000 that is financed over 20 years (2005-2024). The 2012 charge (\$.68) is calculated by taking the amount apportioned for 2012 (\$641,773) divided by the number of custodial maintenance days for 2012 (946,036).
- 15 Debt service ISP is the Integrated Security Project; DAJD is responsible for \$42,921,801 that is financed over 20 years (2010-2029). The 2012 (\$3.36) charge is calculated by taking the amount apportioned for 2012 (\$3,179,500) divided by the number of custodial maintenance days for 2012 (946,036).

BOOKING FEE

PART I: CALCULATION OF THE BOOKING FEE

<u>Based on 2011 Adopted Budget</u>	Base Booking Fee for those entities that <u>do not use</u> King County PR Screeners	Standard Booking Fee for those entities who <u>do use</u> King County PR Screeners	<u>Total</u> <u>Budgeted</u> <u>Costs</u>
1 Detention Booking Costs - DAJD	12,715,934		12,715,934
2 Plus County and DAJD Overhead	1,502,994		1,502,994
3 Sub-total - DAJD Booking Cost Before Adjustments	14,218,928		14,218,928
Adjustments			
4 Plus Jail Health Intake Services	2,744,549		2,744,549
5 Plus PR Screeners & Overhead	-	1,683,055	1,683,055
6 Sub-total - Booking Cost Adjustments	2,744,549	1,683,055	4,427,604
7 Total Booking Costs	16,963,477	1,683,055	18,646,532
8 Less DAJD Booking Cost Recovered in Daily Maint.	10,032,477		
% of DAJD Booking Cost	70.56%		
9 Total Book Cost included in Calculation	6,931,000		
% of Base Booking Cost	40.86%		
11 Bookings	47,594	37,717	
12 Booking Fee	145.63	44.62	
3% Increase 2012	150.00	45.96	

PART II: 2011 Costs inflated to 2012

	Base Booking Fee for those entities that <u>do not use</u> King County PR Screeners	Standard Booking Fee for those entities who <u>do use</u> King County PR Screeners
13 3% Increase 2012	\$150.00	\$195.96

NOTES:

- 1 Based on the DAJD 2011 Adopted Budget, in both the KCCF and RJC Cost Center (Orgs) from Essbase (the budget system).
- 2 Overhead is allocated based on proportionate share of the adopted budget including allocating costs to the booking charge.
- 3 Total of lines 1 and 2
- 4 Jail intake health screening costs are included in the booking fee, and removed from basic jail health (line 11d on the general maintenance day comparison sheet).
- 5 PR Screeners are part of the Community Corrections Division (CCD). PR Screener costs are part of the Standard Booking Fee charged to any cities using the County's PR Screeners. Refer to Exhibit III Section 2b on how the City can qualify for the Base Booking Fee which does not include the costs for the County's PR Screeners.
- 6 Total of lines 4 and 5.
- 7 Total of lines 3 and 6.
- 8 Represents total amount \$10,032,477 and percentage (70.56%) of DAJD Booking Costs recovered in the Daily Maintenance Fee. The remaining 29.44%, \$4,186,451 (ties to Line 9 Daily Maintenance Calculation), is included in Line 9 Total Booking Cost.
- 9 Represents the amount of total booking costs (including Jail Health Intake Services, line 4) and percentage (40.86%) used to calculate the Base Booking Fee of \$150. Calculation: Line 3 \$14,218,928 plus Line 6 \$2,744,549 less Line 8 (\$10,032,477). See Exhibit III Section 2.
- 11 Total budgeted Bookings are used to calculate the base and standard booking fees.
- 12 Calculated Fee prior to 2012 Inflation.
- 13 This is the rate for 2012. Future years the inflator will be calculated as described in Exhibit III, Section 5.

INFIRMARY (DAILY) SURCHARGE JAIL HEALTH SERVICES (JHS)

PART I: CALCULATION OF THE INFIRMARY (DAILY) SURCHARGE (JHS)

<u>Based on 2011 Adopted Budget</u>	<u>Budgeted Costs</u>
1 JHS Infirmary Services Staffing Costs	1,332,615
2 JHS Infirmary Non-Staffing Costs	333,154
3 Total JHS Infirmary Costs	1,665,769
4 Average maintenance days for the Infirmary (Location: Infirmary or successor location)	24.60
5 JHS Infirmary Fee per inmate/day	185.52

PART II: 2011 Costs inflated to 2012

6	4.5% Increase 2012	\$193.87
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NOTES:

- 1 2011 Budgeted wage and benefit costs for JHS staff who provided services to Inmates in the Infirmary. Costs are allocated to the Infirmary Surcharge based upon the number of shifts scheduled in the Infirmary as a percentage of all JHS shifts scheduled in the jails. Scheduled shifts are based upon the most current staffing model designed and flexed to meet the needs of a changing population. The staffing model used for calculation of the 2009 Amendment rate was in place in September, 2008 (at the time the cost model was updated).
- 2 2011 Budgeted costs for pharmaceuticals (including intravenous medications and supplies), medical supplies and medical equipment for Inmates in the Infirmary.
- 3 Ties to Line 11c of the General Maintenance Daily Charge.
- 4 Budgeted Maintenance Days for Infirmary Location or Successor Location as defined in "Maintenance Day Population by Jurisdiction and Housing Type" - Infirmary - Total ADM.
- 6 This is the rate for 2012. Future years the inflator will be calculated as described in Exhibit III, Section 5.

PSYCHIATRIC CARE SERVICES DAILY JAIL HEALTH SERVICES (JHS)

PART I: CALCULATION OF THE PSYCHIATRIC (DAILY) SURCHARGE (JHS)

<u>Based on 2011 Adopted Budget</u>		<u>Budgeted Costs</u>
1	JHS Psychiatric Services Staffing Costs	2,926,847
2	JHS Psychiatric Services Non-Staffing Costs	399,115
3	Total JHS Psychiatric Services Costs	3,325,962
4	Average maintenance days for Inmates receiving Psychiatric Care Services	156.10
5	JHS Psychiatric Services Fee per inmate/day	58.37

PART II: 2011 Costs inflated to 2012

6	4.5% Increase 2012	\$61.00
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NOTES:

- 1 Budgeted wage and benefit costs for JHS staff who provided services to the Acute and Non-Acute Psychiatric Housing units. Costs are allocated to the Psych Care Surcharge based upon the number of shifts scheduled in psych housing units as a percentage of all JHS shifts scheduled in the jails. Scheduled shifts are based upon the most current staffing model designed and flexed to meet the needs of a changing population. The staffing model used for calculation of the 2009 Amendment rate was in place in September, 2008 (at the time the cost model was updated).
- 2 Budgeted costs for pharmaceuticals and medical supplies for Inmates in Acute and Non-Acute Psychiatric housing.
- 3 Ties to 11b of the General Maintenance Daily Charge.
- 4 Budgeted Maintenance Days for 7North Location or Successor Location as defined in "Maintenance Day Population by Jurisdiction and Housing Type" - (Acute Psych - Total ADM PLUS Non-Acute Psych - Total ADM).
- 6 This is the rate for 2012. Future years the inflator will be calculated as described in Exhibit III, Section 5.

ACUTE PSYCHIATRIC HOUSING (DAILY) SURCHARGE

PART I: CALCULATION OF THE ACUTE PSYCHIATRIC HOUSING (DAILY) COMPONENT OF THE ACUTE PSYCHIATRIC SURCHARGE

<u>Based on 2011 Adopted Budget</u>	<u>Budgeted Costs</u>
1 Direct Detention Staffing Costs	2,727,974
2 Overhead - County and DAJD Admin	322,440
3 Total Acute Psych Jail Costs	3,050,414
4 Average Maintenance Days for Acute Psych Housing (7North location or successor location)	50.60
5 Acute Pysch Housing (Daily)	165.16

PART II: 2011 Costs inflated to 2012

6	3% Increase 2012	\$170.11
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NOTES:

- 1 Detention costs include staffing (salaries, benefits, meals).
- 2 Overhead allocated based on proportionate share of the budgeted costs.
- 3 Budgeted Maintenance Days for 7North Location or Successor Location as defined in "Maintenance Day Population by Jurisdiction and Housing Type" -- Acute Psych - Total ADM.
- 6 This is the rate for 2012. Future years the inflator will be calculated as described in Exhibit III, Section 5.

1:1 GUARDING (HOURLY) SURCHARGE

PART I: CALCULATION OF THE 1:1 GUARDING (HOURLY) SURCHARGE

	<u>2011 Est. Costs</u>
1 Direct Detention Staffing Costs	2,088,274
2 Overhead - County and DAJD Admin	246,829
3 Total 1:1 Guarding Costs	<u>2,335,103</u>
4 Average Officers per day	4.76
5 1:1 Guarding Cost/Day	1,343.67
6 1:1 Guarding Cost/Hour	55.99

PART II: 2011 Costs inflated to 2012

7	3% Increase 2012	<u>\$57.67</u>
---	------------------	-----------------------

NOTES:

- 1 Direct Detention Staffing Costs are determined using the following methodology

$$\text{Actual 1:1 Guarding Hours} \times \text{Avg. CO Hourly Overtime Rate} = \text{Direct Staffing Costs}$$

Avg. CO Hourly Overtime Rates is derived from the 2011 Essbase PSQ Salary file, taking the average Overtime hourly rate for a Corrections Officer, and increasing by 3% for Gun Qualification Premium.
- 2 Overhead is allocated based on proportionate share of the budgeted costs.
- 4 Calculation: $1:1 \text{ Guarding Hours} / \# \text{ of days in year} / 24 \text{ hours} = \text{Average Officers per day.}$
- 5 Calculation: $\text{Line 3} / (\text{Average Officers per day} \times \# \text{ of days in year}).$
- 6 Calculation: $\text{Line 5} / 24\text{hrs.}$
- 7 This is the rate for 2012. Future years the inflator will be calculated as described in Exhibit III, Section 5.

**Attachment III-2
Summary Description of Medical Cost Model Surcharges and Pass-Through Charges**

	Surcharge	Description
1.	1:1 Guarding	Cost to guard an inmate in a 1:1 situation. Most common occurrence is at hospital or at off-site medical appointments. If more than one guard is required, then the rate would be the multiple of guards.
2.	Acute Psychiatric Care (two components) – billed by location (7North in KCCF or successor location)	
	a. Psychiatric Care Surcharge	Costs for Jail Health Services (JHS) treatment team for services listed below for Psychiatric Care.
	b. Acute Psychiatric Housing Surcharge	Costs for additional officer staffing for: 15-minute checks, assistance with feeding, emergency responses, escorts, and other necessary services to provide for an inmate who poses a potential danger to him or her self.
3.	Non-Acute Psychiatric Care (one component)	
	a. Psychiatric Care Surcharge	Costs for JHS Psychiatric treatment team for services listed below for Psychiatric Care.
4.	Infirmiry Care	Costs for JHS Infirmiry care, services listed on reverse.

	Pass-Through Charge	Description
5.	Off-Site Medical Charges	Costs for inmates to receive services from outside medical providers (services not available from JHS). Examples include: <ul style="list-style-type: none"> ❖ Hospital care ❖ Dialysis ❖ Cancer treatment (chemotherapy, radiation) ❖ Specialized transport to medical appointments (wheelchair bound inmates)

JHS Psychiatric Care

Services Provided:	Criteria:
<ul style="list-style-type: none"> ❖ Psychiatric Housing ❖ Psychiatric Treatment & Management ❖ Psychiatric Treatment Team Monitoring ❖ Medication Administration ❖ Mental Health Crisis Counseling ❖ Psychiatric Therapy Groups 	<p><i>Inmates with severe or unstable mental health conditions are placed in psychiatric housing units and receive a level of monitoring and care based on the acuity of their mental illness. Inmates in psychiatric housing are evaluated upon admission and then re-evaluated on a regular basis by a multi-disciplinary treatment team.</i></p>

JHS Infirmary Care

Services Provided:	Criteria:
<ul style="list-style-type: none"> ❖ 24-hour Skilled Nursing Care ❖ Daily Provider Rounds ❖ Treatment and Management of Complex Disease States ❖ Medication Administration ❖ Activities of Daily Living Assistance ❖ Alcohol Detoxification 	<p><i>Inmates who meet diagnostic criteria that require 24-hour skilled nursing care are housed in the KCCF Infirmary. Examples include but are not limited to:</i></p> <ul style="list-style-type: none"> ❖ <i>Substance abusers requiring medical detoxification/withdrawal management (chronic alcoholics and opiate addicted pregnant females);</i> ❖ <i>Individuals with non-stable medical conditions such as: need for kidney dialysis, wired jaws, newly started on blood thinning medication;</i> ❖ <i>Individuals who are mobility impaired and/or not independent in activities of daily living;</i> ❖ <i>Individuals requiring IV therapy or with central lines in place;</i> ❖ <i>Individuals who are acutely ill, post surgical, who require convalescent care, and those with conditions requiring extensive treatment and frequent monitoring; and</i> ❖ <i>Individuals with severe respiratory problems requiring nebulizer treatments, oxygen and close observation.</i> <p><i>Inmates are formally admitted to infirmary care following assessment by a physician or nurse practitioner and then monitored daily by provider and nursing staff. Discharge from the infirmary occurs either at the time of release from jail or as the patient's condition improves and can be safely managed in general population housing. Some individuals remain in infirmary care for the duration of their incarceration.</i></p>



**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion on Naming the 2013 Annual Citizen(s) of the Year Award Recipient(s)		Meeting Date: February 4, 2013
Department: City Manager	Attachments: Resolution No. 326	Fund Source: General Fund-City Council Activity Cost: \$500 (est.) Amount Budgeted: \$2,000 Unencumbered Budget Authority: N/A
Contact: Monica Lusk, City Clerk		
Telephone: (206) 248-5517		
Adopted Work Plan Priority: Yes No X	Work Plan Item Description: N/A	
PURPOSE/REQUIRED ACTION:		
The purpose of this agenda item is for Council to name the 2013 Annual Citizen of Year Award recipient(s).		
BACKGROUND (Include prior Council action & discussion):		
Since 1995, the Council has been recognizing citizens for their contributions to the community in four categories. On December 12, 2011, the Council adopted Resolution No. 326, establishing an Acknowledgement Policy. This policy recognizes a citizen or group for their contributions to the community in one category, Citizen(s) of the Year.		
The award(s) will be presented at the February 25, 2013, Council meeting.		
OPTIONS (Including fiscal impacts):		
N/A		
Administrative Recommendation: Name 2013 Citizen of the Year recipient(s).		
Advisory Board Recommendation: N/A		
Suggested Motion:		
Move to name _____ as the 2013 Citizen(s) of the Year.		
Submitted by: Monica Lusk		
Administration _____		City Manager _____
Today's Date: December 31, 2012		File Code: R:/CC/Agenda Bill 2013/020413cm-1 Citizen of the Year

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 326

A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON, ESTABLISHING AN ACKNOWLEDGEMENT POLICY AND REPEALING RESOLUTION NOS. 054, 120 AND 149.

WHEREAS, the City of Burien wishes to foster and encourage strong commitment to the community by its citizens; and

WHEREAS, the City of Burien encourages participation among public, private and non-profit entities in community-based activities (also referred to herein as “groups”); and

WHEREAS, the City of Burien believes such participation and commitment to the community should be acknowledged and officially recognized; and

WHEREAS, the City of Burien wishes to generalize the parameters for acknowledging residents and groups; and

WHEREAS, the City Council wishes to update its Proclamation Policy.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Establishment of an Acknowledgement Policy. The City of Burien hereby establishes an Acknowledgement Policy as set forth below, to recognize outstanding contributions made by citizens and groups.

A. Citizen of the Year.

1. Acknowledgement. The acknowledgement shall be made for one category, Citizen(s) of the Year.

2. Selection. Councilmembers may, in special session at the first meeting in January, indicate their preference for one or more of the candidates.

3. Criteria. The criteria qualifying a party or parties for this honor are intended to be subjective and broadly construed. It may be for a single contribution in a single calendar year or for a body of work over any period of time. Individuals may receive this honor once.

4. Source of Nominations. Nominations may come from any source. Council will accept nominations for Citizen of the Year at any time during the year but no later than December 31. In cases where no nomination is received by December 31, there will be no additional solicitation. Council is not obligated to select any candidate.

5. Naming Award Recipient. Staff will make necessary arrangements, including the presence of the individual(s) at the appropriate Council meeting. The individual(s) will be acknowledged at the last Council meeting in February. Council will convene in regular session then, as its first order of business, read a proclamation honoring the individual (s) and ask him/her for brief remarks. Council then will adjourn for an informal interaction with the candidate, friends, family and well wishers before reconvening to conduct regular business.

B. Proclamations.

1. Process. Each Councilmember may request two proclamations honoring an individual or a group for any reason, at any time during a calendar year. To be approved, the Council must, by simple majority present at a meeting, agree to the sponsoring Councilmember's request. Staff will draft the proclamation and return it to Council in not less than two weeks but not more than three weeks after the request was approved by Council.

2. Sponsorship. It is intended that this process will provide each Councilmember the opportunity to sponsor two proclamations each year. Councilmembers not wishing to sponsor one or more proclamations in a given year may "donate" that privilege to another Councilmember, at their complete discretion.

Section 2. Repealer. Resolution Nos. 054, 120 and 149 are hereby repealed.

Section 3. Effective Date. This resolution shall take effect immediately upon passage by the Burien City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 12TH DAY OF DECEMBER, 2011.

CITY OF BURIEN

/s/ Joan McGilton, Mayor

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Craig D. Knutson, City Attorney

Filed with the City Clerk: December 12, 2011
Passed by the City Council: December 12, 2011
Resolution No. 326

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Review of Revisions to the City Council Policies and Procedures		Meeting Date: February 4, 2013
Department: City Manager	Attachments: 1. City Council Policies and Procedures 2. Matrix of Council Requests	
Contact: Nhan Nguyen, Management Analyst	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A	
Telephone: (206) 439-3165		
Adopted Work Plan Priority: Yes No <input checked="" type="checkbox"/>	Initiative Description:	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to review and perhaps modify the matrix that documented the revision requests to the City Council Policies and Procedures.</p> <p>BACKGROUND <i>(Include prior Council action & discussion):</i></p> <p>At the November 26 Council meeting, staff presented draft of revisions to City Council Policies and Procedures. Council asked staff to create and document in the matrix the revisions that each Councilmember wanted to make. At the January 7 Council meeting, Council commented on staff's responses to Council's requests. Council directed staff to respond to these comments and bring back the updated matrix to the February 4, 2013 meeting.</p>		
<p>OPTIONS <i>(Including fiscal impacts):</i></p> <ol style="list-style-type: none"> 1. Approve the revisions to the City Council Policies and Procedures and direct staff to put the revised Policies and Procedures on the Consent Agenda at the next Council meeting. 2. Add additional revision requests to the matrix and direct staff to bring it back at the next Council meeting for review. 		
Administrative Recommendation: Hold discussion and consider placing approval of the City Council Policies and Procedures on the March 4 Consent Agenda.		
Advisory Board Recommendation: N/A		
Suggested Motion: N/A		
Submitted by: Nhan Nguyen		
Administration _____	City Manager _____	
Today's Date: January 30, 2013	File Code: R:/C//AgendaBill2013/020413cm-2 Revisions to City Council Policies and Procedures.docx	

CITY OF BURIEN, WASHINGTON
CITY COUNCIL POLICIES AND PROCEDURES
MEETING GUIDELINES

20052012

Adopted by the Burien City Council
July 25, 1994
Revised February 13, 1995
Revised November 20, 1995 by Resolution 072
Revised December 18, 1995 by Resolution 071
Revised January 26, 1998 by Resolution 095, 097, & 100
Revised June 1, 1998 by Motion
Revised September 21, 1998 by Resolution No. 103
Revised April 27, 1999 by Ordinance No. 228 and Ordinance 229
Revised June 7, 1999 by Ordinance No. 258
Revised October 4, 1999 by Motion
Revised February 26, 2001 by Motion
Revised February 4, 2002 by Motion
Revised February 3, 2003 by Motion
Revised November 1, 2004 by Motion
Revised June 6, 2005 by Motion and Resolution No. 215

Prepared by
Community Relations & Human Resources

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SECTION 1. AUTHORITY

- 1.1 The Burien City Council hereby establishes the following Council Meeting Guidelines ~~procedures for the conduct of Council meetings, proceedings and business.~~ ~~These~~ ~~These~~ ~~procedures~~ ~~Guidelines~~ shall be in effect upon adoption by the Council and until such time as they are amended or new procedures adopted in the manner provided by these ~~rules~~ Guidelines, Council-Manager Plan of Government, RCW 35A.13, is attached as Exhibit A.

SECTION 2. COUNCIL MEETINGS

2.1 Regular Meetings and Study Sessions.

- A. ~~Beginning March 5, 2001, Beginning April 6, 2009, r~~Regular meetings of the City Council of the City of Burien shall be held at 7:00 p.m. on the first, and third Monday of each month at the building designated as Burien City Hall, currently located at ~~415 SW 150th Street~~ 400 SW 152nd Street, Burien, Washington, or at another location the City Council may deem appropriate. (Resolution No. 3 and amended by Resolution Nos. 3, 19, 35, 71, 97, 101, and 290)
- B. Regular Meeting is defined as a meeting used to conduct all ordinary and routine business of the city.
- C. ~~Beginning November 1, 2004, s~~Study sessions ~~Sessions~~ of the City Council of the City of Burien shall be held at 7:00 p.m. on the ~~second and~~ fourth Monday of each month (except as noted in “~~HG~~” below).
- D. Study Session is defined as a meeting used to review and discuss pertinent business of the city and to prepare matters for action at a Regular Meeting.
- E. The City Council may take official action at either a Regular Meeting or at a Study Session. ~~Only~~ business items requiring action that are time sensitive shall be scheduled at a Study Session. ~~Both~~ Regular Meetings and Study Sessions will be broadcast live on the City’s government cable T.V. channel, TBC21.
- F. ~~Beginning November 1, 2004, Committee meetings shall be held on an as-needed basis. Items reviewed in Committee will be scheduled for Council action per committee recommendation.~~
- G.F. ~~Beginning January 2004,~~ City Council workshops will be held quarterly, at a location designated by the City Council.
- H.G. ~~Beginning November 1, 2004 April 6, 2009, d~~During the months of June, July, and August, Council meetings will be held on the first ~~second~~ and third Mondays of the month. ~~The~~ Study session on the fourth Monday will be canceled during these months.

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- 2.2 Should any Council meeting fall upon a date designated as a legal holiday, then that meeting shall be canceled.

2.3 ~~Citizens'~~Public comment and public hearing sign-up sheets will be available at each Regular Council meeting for the use of ~~citizens~~the public wishing to address the Council.

2.4 The City Clerk shall prepare minutes for all Council meetings, which shall contain an account of all official actions of the Council. The minutes will constitute the official record of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law.~~will keep an account of all proceedings of the Council in accordance with the statutory requirements, and proceedings will be entered into a minute book constituting the official record of the Council.~~

2.5 Types of Meetings

- (1) Regular: used to conduct all ordinary and routine business of the city.
- (2) Study Session: used to review and discuss pertinent business and policy issues of the City and to prepare matters for action at a Regular Meeting.
- (3) Special: any Council meeting other than ~~the a~~ Regular Council Meeting or Study Session which has been called for the purpose of conducting official action or studying an issue.— Notice shall be given at least 24 hours in advance.— A Special Council meeting may be scheduled by the Mayor and three additional Councilmembers, or at the request of a majority of the Councilmembers.
- (4) ~~Committee Meetings: Meetings of three councilmembers, scheduled on an as needed basis, for the purpose of discussing routine business items. Committees may make recommendations for action to the Council as a Whole. Generally, these items will be forwarded for approval on the Consent Agenda. Councilmembers who do not serve on a committee with questions or concerns about an agenda item, are responsible to contact staff or a committee member prior to the committee meeting to express their concern or need for additional information.~~
- (4) ~~(4)~~—Emergency: a Special Council meeting called without 24-hour notice. An Emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24 hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the Mayor or a majority of Councilmembers.— The minutes will indicate the reason for the emergency.

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- (5) Executive Session: a Council meeting that is closed except to the Council, City Manager, and authorized staff members and/or consultants authorized by the Mayor or a majority of Councilmembers. The public is restricted from attendance. Executive Sessions may be held during Regular, Study Session, or Special Council meetings, or as separate meetings, and will be announced by the Mayor. Executive Session subjects are limited to considering matters authorized by state law, ~~as set forth in~~ per RCW 42.30.110.

Before convening an Executive Session, the Mayor shall announce the specific purpose of the meeting and the potential for action by the Council when it reconvenes. ~~Should the session require more time, a public announcement shall be made, extending the meeting for a time certain. At the end of that time, if the discussion has not concluded, the meeting shall by public announcement again be extended for a time certain.~~ The Mayor shall also announce that the Executive Session will be conducted per RCW42.30.110(2).

Executive Sessions will begin and end in accordance with State law. At the conclusion of the Executive Session, if the potential for taking action was previously announced, the public meeting will reconvene.

2.6 ORDER OF REGULAR COUNCIL MEETING AGENDA

Call to Order

The Mayor calls the meeting to order.

Pledge of Allegiance

The Mayor, and at times, invited guests lead the flag salute.

Roll Call

The City Clerk shall call the roll, and the Mayor shall indicate any Councilmember who is not in attendance and whether or not the Councilmember has an excused absence. ~~— Councilmembers may make a motion to excuse absent Councilmembers.~~

Agenda Confirmation

Councilmembers may offer motions to alter the current agenda through deletion, revision or additions to the agenda.

Announcements/Presentations

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The Mayor makes announcements of upcoming meetings and events, and presents proclamations. A proclamation is defined as an official declaration made by either the City Council or the Mayor. Other special presentations may also be scheduled at this time.

Correspondence for tAgenda Confirmation

Councilmembers may offer motions to alter the current agenda through deletion, revision or additions to the agenda.

Citizens' Public Comments

Members of the audience may comment in writing or verbally on items relating to any matter. Verbal comments are limited to three (3) minutes per person and five (5) minutes for groups.

Correspondence for the Record

~~Correspondence addressed to the Council will normally be included in "Correspondence for the Record" for a future City Council meeting. Correspondence that is abusive or otherwise inappropriate, or sent anonymously, will not be included in the Record. Correspondence that discloses personal information will be edited out before included in the Record. Correspondence that contains profanity or abusive in nature would be submitted to the Mayor who would decide whether it should be included in the Record. Correspondence that is sent anonymously will not be included in the Record.~~

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Consent Agenda

Consent Agenda items are considered to be routine and are approved by one motion. Items on the Consent Agenda include but are not limited to minutes, vouchers or other matters, ~~including ordinances and resolutions,~~ discussed at a previous City Council meeting, ~~or by majority vote from a Council Committee meeting.~~ Three Councilmembers may remove any item(s) from the Consent Agenda for separate discussion and action. When an item is removed, the Consent Agenda is considered for action without that item. After the Consent agenda has been considered, each item which was removed is considered. When discussion on that item is completed, a motion may be made to vote on the item or to refer it to ~~committee or to another meeting.~~

Business Agenda

Public Hearings and Discussion

Public hearings are held to receive public comment on important issues and/or issues requiring a public hearing by State statute or Burien ordinances. ~~Citizens~~ Public wishing to comment will follow the same procedure as for "Citizens' Public Comments" and may speak after being recognized by the Mayor. After all

persons have spoken, the hearing is closed to public comment. The Council may then proceed with deliberation. For legislative public hearing, Council's decision will occur at the next regular meeting, and decision making.

Proclamations and Presentations

The Mayor presents proclamations. A proclamation is defined as an official declaration made by either the City Council or the Mayor. The Mayor and Councilmembers may each request the preparation of two proclamations a year to honor individuals or groups. Requests for proclamations from outside organizations and groups will be placed in the City Manager's Report and reviewed by the City Council. Proclamations must be signed or otherwise be pre-approved by a majority of Councilmembers prior to execution by the Mayor. Proclamations may be placed on the Council agenda for official presentation or mailed to the honored individual or organization as appropriate.

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Presentations are also scheduled at this time.

Ordinances and Resolutions

Ordinances are legislative acts or local laws.—They are the most permanent and binding form of Council action and may be changed or repealed only by a subsequent ordinance.—Ordinances normally become effective five days after publication in the City's official newspaper.

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Resolutions are adopted to express Council policy or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

.....

Ordinances and resolutions may be passed under any of the agenda sections.

Council Reports

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~~Council Committee meeting agendas and minutes, and Advisory board minutes may be transmitted for the record.~~ Councilmembers may report on ~~Council committee meetings~~, other meetings, and activities in which they have participated and represented the City. Councilmembers may also provide written reports to the City Manager's report under the heading, "Council Updates and Reports."

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~~Staff reports on issues of interest to the Council which do not require immediate Council action shall be made at Study Sessions whenever possible.~~

Executive Session

An Executive Session may be held before, during or after a Council meeting, as described in Council Policy 2.5 (5).

Future Agenda Items

~~The agenda for the next council meeting is reviewed by councilmembers.~~

~~Councilmembers may raise any issue they desire related to Council business. Requests for new agenda items should be brought to the 4th Monday Study Session for scheduling at a future Council meeting.~~

Adjournment

With no further business to come before the Council, the Mayor shall entertain a motion to adjourn. Councilmembers will vote on the motion to adjourn in the same manner as other motions. ~~(10/24/05)~~

2.6.1 Generally, formal breaks during the meeting will not be called.

2.7 ORDER OF STUDY SESSION AGENDA

Call to Order

Pledge of Allegiance

Roll Call

~~**Correspondence for the Record**~~ **Correspondence for the Record**

Discussion Items

These are business items the full Council wishes to discuss and study in preparation for action at a future Council meeting. As noted in Section 2.1 E, action may ~~also~~ be taken at a study session.

Members of the audience may comment on the item being discussed when recognized by the Mayor.

Requests for new agenda items should be brought to the 4th Monday Study Session for scheduling at a future Council meeting.

Adjournment

2.7.1 Generally, formal breaks during the meeting will not be called.

SECTION 3. AGENDA PREPARATION

3.1 The City Clerk, in consultation with the Mayor and City Manager, will prepare an agenda for each Council meeting specifying the time and place of the meeting,

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and set forth a brief general description of each item to be considered by the Council.

- 3.2 The proposed agenda schedule will be reviewed ~~as the first item of discussion at the 4th Monday Study Session during the last regular Council meeting of each month.~~ The City Manager and City Clerk will maintain a list of all known or requested items for future Council agendas ~~as well as for its Committees.~~ Changes in the proposed schedule from the previous week will be highlighted in bold with the reason for the change noted in italics below the item. ~~This will be provided with each week agenda and be the basis of the Council's monthly review discussion.~~
- 3.3 The Mayor and/or City Manager may place items on a Council meeting agenda, according to the Proposed Council Agenda Schedule ~~recommendations from Council committees,~~ and requests of Councilmembers.
- 3.4 An item may be delayed if the Mayor and/or the City Manager knows it is of particular importance to an absent Councilmember.
- ~~3.5 The City Clerk will identify times for each agenda item on the agenda.~~
- 3.6 Legally required and advertised public hearings will have a higher priority over other time-scheduled agenda items, which have been scheduled by convenience rather than for statutory or other legal reasons.
- 3.7 Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.
- 3.8 Agendas with supporting materials will be provided to the City Council at ~~noon-5 pm~~ the Thursday prior to the meeting. Agenda and materials will be available at City Hall, ~~and on the City's website and at the Burien Library~~ for City staff, media and the public at 4:00-5:00 p.m. on the Friday prior to the meeting.
- 3.9 The Council may use the "Recommended Motion" language ~~on the agenda bill Recommended Motion language~~ for making a motion.
- 3.10 ~~Proclamations: The Mayor and Councilmembers may request the preparation of proclamations to honor individuals or groups. Requests for proclamations from outside organizations and groups will be placed in the City Manager's Report and reviewed by the City Council. Proclamations must be signed or otherwise be pre-approved by a majority of Councilmembers prior to execution by the Mayor. Proclamations may be placed on the Council agenda for official presentation or mailed to the honored individual or organization as appropriate.~~

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SECTION 4.- COUNCIL DISCUSSION AND DECISION MAKING PROCESS

- 4.1 New or non-routine topics and issues will be discussed first at a Study Session unless the topic requires more immediate discussion.
- 4.2 The Council will take action at a following Regular meeting unless Council agrees that action can be taken immediately (except Consent Agenda and emergency items).
- 4.3 If a majority of the Council arrives at consensus to put an issue up for a vote and a Councilmember is not there when the vote takes place, then that Councilmember should not bring the item back.
- 4.4 The Mayor will ~~assist in keeping~~facilitate the discussion ~~to the time noted in a timely manner~~ and Councilmembers will try to be cognizant of the amount of time the discussion is taking.
- 4.5 The Mayor will state the public hearing procedures before each public hearing.
- 4.6 Staff/consultants will provide brief information and respond to questions by Councilmembers or as requested by the City Manager.
- 4.7 Councilmembers are individually responsible for gathering additional information on issues and for calling staff with questions not covered during the formal Study Session or Regular meeting process.
- 4.8 ~~All~~To the extent not otherwise governed by these Guidelines, Council discussion shall will be governed by ROBERT'S RULES OF ORDER, NEWLY REVISED.

SECTION 5.– COMMENTS, CONCERNS & TESTIMONY TO COUNCIL

5.1 Persons addressing the Council, who are not specifically scheduled on the agenda, ~~shall~~will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes.– Groups shall limit their remarks to five (5) minutes.

All remarks will be addressed to the Council as a Whole.– Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested to leave the meeting.

5.2 The Mayor has the authority to preserve order at all meetings of the Council, to cause removal of any person from any meeting for disorderly conduct and to enforce the Rules of the Council.– The Mayor may command assistance of any peace officer to enforce all lawful orders of the Mayor to restore order at any meeting.

5.3 ~~Citizens~~Public with complaints, concerns or questions, will be encouraged to refer the matter to the City Manager, or ask that the matter be placed on a future City Council meeting ~~or Council Committee meeting~~ agenda with the appropriate background information.

SECTION 6.—MOTIONS

- 6.1 *Prior to discussion*, the Deputy Mayor will make the motion, and the senior member of the Council will make the second. If the Deputy Mayor is absent, the senior Councilmember will make the motion and the second most senior member will make the second.

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After the motion is made and seconded, the applicable staff member will give a short presentation on the subject to be discussed.

- 6.2 If a motion does not receive a second, it dies. Motions that do not need a second include: nominations, withdrawal of motion, agenda order, request for a roll call vote, and point of order.
- 6.3 A motion that receives a tie vote is deemed to have failed.
- 6.4 Motions shall be clear and concise and not include arguments for the motion within the motion.
- 6.5 After a motion has been made and seconded, the Council may discuss their opinions on the issue prior to the vote and may state why they will vote for or against a motion, if they wish to do so.
- 6.6 When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the agreement at the conclusion of the discussion.
- 6.7 A motion may be withdrawn by the maker of the motion, at any time, without the consent of the Council.
- 6.8 A motion to table is undebatable and shall preclude all amendments or debate of the issue under consideration.—If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future Regular or Special meeting at which time discussion will continue; and if an item is tabled, it cannot be reconsidered at the same meeting.
- 6.9 A motion to postpone to a certain time is debatable, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or at a time certain at a future Regular or Special City Council meeting.
- 6.10 A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if the motion to reconsider received an affirmative vote.

- 6.11 A motion to call for the question shall close debate on the main motion and is undebatable. This motion must receive a second and fails without a two-thirds (2/3) vote. If seven (7) Councilmembers are present, then five (5) must vote in the affirmative to fill the 2/3 requirement. Debate is reopened if the motion fails.
- 6.12 A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.
- 6.13 Whenever possible, proposed substantive amendments should be written out with all Councilmembers receiving copies in advance of the meeting.
- 6.14 Discussion of the motion only occurs after the motion has been moved and seconded.
- 6.15 When the discussion is concluded, the motion maker, Mayor, City Clerk, or City Attorney shall repeat the motion prior to voting.
- 6.16 The City Council votes on the motion as restated. If the vote is unanimous, the Mayor shall state that the motion has been passed unanimously according to the number of Councilmembers present, such as “7-0” or “6-0”.
- 6.17. If the vote is not unanimous, and a Councilmember requests it, each Councilmember shall state his/her vote by roll call vote taken by the City Clerk. The City Clerk or City Attorney then restates the outcome of the vote. For example, the outcome may be restated as, “Councilmembers A, B, C, and D vote ‘yes’. Councilmembers E, F, and G vote ‘no’. The vote is 4-3 to adopt Ordinance X. The motion carries.”
- 6.18 Once the vote has been taken, the topic of discussion is closed. It is not necessary for Councilmembers to justify or explain their vote. If Councilmembers wish to make their positions known, this should be stated during the discussion *preceding* the vote.
- 6.19 When a question has been decided, any Councilmember who voted in the majority may move for a reconsideration, but no motion for reconsideration of a vote shall be made after the meeting has adjourned.
- 6.20 When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the Council’s consensus at the conclusion of the discussion.

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6.210 The City Attorney shall decide all questions of interpretations of these ~~policies and procedures~~meeting guidelines and other questions of a parliamentary nature which may arise at a Council meeting. All ~~cases~~questions not provided for in these ~~policies and procedures~~meeting guidelines shall be governed by Robert's Rules of Order, Newly Revised.

In the event of a conflict, these Council ~~policies and procedures~~meeting guidelines shall prevail.

SECTION 7.—ORDINANCES

- 7.1 All ordinances shall be prepared or reviewed by the City Attorney. No ordinance shall be prepared for presentation to the Council unless requested by a majority of the City Council, ~~or~~ the City Manager, or the City Attorney.
- 7.2 Ordinances ~~shall~~ will be introduced by an Agenda Bill. The City Clerk shall assign a permanent ordinance number prior to placing the ordinance on the agenda. The City Attorney shall review the ordinance and sign it prior to placing it before the City Council for ~~their~~ its consideration.
- 7.3 Upon enactment of the ordinance, the City Clerk shall obtain the signature of the Mayor. After the Mayor's signature, the City Clerk shall sign the ordinance.
- 7.4 Ordinances or ordinance summaries shall be published in the official newspaper as a legal publication in the first possible publication following enactment.
- 7.5 An ordinance becomes effective five (5) days after the publication of the ordinance or ordinance summary unless otherwise specified in the ordinance.

SECTION 8. PRESIDING OFFICER OF THE COUNCIL

The Mayor shall:

- (1-) Be the official spokesperson for the City
- (2-) Act as the official head of the City for all ceremonial purposes.
- (3-) Sign documents as appropriate on behalf of the Council.
- (4-) Observe and enforce ~~all policies and procedures~~ the Council Meeting Guidelines adopted by the Council.
- (5-) Act as presiding officer at all meetings of the Council.
- (6-) Preserve order and decorum in the Council Chambers.
- (7-) Decide all questions on order, in accordance with the ~~policies and procedures~~ Guidelines, subject to appeal by any Councilmember.
- (8-) Recognize Councilmembers in the order in which they request the floor. The Presiding Officer, as a Councilmember, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers.
- (9-) Endeavor to ~~keep~~ facilitate the discussion ~~moving in a timely manner and within the time allocated.~~
- (10-) Share information with Councilmembers on meetings, issues, etc. that the Mayor has received, conducted or participated in as part of his/her official status as Mayor.
- (11-) Appoint Councilmembers to serve on ad-hoc committees if necessary.
- (12-) Serve as the Council's delegate to the National League of Cities, Association of Washington Cities, and other events and conferences.
- (13-) In the absence of the Mayor, the Deputy Mayor shall carry out the above responsibilities.
- (14-) In the absence of the Mayor and Deputy Mayor, the member with the most continuous tenure on the Council shall be the presiding officer.

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- | (15-) In the event the Mayor and Deputy Mayor are unavailable to serve, the senior member of the Council shall serve as the Mayor to convene and preside over a special meeting of the Council for the purpose of naming an acting mayor and deputy mayor.
- | (16-) The acting mayor and deputy mayor shall serve until such time as new members are appointed to fill any vacancies on the Council.
- | (17-) When the Council again has seven members, it shall elect a Mayor and Deputy Mayor to fill the previously unexpired terms.

SECTION 9. COUNCIL RELATIONS/ANTI-HARASSMENT POLICY

9.1. ANTI-HARASSMENT POLICY.

- (1.) ~~It is City policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the City will not tolerate harassment of any kind that is made by elected officials toward fellow councilmembers or members of the public. Elected officials are expected to show respect for one another and the public at all times, despite individual differences.~~
- (2.) ~~Harassment is defined as verbal, written or physical conduct that demeans or shows hostility or aversion toward an employee, another elected official or members of the public. Examples of prohibited conduct include slurs or demeaning comments to councilmembers, employees or members of the public relating to race, ethnic background, gender, religion, sexual orientation, age, or disability.~~
- (3.) ~~Sexual harassment is a form of unlawful discrimination.~~
- (4.) ~~This policy is intended to assist the City in addressing not only illegal harassment, but also any conduct that is offensive and inappropriate. Councilmembers are strongly urged to report all incidents of harassment, discrimination or other inappropriate behavior.~~

9.2 REPORTING DISCRIMINATION OR HARASSMENT

- (1.) ~~If the incident involves a city employee, the incident should be reported as soon as possible to the City Manager.~~
- (2.) ~~If the incident involves an elected official or official appointed by the City Council such as an advisory board member, the Mayor may ask the City Manager to assist the Council by providing a list of qualified experts to investigate the incident and advise the council on a response to the complaint.~~
- (3.) ~~All complaints will be investigated promptly. Upon receiving a complaint, the mayor shall initiate an investigation within 24 hours, or by the end of the next business day.~~
- (4.) ~~All complaints will be kept confidential to the fullest extent possible, and will be disclosed only as necessary to allow an investigation and response to the complaint. No one will be involved in the investigation or response except those with a need to know. Any special concerns about confidentiality will be addressed at the time they are raised.~~

- ~~(5-) Anyone who is found to have violated this policy is subject to corrective action. Corrective action will depend on the gravity of the offense. The City will take whatever action it deems necessary to prevent an offense from being repeated.~~
- ~~(6-) The City will not permit retaliation against anyone who makes a complaint or who cooperates in an investigation.~~
- ~~(7-) Both the person filing the complaint and the alleged offender shall receive a written response that contains the findings of the investigation and any action taken. Unless extra time is needed for a thorough investigation, the response will normally be given within thirty (30) days of when the complaint was received. All parties will be notified of an extended investigation if such an extension is necessary to complete the findings.~~

9.3 COUNCIL RELATIONS WITH STAFF

- (1-) There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities.
- (2-) City staff shall acknowledge the Council as policy makers, and the Councilmembers shall acknowledge City staff as administering the Council's policies.
- (3-) Councilmembers with a particular interest in an item or topic should be given a courtesy call if that item is rescheduled by staff.
- (4-) All written informational material requested by individual Councilmembers shall be submitted by City staff to the City Manager who after his/her review, will submit it to all Councilmembers with a notation indicating which Councilmember requested the information.
- (5-) Councilmembers shall not attempt to influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.
- (6-) The Council shall not attempt to change or interfere with the operating rules and practices of any City department.
- (7-) To ensure timely response and any required administrative actions, mail addressed to the Mayor shall be copied and circulated by the City Clerk to all appropriate persons as soon as practicable after it arrives. Unless specifically requested, other Councilmembers' mail shall not be opened before distribution to those Councilmembers.

| ~~(8.) The City Clerk shall not open mail addressed to individual Councilmembers~~

| (9-) No Councilmember shall direct the City Manager or staff to initiate any action or prepare any report that is a priority or requires significant resources, or initiate any project or study without the consent of a majority of the Council.

| (10-) Individual requests for information may be made directly to the Department Director unless otherwise determined by the City Manager. If the request would create a change in work assignments or City staffing levels, the request must be made through the City Manager.

| **SECTION 10. COUNCIL MEETING STAFFING**

10.1 The City Manager shall attend all meetings of the Council unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in the discussions of the Council but shall have no vote. When the City Manager has an excused absence, the designated Acting City Manager shall attend the meeting.

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

10.3 The City Clerk, or designee, shall attend Regular, Special and Study Session meetings of the Council, keep the official journal (minutes), and perform such other duties as may be needed for the orderly conduct of the meeting.

SECTION 11. COUNCILMEMBER ATTENDANCE AT MEETINGS

- (1-) Councilmembers will inform the Mayor, a Councilmember, the City Manager or City Clerk if they are unable to attend any Council meeting, or if they knowingly will be late to any meeting. The minutes will show the Councilmember as having an excused absence.
- (2). The Mayor will announce for the record a Councilmember's excused or unexcused absence at the Regular Meetings and Study Sessions after roll-call is taken. ~~(10/24/05)~~
- (3-) Councilmembers who attend meetings of another jurisdiction, regional meetings, or "in-house" meetings should provide a report for the City Manager's Report.
- (4-) Councilmembers will not attend special district meetings as liaison. ~~(as a representative or in an official capacity on behalf of the Council).~~
- (5-) Councilmembers will let the Executive ~~Administrative~~ Assistant to the City Manager know what meetings they are attending so that these can be noted on the meetings calendar.

SECTION 12. PUBLIC HEARINGS

12.1 TYPES

There are two types of public hearings: legislative and quasi-judicial. The mayor will state the public hearing procedures before each public hearing. The public may comment on public hearing items. Quasi-judicial hearings require the Council to use a certain process, which may include a record of considered evidence, specific findings and a decision. The Public wishing to comment will follow the same procedure as for "Public Comment" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council then proceeds with deliberation and decision making.

12.2 LEGISLATIVE PUBLIC HEARINGS

The purpose of a legislative public hearing is to obtain public input on legislative decisions on matters of policy, including without limitation, review by the City Council of its comprehensive land use plan or the biennial budget.

12.3 QUASI-JUDICIAL PUBLIC HEARINGS

The purpose of a quasi-judicial public hearing is to decide issues including the right of specific parties and include, without limitation, certain land use matters such as site specific rezones, preliminary plats, and variances. The City Council's decision on a quasi-judicial matter must be based upon and supported by the "record" in the matter. The "record" consists of all testimony or comment presented at the hearing and all documents and exhibits that have been submitted. In quasi-judicial hearings, Councilmembers shall comply with all applicable laws including without limitation the appearance of fairness doctrine per RCW42.36.

APPEARANCE OF FAIRNESS. Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Councilmember or a Councilmember's business associate, or immediate family. It could involve *ex parte* (outside the hearing) communications, ownership of property in the vicinity, business dealings with the proponents and/or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents and/or opponents, announced predispositions, and the like. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If so, no matter how remote, the Councilmember should disclose the facts to the City Manager who will seek the opinion of the City Attorney, which will be communicated to the Councilmember

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~~and the Mayor. Legislative (ordinance or miscellaneous) hearings do not require a decision be made even though information is presented.~~

~~Citizens The Public wishing to comment will follow the same procedure as for "Citizens' Public Comment" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council then proceeds with deliberation and decision making.~~

SECTION 13. MEDIA REPRESENTATION AT COUNCIL MEETINGS

- 13.1** All public meetings of the City Council and its advisory committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting. Seating space shall be provided for the media at each public meeting.

SECTION 14. COUNCIL REPRESENTATION

- 14.1** If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember shall state the majority position of the Council, if known, on such issue. Personal opinions and comments, which differ from the Council majority, may be expressed if the Councilmember clearly states these statements do not represent the Council's position.
- 14.2** A Councilmember shall obtain the other Councilmember's concurrence before representing that Councilmember's view or position with the media, another governmental agency or community organization. If the subject is controversial, Councilmembers shall avoid speaking for each other.
- 14.3** Letters, written statements, newspaper guest opinions, and so on, which state a Council opinion or policy shall be submitted to the full Council for review, comment and final approval prior to their release. In some cases, it may be appropriate to provide for the signatures of the full Council.
- 14.4** As a matter of courtesy, letters to the editor, or other communication of a controversial nature, which do not express the majority opinion of the Council, should be presented to the full Council at the time of communication in the Council agenda packet prior to publication so that Councilmembers may be made aware of the impending publication.

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SECTION 15. CONFIDENTIALITY

- 15.1** Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions, when the information is considered to be exempt from disclosure under exemptions set forth in the Revised Code of Washington (RCW 42.56 Public Records Act).
- 15.2** If the Council, in Executive Session, has given direction or consensus to City staff on proposed terms and conditions for any type of issue, all contact with the other party shall be done by the designated City staff representative handling the issue. Prior to discussing the information with anyone other than fellow Councilmembers, the City Attorney, or City staff designated by the City Manager, Councilmembers should review such potential discussion with the City Manager. Any Councilmember having any such contact or discussion shall make full disclosure to the City Manager and/or the City Council in a timely manner.

SECTION 16. COUNCIL BUSINESS POLICIES

16.1 LITIGATION POLICIES AND REPORTING

“Periodically, the City Attorney will provide a report to the City Council on new litigation and ongoing litigation in the Council Executive Session.”

~~a. Once monthly, the City Attorney will provide a report to the City Council on new litigation and ongoing litigation.~~

~~b. Once monthly, the City Attorney will provide a report on proposed counterclaims or abatement foreclosures.~~

~~c. The City Council shall approve counterclaims, abatement foreclosures, and the initiation of a lawsuit.~~

~~d. Quarterly reports prepared by WCIA on the City’s Risk Profile will be provided to the City Council in Executive Session.~~

~~e. The City Attorney will prepare a succinct quarterly written report on the status of litigation to the City Council.~~

~~f. Due to the confidential nature of these reports, questions regarding them should be directed to the City Manager or City Attorney.~~

16.2 FINANCIAL MANAGEMENT POLICIES (Approved 2004)

Introduction: These policies are intended to serve as a Council approved set of values and expectations for Council Members, City staff, citizens and other interested parties who may do business with the City. The use of the term “City” refers to all City officials, staff and employees who are responsible to carry out these policies. The policies describe expectations for financial planning, budgeting, accounting, reporting and other management practices. They have been prepared to assure prudent financial management and responsible stewardship of the City’s financial and physical assets.

A. Fund Definitions

~~The *General Fund* is the general operating fund of the City. It accounts for all financial resources and transactions except those required to be accounted for in another fund.~~

~~Special Revenue funds account for revenues derived from specific taxes, grants, or other sources that are legally restricted to expenditures for specified purposes.~~

~~Debt Service funds account for the accumulation of resources to pay principal, interest and related costs on general long term debt.~~

~~Capital Project funds account for financial resources designated for the acquisition or construction of general government capital improvements.~~

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Enterprise funds are established to account for operation (a) that are finance and operated in a manner similar to private business enterprise—where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability, or other purposes. Examples of enterprise funds are those for water, gas, and electric utilities; swimming pools; airports; parking garages; and transit systems.

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Internal Service funds are used to account for the financing of goods or services provided by one department or agency to other departments or agencies of a government, or to other governments, on a cost reimbursement basis.

User Fee is a fee charged to a customer of City services who may or may not be a Burien resident but receives a direct benefit from the service.

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B. Resource Planning and Allocation Policies

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1. To assure stability and continuity in City services, the City will maintain a multi-year Financial Plan. The purpose of this annual planning process will be for citizens, the staff, advisory committees and City Council to discuss current and future programs, service levels and capital facility needs. The City's six-year Operating and Capital Financial Plan will consider relevant economic conditions, estimate revenues and reserves, changes in levels of service, operating expenses, capital requirements, and debt service for the City's three major categories of funds: General Fund (including Cumulative Reserve and Parks Rehabilitation Fund); Street Fund (including Arterial Street Fund), and Surface Water Management Fund. This plan will be reviewed, modified and adopted by the Council each year.

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2. The City of Burien will maintain minimum General Fund reserves of 5% of current year General Fund revenues in the Cumulative Reserve Fund and a 5% ending fund balance in the General Fund. The Cumulative Reserve Fund is a "rainy day" fund used to stabilize services and the City's employment force to minimize uncertainty about the continuity of services and employment.

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3. The City of Burien will maintain in the Street and Arterial Street Fund an ending fund balance equal to 50% of current year recurring revenues.

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4. The City will maintain in the Surface Water Management Fund an ending fund balance equal to 50% of current year recurring revenues.

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5. The relationship between the Operating and Capital Budgets will be incorporated into the forecast and budget process. Operating and capital budgets shall be prepared to

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provide for operating services and maintenance or enhancement of fixed assets needed to support City services.

6. The City's annual budget will be based on a six-year Operating and Capital Financial Plan (a forecast) approved by the Council. The City Manager prepares the Financial Plan by August each year to respond to current City goals and policies, and other long range plans and needs of the City. The prior five years of program expenditures (as shown in the comprehensive annual financial report) and the prior five years department and object expenditures will be forwarded to the Council with the Financial Plan.

7. The City budget will implement City Council adopted goals and policies, long-range plans, the service choices for the community and revenue allocation policies of the Council.

8. The City will use "prudent revenue and expenditure assumptions" in their budget documents and financial forecasts.

9. Ongoing expenditures (which exclude ending fund balances) generally should not exceed ongoing revenues (which exclude beginning fund balances) in the first two to three years of the forecast.

10. The City Council's policy on TCI franchise revenues is to allocate 100% to street maintenance each year.

11. The City Council will dedicate 100 percent of the revenue received from electrical utility franchise with Seattle City Light for street and arterial street maintenance and major rehabilitation.

12. The City Council will dedicate 100% of the revenue received from utility and B&O taxes to the General Fund, with the exception that the utility tax on garbage revenue will be used to support Street Fund activities and the Transportation CIP until these funds are needed in the General Fund.

C. Accounting and Financial Practice Policies

1. The City will maintain an accounting and financial reporting system that fully meets professional standards, state accounting requirements, and standards used by debt rating agencies. The City of Burien will strive to maintain a bond rating in the "A" category.

2. Policies and procedures are in place to assure financial controls and oversight for accounting, investment and other cash management decisions. Procurement policies and procedures are adopted by the Council to meet legal requirements and assure effective

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and competitive purchasing. Procurement authority will be delegated consistent with Council policy and written procedures approved by the City Manager.

3. — Regardless of the budget appropriation, if a fund's revenues are less than anticipated, operating, capital and ending fund balances will be reviewed by the City Manager who will then make a recommendation for possible adjustments to the City Council.

4. — If a fund's ending balance is sufficient, excess reserves or other one time revenues, such as grants, will be used for capital, equipment, or other one time projects or services that improve the City's productivity and efficiency.

5. — Consistent with accepted government accounting practices the City may evaluate certain support services within the Financial Plan to determine if creating a user fee, internal service fund or enterprise fund will increase efficiency of service delivery or recover the cost of providing the service from the users.

D. Revenue and Collection Policies

1. — **The General Fund** and its related reserve funds exist to provide services and benefits related to the general safety, health and welfare of the community. These services include: law enforcement and crime prevention services; parks, recreation and cultural services to all citizens; general community planning and development (*excluding private development projects*); a proportionate share of overhead costs for administrative and legislative services. While some services are budgeted in the general fund such as recreational classes and development fees, these services provide specific private benefits to the users. These services are funded by user fees to recover part or all of the City's costs. The City will establish cost recovery policies for parks, recreation and cultural services and submit periodic financial reports to the Council on City progress in meeting the policies.

2. — **Surface Water Management** fees are collected to provide for operating and capital expenses related to street cleaning, ditch and drainage maintenance, and capital costs for surface water conveyance, treatment and retention facilities including a share of the administrative and legislative expense of the City. Impervious surface and impacts to the flow and quality of urban surface water run off created by developed urban property are used to determine residential and commercial user charges.

3. — **Street funds** are collected primarily through gas tax revenues to fund maintenance and capital improvements to the residential and arterial street system including a share of the administrative and legislative expense of the City.

4. — To minimize the impact of cyclical economic downturns on City general fund revenues and services, the City will attempt to diversify the economic base, which impacts the General Fund.

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5. The City will establish cost recovery policies for fee supported services which consider the relative public/private benefits received from the services being provided and/or the desirability of providing access to services for specialized populations. These guidelines will determine the percentage of full service costs to be recovered through fees. The level of cost recovery will be routinely adjusted to ensure that rates are current, equitable, and competitive and cover that percentage of the total cost deemed appropriate.

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6. In preparing the Financial Plan, the receipt of a grant will be included in operating fund revenues only when it is probable the City will receive a grant award. (*Probable means relatively likely but not certain.*)

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E. Capital Improvement Policies

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1. The City will plan for capital improvements over a multi-year period. The Capital Improvement Program will directly relate to the long range plans and policies of the City Council. When capital improvements are being planned, operating costs will be estimated and identified within the City's Financial Plan.

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2. To maintain the City's physical assets, a current inventory will be maintained of all of the City's physical assets, and their condition, maintenance and periodic replacement costs. Predictable on-going capital replacement expense such as for fleet and other equipment should be funded through cash reserves set aside each year. These costs will be reported and included in the annual update of the City's Financial Plan.

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3. The City will maintain an "Art in Public Places Fund" for the purpose of providing funds for capital improvement projects funded wholly or in part by the City of Burien for construction or remodeling of government owned public buildings, transit centers and parks (Ordinance 238).

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4. A capital project is defined as a project of a nonrecurring nature with a cost of \$25,000 or more and estimated service life of 10 years or more. Major renovations of existing facilities that cost more than \$25,000 may be submitted for consideration as a capital project. Maintenance of existing facilities, however, should not be included in capital requests. Requests for funding of maintenance projects should be included in the appropriate operating budget.

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5. The Adopted Capital Facilities Element of the Burien Comprehensive Plan provides guidance regarding the development of the City's Capital Improvement Program. This is incorporated into these financial policies as Appendix I.

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6. In each of the three sections of the Capital Improvement Program (transportation, parks and general government and surface water management) funding sources for the six year period will be identified so that it will be clear what local funds, grant funds and other sources are supporting the program.

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7. The City will use Community Development Block Grant capital funds to fund eligible capital projects that are included in the city's adopted Capital Improvement Program. The funds will only be spent on eligible projects that benefit low and moderate individuals as defined in the Community Development Block Grant regulations.

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8. Property taxes levied for general government operations will be no more than 1% more than levied in the prior year plus the amount received as a result of new construction. The City will use "banked" property tax levy capacity to fund the construction of a new Senior Center. The "banked capacity" levied for the Senior Center will not exceed the difference between a 1% growth in the property tax from the prior year and a 6% growth. (before taking new construction into account). These funds will be set aside in the Senior Center Reserve Fund.

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F. Debt and Investment Management Policies

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1. The City will comply with debt issuance guidelines consistent with federal, state, and local policies. Debt will be used prudently in limited circumstances so as not to risk the City's credit rating. The use of councilmanic debt authority will be based on a full feasibility analysis, including the loss of revenues from an economic downturn.

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2. Debt may be used on a limited basis for specific short term cash flow needs. Debt will not be used to fund long term revenue shortages. For major capital projects with long term useful lives (normally 20 years or more) and where costs exceed short term cash flows, debt may be used providing there is sufficient dedicated revenue within the Financial Plan to service the debt.

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3. The City will follow state law and the City's adopted Investment Policy, which includes the following criteria in priority order:

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a. Preserve capital through prudent financial investments;

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b. Maintain sufficient liquidity so that funds are available when needed; and

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c. Achieve the best available rate of return.

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4. The City will maintain and invest any private donations and trusts in separate accounts consistent with the terms of the donation.

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G. Financial Management and Organizational Review Policies

1. The City Manager will review the organizational structure at frequent intervals to assure that it is responsive to current conditions, minimizes service duplication within the organization and with other local government jurisdictions. Periodic performance audits may be used to assess organizational costs and effectiveness. Budget reviews shall be made periodically to examine all line item costs in a particular department or program.

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2. The City will routinely evaluate both its administrative and direct service delivery systems to determine whether a service should be provided by the City, by agreement with a qualified and or competitively priced private or public contractor or eliminated due to changes in community requirements.

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3. The City Council will adopt, through the annual budget, service levels, a work program and performance standards that reflect City revenues, community expectations and legal requirements set by other levels of government. The City is committed to examining how it provides services so that service levels and performance standards are met or exceeded at the least cost to the public.

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4. The compensation of employees will be reviewed every three years. It will be competitive with that of comparable public sector employers in the relevant recruiting or market area. The criteria for reviewing employee wages and benefits will also include internal comparability for similar jobs and the City's ability to pay. If relevant private sector comparisons are available, they will be considered.

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5. The City will, within available resources, maintain the productivity of staff through a supportive working environment, which includes appropriate equipment, supplies, materials, and professional staff development.

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6. The City will evaluate its use of intergovernmental service contracts to prevent duplication of services and to assure an effective and efficient service delivery system to the community.

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7. The approval of City contracts will be done as follows:

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- The City Manager will have authority to sign contracts up to \$25,000.

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- Contracts over \$25,000 that are budgeted, routine, and annually recurring would be placed on the Council consent agenda (examples include contracts for janitorial services, prosecution, public defense, and parks maintenance).

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- Capital Project contracts over \$25,000 that are within the project phase budget and where the Council has approved the project scope would be put on the consent agenda.

- All contracts that require additional budget authority would go to Council for discussion and approval.

- All new initiatives over \$25,000 would go to Council for discussion and approval (for example, the wireless master plan and the demographics study).

• All capital projects where there is a material change in scope would go to Council for discussion and approval (for example an extension of a sidewalk that was not part of the original project scope).

16.3 PROCUREMENT POLICIES

Approved April 3, 2000
Amended October 2, 2000

Chapter 1. Purpose, Scope, and General Policies

1.01 Purpose

Purchasing policies and procedures are intended to ensure that the City complies with applicable laws and regulations, and receives goods and services of the highest quality at the lowest cost.

1.02 Scope

These guidelines apply to all City departments and employees engaging in the purchase of goods or services for the City including public works projects. They do not govern the purchase or lease of real property.

1.03 General Contracting/Purchasing Policies

1. The City will comply with all applicable laws and regulations including grant requirements in purchasing goods and services.

2. Contracts or purchasing agreements over \$25,000 will be approved, prior to execution, by the City Council, either in the adopted budget or by separate action.

3. Contracts and purchases will not be divided into units or phases to circumvent approval or bidding requirements established in these policies.

4. Employees making or authorizing purchases will ensure that budget authority is available prior to purchase, that required purchasing agreements have been properly executed prior to purchase, and that the goods or services purchased have been received and are acceptable to the City before authorizing payment. Claims requests, invoices and other supporting documentation will be submitted to the Finance Department when payment is requested. Claims requests will be signed by the Department Director.

Chapter 2. Public Works Projects

2.01 Definition

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The term public work refers to all work, construction, alteration, repair or improvement other than ordinary maintenance, executed at the cost of the city, or which is by law a lien or charge on any property therein. (RCW 39.04.010)

2.02 Bidding Requirements (RCW 35.22.620)

1. The City will use the “competitive bidding process,” described below, for public works projects with an estimated cost exceeding \$200,000.
2. The City will use either the “competitive bidding process” or “small works roster process” for public works projects costing more than \$20,000 but not more than \$200,000 when a single craft or trade is involved in the project and more than \$35,000 but not more than \$200,000 when multiple crafts or trades are involved.
3. For projects costing more than \$500 but not more than \$20,000 (for a single craft or trade) or \$35,000 (for multiple crafts or trades), the City may use an informal bidding process in lieu of the “competitive bidding” or small works roster process. Project managers will solicit at least three bid quotations from qualified firms. Project managers will record bid quotations, written or unwritten, and retain this record and all bid documentation in the project file.
4. The City may not divide a public works project into units or phases to avoid these bid requirements.
5. The City may use employees to perform projects with estimated costs not exceeding \$20,000 for a single craft or trade or \$35,000 for multiple crafts or trades, provided that the total cost of such projects in any year may not exceed ten percent of the City’s public works construction budget for that year. Public works performed by the County for the City count toward the ten percent limitation. The City will report to the state auditor the public works construction budget, total construction costs of public works performed by public employees, and the amount above or below the ten percent limit. The City will account and record costs of public works over \$5,000 not let by contract and publish a 15-day advance notice (estimate and description of work) on projects over \$25,000 to be performed other than by contract or small works roster process. In emergencies, the notice may be published within seven days after work begins. (RCW 35.22.620, 39.04.020)

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2.03 Exceptions

Public works bidding requirements may be waived under the following conditions:

~~1. Emergencies. In an emergency the City Manager is authorized to declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency will be made by the City Council or City Manager and duly entered of record no later than two weeks following the award of the contract. Emergency means unforeseen circumstances beyond the control of the City that present a real, immediate threat to the proper performance of essential functions or will likely result in material damage to property, bodily injury, or loss of life if immediate action is not taken. (RCW 39.04.280)~~

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~~2. Sole source. Bidding may not be required if advertising for bids would result in only one bid. State law authorizes sole source "purchases" (RCW 39.04.280), but this authority is less clear for public works contracts. If sole source contracting is being considered, Department Directors will consult with the City Attorney and submit to the City Manager a written finding stating the factual basis for a sole source contract. If the contract is executed, the finding and contract will be recorded and open to public inspection.~~

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~~3. County contract. The City may contract with the County (or state) for construction or repair of streets and bridges without competitive bidding. (RCW 35.77.020, 47.24.050)~~

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~~4. Neighborhood self help projects. The City may contract with a neighborhood organization for neighborhood improvements. The value received must be at least three times the cost to the City. Total payments for such projects may not exceed two dollars per City resident in any year. (RCW 35.21.278)~~

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2.04 Competitive Bidding Process

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~~1. Advertising for Bids. The City will publish a notice calling for sealed bids once each week for two consecutive weeks in a newspaper of general circulation, allowing at least fourteen days from the date of first publication to the date bidding is closed. The notice will also be posted in a public place.~~

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~~The notice will include title of the project, nature and scope of work, location where contract documents may be reviewed or obtained, cost of contract documents, notice of place, date, and time bids are due, requirement for sealed bids, bid bond requirement, and statements that the City has the right to cancel the invitation to bid, to reject any and all bids and to waive minor irregularities in the bidding process.~~

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~~Bid packets will be prepared containing the invitation to bid notice, instructions to bidders, general conditions, special bid conditions, if any, terms and conditions, specifications, bid proposal form, form for listing subcontractors, non collusion affidavit, and contract.~~

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~~2. Rejection of Bids. The City Manager may reject all bids and re-advertise for bids. If no responsive bids are received, the City Manager, with approval of the City Council, may negotiate the purchase with a vendor at the lowest possible cost to the City.~~

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3. Bid Bond. Bids on public works projects will be accompanied by a bid proposal deposit in the form of a cashier's check or surety bond in an amount not less than five percent of the amount bid. The City Manager may require bid bonds on other projects.

Bid bonds will be returned to unsuccessful bidders when the contract is let and to the successful bidder when the contract is executed and a performance bond provided. The bid bond will be forfeited if the successful bidder fails to enter into the contract pursuant to the bid and furnish the performance bond within ten days of being notified of the bid award.

4. Performance Bond (RCW 39.08.010). A performance bond will be required on all public works contracts. The City Manager may require performance bonds on other contracts to protect the City's interests and ensure full performance of the contract. On contracts of \$25,000 or less, at the option of the contractor and in lieu of a performance bond, the City may retain fifty percent of the contract amount for a period of thirty days after the date of final acceptance or until receipt of all necessary releases from the state Department of Revenue and Department of Labor and Industries and settlement of any liens, whichever is later.

5. Award of Bids. Unless it rejects all bids, the City will accept the bid of the lowest responsible bidder. If a bid other than the low bid is accepted, the City Manager will state the reasons. This statement will be submitted to the City Council with the recommended contract, when Council approval is required, and filed with records related to the award.

6. Signature and Approval. Contracts will be prepared by the Department, initialed by the Department Director and signed by the City Manager after review by the City Attorney and, if over \$25,000, approval by the City Council.

2.05 Small Works Roster Process (RCW 35.22.620, 39.04.155)

The City Council has authorized a small works roster process for awarding public works contracts for a maximum dollar amount not to exceed \$200,000.

1. In this process the City Manager or designee will publish in a newspaper of general circulation once each year a notice of establishment of the small works roster. The notice will invite all qualified contractors to be listed on the roster. Where required, contractors must be licensed or registered to perform work in this state. Responsible contractors will be added to the roster at any time they submit a written request and necessary records.

2. The City will solicit quotations from all appropriate contractors or from at least five qualified contractors on the roster for each project. For projects between \$100,000 and \$200,000, if the City solicits bids from less than all the appropriate contractors on the roster, it will notify the remaining contractors on the roster that quotations on the work are being sought. Whenever possible, at least one contractor will be a minority or woman

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contractor. The City will not favor certain contractors over others on the roster performing similar services when soliciting bids.

3. Contracts will be awarded to the contractor submitting the lowest responsible bid.

4. Immediately after the award, all bid quotations submitted will be recorded and made available to the public for inspection or supplied in response to telephone inquiries.

5. Bid and performance bonds will be required.

6. The City will make available a list of the contracts awarded through the roster process at least once a year. The list will contain the name of the contractor, amount of contract, brief description of work performed, date awarded, and location where bid quotations may be inspected. (RCW 39.04.200)

Chapter 3. Professional and Technical Services

3.01 General Policies

1. The City will use a request for proposals, request for qualifications, bid solicitation or similar competitive process for selecting a contractor when the estimated cost of the service exceeds \$500, except where the City Manager determines that direct negotiation of a contract will best serve the City's interests. Where bid quotations are used, Project managers will solicit at least three bids from qualified firms, record the bid quotations, written or unwritten, and retain this record and all bid documentation in permanent files.

2. Professional services contracts will be limited to firms or persons who can properly be considered contractors. A contractor will normally offer specialized skills, knowledge or experience; operate a separate business offering similar services to others for a fee; have a place of business separate from a City facility; and work independently, once provided with a scope of work, deciding how the work will be accomplished. The City will not have the right to direct or control the manner in which the contractor's services are performed.

3.02 Architectural and Engineering Services

Departments requiring architectural or engineering services, including landscape architecture and land surveying, will follow these additional special procedures in conformance with RCW 39.80.

1. Publish an advance notice of the City's need for services, stating the general scope and nature of the work or project.

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2. Invite architectural and engineering firms to submit statements of qualifications and performance data.

3. Afford minority and woman owned firms the maximum practicable opportunity to compete for contracts.

4. Evaluate qualifications and performance data submitted and select one or more firms for consideration.

5. Discuss methods of approach with one or more firms.

6. Select the firm most highly qualified to provide the services required without regard to price.

7. Negotiate a contract with the selected firm at a price determined by the City to be fair and reasonable. Consider the estimated value, scope, complexity and professional nature of the services in determining a reasonable price.

8. If agreement cannot be reached with the selected firm, formally terminate the negotiation, select another firm and begin the negotiating process with that firm. Continue until agreement is reached or the search terminated.

9. The City Manager may suspend these requirements upon making a finding that an emergency requires the immediate execution of the work.

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Chapter 4. Material, Supplies and Equipment

4.01 Purchasing Policies

1. Purchases over \$500 will be made through a bidding process, except where the City Manager determines that a negotiated purchase agreement will best serve the City's interests. Bidding may occur through an informal process that includes solicitation of bid quotations from at least three qualified vendors. Contracts/purchase agreements will be awarded to the lowest and best responsible bidder. Employees soliciting bids will record bid quotations, written and unwritten, and retain this record and all bid documentation in permanent files.

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2. Purchases over \$25,000 require City Council approval.

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3. "Open" or "blanket" contracts or purchase orders may be used where multiple purchases will be made over time and exact quantities or descriptions of goods to be purchased cannot be specified in advance. An open contract or purchase order will specify the time period and a maximum dollar amount. The maximum amount will be used for purposes of applying the above rules on bidding and signature or approval authority.

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4. ~~The City's Travel Policies (Personnel Policies, Appendix B) will govern convention and travel expenses.~~

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4.02 Exceptions

Exceptions to these purchasing policies are permitted as follows:

1. ~~Emergencies.~~ The City Manager may authorize emergency purchases without bidding. For purchases over \$25,000, the City Manager will seek City Council approval at the earliest opportunity.

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2. ~~Sole Source.~~ The City Manager may authorize an exception to bidding policies when purchase from a single source is justified. Warranty work, additions to or repair and maintenance of equipment already purchased, prior training of staff, inventory of replacement parts, special market conditions, the absence of alternative vendors or similar conditions may justify such an exception.

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3. ~~Auctions/Closeouts.~~ The City Manager may authorize the purchase of supplies, material, or equipment at any public auction, closeout sale, bankruptcy sale or other similar sale upon determining that the purchase will be made at a competitive price. (RCW 39.30.045)

4. ~~State Contracts.~~ The City Manager may authorize purchases of supplies, materials or equipment through a State of Washington Office of State Procurement contract, without a bidding process. (RCW 39.34.030)

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5. ~~Exchanges.~~ The City may by agreement exchange supplies, materials, services, property or equipment with other public agencies. (RCW 39.33)

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6. ~~Intergovernmental Purchases.~~ Purchases may be made through or jointly with, another governmental entity by agreement pursuant to the Interlocal Cooperation Act, RCW 39.34. Purchases from or through the federal government may be made without bidding (RCW 39.32). Intergovernmental purchasing agreements require City Council authorization.

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7. ~~Insurance and Bonds.~~ The City Manager may waive any bidding requirement.

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Chapter 5. Prohibited Practices

5.01 Code of Ethics

The City's "Code of Ethics for City Officials and Employees" (Personnel Policies, Appendix D) will govern conduct with respect to purchasing wherever applicable.

5.02 Other Prohibited Practices

~~1. **Collusion among bidders.** Collusion will result in the treatment of bids from the firms involved as null and void. Such bidders may be excluded from future bidding with the City.~~

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~~2. **Disclosure of sealed bid contents.** Disclosure of information from sealed bids by a City official or employee in advance of opening bids is prohibited. Bids submitted by bidders after receiving such information will be null and void.~~

~~3. **Sale to private parties.** The City will not use its purchasing power or lend its credit to purchase goods or services for a private party or for sale to City employees, City officials or others. City property declared surplus, however, may be sold in accordance with City surplus property disposition procedures.~~

~~4. **Donations.** The City will not accept donations of goods or services in return for a commitment to initiate or continue a purchasing agreement. Discounts or awards available to all customers, or to a customer class that would normally include the City, are not prohibited.~~

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Chapter 6. Purchasing Procedures

The City Manager shall establish whatever procedures are necessary to implement these policies.

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SECTION 17. COUNCIL AND STAFF TRAVEL AND EXPENSES

17.1 PURPOSE

The purpose of this policy is to identify and provide guidelines regarding the City's travel policies and to identify valid business expenses for which public officials and employees of the City may qualify for payment or reimbursement.

This policy applies to elected and appointed public officials, and to employees of the City of Burien.

In addition to this policy, the provisions of Chapter 42.24 RCW and the Budgeting, Accounting, and Reporting Systems (BARS) manual prescribed by the Washington State Auditor's Office also apply.

The City of Burien reimburses its employees and elected or appointed officials for reasonable travel, subsistence and related expenses incurred conducting City business provided the expenses are prudent and directly related to the individual's service on behalf of the City.

17.2 ADMINISTRATION

The Director of Administrative Services administers the travel and expense reimbursement program, designs and distributes forms and instruction and carries responsibility for review of claims. Claims will not be allowed without a detailed account of moneys spent certified by the individual making the claim as required by the Division of Municipal Corporations in the Office of the State Auditor.

A. Documentation

Claims for personal reimbursement must be made on official forms, be accompanied by the vendor's original receipt or bankcard charge slip showing the date, vendor imprinted name, amount paid and the items/services received, and must be certified correct and signed by the individual seeking reimbursement.

In addition to the documentation above, claims for business related meals as described in IV.D require the following documentation:

1. The names of the individuals participating.
2. Their official title or capacity as it relates to city business.
3. The nature of the topics discussed, nature of the occasion, what public purpose or policy was being served (and/or copy of agenda).
4. Employee claims for expenses must be signed by department directors. Director claims must be signed by the Manager. The Manager's expenses will

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be reviewed by the Administrative Services Director. Council member expenses must be signed by the City Manager.

~~_____ B. Council Retreats/Executive Team Retreats~~

~~_____ The reasonable cost of necessary food and beverages while conducting a City retreat is authorized for reimbursement. The cost of food and beverages shall not exceed the per diem as outlined in Section IV.E.~~

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~~_____ C. City Sponsored Training/Staff Meetings~~

~~_____ The general rule is that meals and snacks are not reimbursable and are to be purchased by those individuals attending.~~

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~~_____ D. Professional Organization Sponsored Training or Seminars/Business Luncheon Meetings~~

~~_____ If the meal is included as part of the cost of registration, the expense is reimbursed as part of the registration reimbursement.~~

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~~_____ If the meal is not included as part of the cost of registration, the expense is eligible for reimbursement.~~

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~~_____ E. Service Awards Ceremonies~~

~~_____ Expenditures for reasonable refreshments served and awards given are eligible for reimbursement.~~

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~~_____ F. Special Events~~

~~_____ The City policy is to allow for reimbursement for the costs of reasonable refreshments for public events such as open houses, City anniversary celebrations, welcoming parties for appointed city officials, and other citywide events.~~

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~~_____ G. Birthday Celebrations/Retirement Celebrations~~

~~_____ These events are considered private parties and as such represent an inappropriate expenditure of public funds. The costs of any food or beverage or any incidental expenses related to these events (film, flowers, cards, etc.) are not eligible for reimbursement.~~

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~~_____ H. Volunteers~~

~~_____ It is the policy of the City of Burien to recognize and acknowledge the contribution that volunteers make to the City. At awards programs, the city will pay the nominal cost of service awards and a nominal amount for food and beverage expenses for award programs.~~

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17.3 TRANSPORTATION EXPENSES

~~Public officials and employees are to exercise prudent judgment in incurring travel expenses on official City business. Excessive or unnecessary expenses will not be reimbursed or paid for by the City. Authorization of travel is to be exercised through the use of the current budget or other effective means.~~

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~~Reasonable transportation expenses for approved travel will be reimbursed. The most direct and cost effective mode of transportation will be the basis for the reimbursement. Out of state travel must be approved by the City Council. In state travel means travel within the state of Washington; out of state travel means travel outside the boundaries of the state of Washington. In special or unusual circumstances, arrangements will be made to accommodate unique transportation requirements.~~

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~~A. Air Travel~~

~~The maximum reimbursement of air travel expenses is to be no greater than coach class or its equivalent; the "government rate" shall be requested unless a lower rate for the same travel service is available. Costs for air transportation are to be requested by purchase order and billed to the City by the vendor whenever possible.~~

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~~B. Rental Vehicles~~

~~If it is more convenient and cost effective for more than one employee or public official to travel together, a vehicle may be rented. The city will reimburse for purchase of supplemental insurance. The receipt from the rental car agency must accompany the public official or employee travel expense claim form in order to obtain reimbursement.~~

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~~C. Personal Vehicles~~

~~Privately owned vehicles with auto insurance may be used for official travel. If an individual elects to drive rather than fly, mileage will be reimbursed in an amount equal to the appropriate round trip coach airfare or the current city mileage rate, whichever is less. Mileage reimbursement determination will be based on the state department of transportation mileage chart or odometer readings.~~

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~~If two or more public officials or employees travel in the same vehicle, the city will pay only one public official/employee. Mileage will be paid from the official's, or employee's residence, or work site to the travel site, whichever is less. The mileage rate reimbursed to public officials/employees will be the amount currently allowed by the Internal Revenue Service.~~

~~D. Other Miscellaneous Transportation Expenses~~

~~Miscellaneous travel costs such as bus, taxi, subway, bridge or other tolls, parking, ferry, and the like are authorized and should be reported on the claim form. A receipt will be required for expenses over \$5.00.~~

~~17.4 MEALS~~

~~A. Meals~~

~~Based on recommendations from the State Auditor's Office, the City uses the following guidelines in determining the use of public funds for expenditures for food and beverages:~~

- ~~1. Who consumed this food and drink?~~
- ~~2. What was the nature of the occasion for the consumption?~~
- ~~3. What public purpose or policy objective was served?~~
- ~~4. Why was it necessary to consume food and beverage to carry out the policy?~~
- ~~5. Were the expenses "reasonable"?~~
- ~~6. Were the expenses consistent with the policy authorizing reimbursement?~~

~~B. Local Business Meals~~

~~Meals (including snacks) between City public officials/employees will not normally be reimbursed. It is expected that City business between City public officials/employees can for the most part be conducted on City premises during normal work hours.~~

~~C. Meetings Through Mealtimes~~

~~The City recognizes that there are occasions when it may be necessary for a group of public officials and/or employees to work through a meal in order to meet a deadline or to keep a group convened in order to accomplish the task. To be considered for reimbursement as a working meal, the meeting must span over a three-hour period, which includes the group's normal mealtime.~~

~~D. Business Meals Between City Employees and Non-City Employees~~

~~The practice of the City providing meals to non-city employees is discouraged. However, for directors and above, the City recognizes that there are situations where non-city employees provide an unpaid service to the City during a mealtime. The costs of meals while conducting City business with persons other than City employees either locally or out of town are authorized for reimbursement subject to the limitations described in this document.~~

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E. Meals While On Authorized Travel Status

Per Diem shall be used for meals while out of town on City business. Out of town means the one way travel distance is greater than 40 miles from the City and overnight stay is required. Per Diem for meals shall be at the rate in effect at the time of travel for the specific area or locality. The maximum allowable rate shall be those in effect by the State of Washington, Office of Financial Management.

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The accounting department will have a listing of the rates in effect, which are listed at the following website: <http://www.ofm.wa.gov/policy/10.90.htm>.

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Expenditures Not Included as Food and Beverage: Unauthorized expenditures include, but are not limited to, liquor, expenses of spouse, guests or other persons not authorized to receive reimbursement under this policy or state regulations.

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Situations not specifically addressed above will be reviewed by the Administrative Services Director for propriety.

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17.5 LODGING

Hotel/motel accommodations for public officials/employees attending out of town functions on city business are acceptable. Lodging expenses shall be reimbursed at actual costs, as evidenced by a receipt, up to the specific daily maximum allowable lodging rate in effect at the time of travel for the specific area or locality. The maximum allowable lodging rates shall be those in effect by the State of Washington, Office of Financial Management. The cost of accommodations should be requested by purchase order and billed directly to the City by the vendor whenever possible. If advance payment is required, a purchase order will be prepared and the lodging registration will serve as supporting documentation for the claims check issued to the vendor. A vendor's receipt for these expenditures is required in all cases. In some situations, the maximum allowable lodging amount may not be adequate and the City Manager may approve payment of lodging not to exceed 150% of the applicable maximum per diem amount.

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An employee or public official out of town on City business will be allowed one personal long distance phone call, not to exceed ten (10) minutes for each night away from the City.

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17.6 OTHER TRAVEL EXPENSES

Non Allowable Expenses

Certain travel expenses are considered personal and not essential to the transaction of official city business and therefore not reimbursable. Such non-reimbursable expenses include, but are not limited to:

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~~Baggage checking, valet services, laundry services, entertainment expenses, radio or television rental, transportation to or from places of entertainment, costs of personal trip insurance, medical and hospital services, personal toiletry articles, barber or hairdresser, personal postage or reading materials, expenses of a spouse or other family member, mileage allowance for commuting to regular, special, and committee meetings of the City Council, expenses on a personal car, meal expenses for formal meetings of City Council committees, fines for violation of motor vehicle laws.~~

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17.7 TRAVEL ADVANCES

~~The city has established an advance travel account for the purpose of advancing funds to city council members and employees who are traveling on city business. This account will not be used for personal loans, payment of airline tickets, pre-registration fees or reimbursement of travel expenses already incurred.~~

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~~Requests for Advance Travel Funds shall be made on a form prescribed by the Director of Finance and Administrative Services and approved as described in II.A.4 above. Upon appropriate approval a check will be issued, no more than 7 days prior to departure on the authorized trip. Within 10 days of return to work a proper accounting shall be made of the use of the travel advanced funds, including receipts for other expenses as described above and excluding meals consumed at the per diem rates. Any funds remaining shall be repaid to the accounting department. If funds are due the employee the employee will be reimbursed through the claims process.~~

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~~Failure to repay a travel advance within 10 days of return to work shall result in the employee being personally responsible for the full amount of the unpaid amount plus 10% interest from the date the funds are due. No further advances will be made to any employee who is delinquent in accounting for or repaying a prior advance.~~

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SECTION 18. PUBLIC RECORDS

18.1 Public records created or received by the Mayor or any Councilmember will be transferred to the City Clerk's office for retention by the City in accordance with the Public Records Law (RCW 42.56). Public records that are duplicates of those received by, or in the possession of the City, are not required to be retained per Washington State Archives Retention Schedule. Questions about whether or not a document is a public record or if it is required to be retained should be referred to the City Attorney.

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SECTION 19. CITY MANAGER EVALUATION PROCESS

~~19.1—The Mayor, Councilmembers and City Manager will determine the evaluation criteria and format for the city manager evaluation process.~~

~~19.2—After the criteria have been reviewed, the City Manager will complete a self-evaluation based on the agreed upon criteria. The Manager will also provide a report on the follow up actions identified in the Council's last evaluation. The City Council will then receive a copy of the completed self-evaluation, the prior year's Council evaluation, and a blank form for each Councilmember to complete. The City Manager's current employment contract will also be distributed.~~

~~19.3—The Mayor, Council and Manager will schedule an executive session to discuss the Manager's self-evaluation as well as each City councilmember's evaluation comments and concerns.~~

~~19.4—The Council, in executive session without the Manager will discuss and agree on its overall rating and feedback and assign a committee to write up the comments for final Council review and approval. Before the Council approves its evaluation summary, the Manager and full Council may meet again to review the summary. The Manager shall be given an opportunity to respond to the comments or ask questions to clarify expectations.~~

~~19.5—Each year when the evaluation is completed, the City Manager's contract may be discussed to determine if there are any recommendations for change.~~

~~19.6—The City Attorney shall prepare amendments, if any, to the City Manager's employment contract.~~

~~19.7—The original or amended contract and changes in compensation shall be approved or disapproved by the City Council at a regular or special meeting of the Council.~~

~~19.8—The Mayor, in consultation with the City Manager, shall prepare a press release no later than the next working day following final action at a regular or special Council meeting regarding the results of the evaluation.~~

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SECTION 20. MAYOR/DEPUTY MAYOR SELECTION PROCESS

- 20.1** The Mayor and Deputy Mayor shall be elected from the ranks of the Councilmembers according to the Council/Manager form of government.
- 20.2** The Mayor shall be elected to a two-year term according to RCW-35A.13.030.
- 20.3** The Deputy Mayor shall be elected to a one-year term at the first Regular Council meeting in January, ~~according to a motion passed by the Council on January 10, 1994.~~
- 20.4** The City Clerk or designee shall conduct the election for Mayor. The Mayor shall then conduct the election for Deputy Mayor.

SECTION 21. CITY COUNCIL COMMITTEES

~~21.1~~ The following City Council committees are formed by Burien Resolution No. 095, amended by Resolution No. 103, Resolution No. 123, and Resolution No. 138. ~~By Motion on November 1, 2004, the Committees shall meet on an as-needed basis only. (see Section 2).~~

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~~A. The Council shall review the committee structure annually.~~

~~B. Beginning February 7, 2000, and continuing until the Council directs otherwise, the following Council committees are established:~~

~~1. Government Operations (includes governmental relations policies, financial planning and budget policies, voucher review, community planning and budget policies; contract services including police, parks and recreation, community development, and human services).~~

~~2. Public Works and Capital Projects (includes transportation, surface water and other utility operating issues, planning studies for physical improvements; capital projects, grants and resource development).~~

~~3. Cultural Arts, Facilities, and Events (CAFÉ) (includes developing/siting city center hydro and vintage race car museum, historical museum, the Burien Little Theater, and the Burien Art Gallery; strengthening working relationships to develop better connections to private and public funding sources; strengthening existing community events through Council leadership).~~

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~~C. Each committee shall be comprised of no more than three (3) Councilmembers, with appointments made by the entire City Council in January of each year. One committee member shall be chosen by his/her fellow committee members to chair the committee meetings.~~

~~D. The City Council committees shall establish regular meeting schedules.~~

~~E. The Committees shall study issues and develop recommendations for consideration by the Council.~~

~~F. The Council committees are to be policy review and discussion arms of the Council, providing an opportunity to explore the implications of policy alternatives and the policy development process; and to serve in an advisory capacity to the Council as a whole in reviewing policy matters referred to them by the Council; informing and educating the Council on existing City programs and issues, and other such matters as the committee~~

deems appropriate. The City Council Committees shall not become involved in administration of City government.

~~G. Committees may not take binding action on behalf of the Council.~~

~~H. Each Committee shall have staff support as assigned by the City Manager. The staff will work with committee chairs to prepare agendas, provide support materials, and prepare reports.~~

~~I. Draft summaries of each meeting will be prepared by a committee member or the staff assigned to the committee by the City Manager and distributed to each Councilmember and included in the Council packet for the following Council meeting. Verbal reports may be given at Regular and Special Council meetings as requested by a committee member, the committee chair, the Mayor or any member of the Council.~~

~~J. The City Council Committees shall comply with the state "Open Public Meetings Act."~~

~~K. The Committee may hold Special Meetings as needed.~~

~~L. Councilmembers shall also serve as liaisons, as assigned by a majority of the Council, to the following: Planning Commission, Business and Economic Development Partnership, Parks Board, Arts Commission, Suburban Cities Association, SCATBd, ACC, King County CDBG, Senior Center, SWKC Chamber of Commerce, SWKC Chamber of Commerce Government Affairs Committee, Burien Branch of Work Incentive Program, South King County Human Services Forum, and others as assigned.~~

21.2 ~~Council Committee Process Resolution No. 103. The following is established for the processing of items through City Council committees.~~

~~A. The Council approved work program will be scheduled on Council committee agendas at the beginning of the year and periodically through the year. The Director shall work with the Committee chair in setting the agendas.~~

~~B. Additional requests are made to the committee chair or appropriate director for scheduling.~~

~~C. The committee chair, in concert with the assigned committee staff or his/her designee, schedules the additional item according to its urgency and the priority of other items already under consideration.~~

- D. ~~The staff director or assigned staff for the committee prepares the agenda and provides staff reports and recommendations for items on the work program. Items outside the City's adopted work program may come to the committee without a report or recommendation. Unless formally requested by a majority of the City Council, the staff will not provide substantive work on a new assignment.~~
- E. ~~The committee discusses the item and makes a recommendation to the City Council.~~
- F. ~~The department director prepares brief draft minutes and submits the item to the City Clerk for a Council agenda. The Committee will consider the draft minutes for approval at the next Committee meeting.~~
- G. ~~The Mayor and City Manager schedule the item on an upcoming agenda according to its urgency and priority.~~

SECTION 22. APPOINTMENTS TO REGIONAL ORGANIZATIONS

Appointments to regional bodies, ad-hoc community committees or other special committees outside the City auspices may be made in two ways: (1) the regional committee may request recommendations for ultimate appointment by the regional committee; or (2) the City Council may make direct appointment to a regional committee when asked to do so by that body.

- 22.1** Any Councilmember may express an interest in a particular subject and interest in serving on a particular regional body.
- ~~**22.2** Council committee membership shall not limit a Councilmember's interest in serving on a particular regional body.~~
- 22.3** When a regional body requests membership recommendations where the regional body makes the final appointment, the Mayor shall ask Councilmembers to state their interest for appointment. All names of Councilmembers expressing an interest shall be submitted by the Mayor to the regional body, which will then make the appointment(s).
- 22.4** When the Council has the authority to make direct appointment to a regional committee, discussion shall take place with the full Council to determine interest. The Councilmember receiving a majority vote will represent the City on that regional body.
- 22.5** Changes in representation to regional committees where the Council has the authority to make a direct appointment shall also be determined through full Council discussion and majority vote of the Council.
- 22.6** Councilmembers who are appointed representatives to regional organizations shall provide a report to the Council either in written or oral form at the regular Council meeting in the City Manager's Report or under Reports on the Council agenda following a meeting of the regional organization.

SECTION 23. PROCEDURE FOR FILLING COUNCIL VACANCIES

- (1.) If a Council vacancy occurs, the Council will follow the procedure outlined in RCW 35A.13.020 (1), which requires the remaining Council members to appoint a qualified person to fill the vacant position within ninety (90) days of the effective date of the vacancy.
- (2.) The City Councilmember who is resigning from office will submit a letter of resignation to be accepted by the City Council at the next Council meeting.
- (3.) The City Council shall review and make any revisions they wish to the Council Vacancy Application form (Exhibit ~~B~~A).
- (4.) The legal announcement shall appear at least two times in the legal section of the City's official newspaper and in any other publication or on any internet site deemed appropriate by the City Council.
- (5.) The City Clerk shall receive all applications for the specified period of time.
- (6.) The City Council shall submit questions for an interview process to the City Clerk.
- (7.) The City Clerk shall compile the applications for an interview process, set an interview date according to the Council's availability, and schedule interviews with the applicants. The City Clerk ~~shall will~~ prepare the final list of interview questions as agreed upon by the Council.
- (8.) The City Clerk shall prepare a notice of the meeting to interview candidates.
- (9.) The Council in a Regular or Special Council meeting open to the public will interview all candidates who have submitted an application. Councilmembers will ask the same questions of all candidates. Each candidate will be allowed two minutes for closing comments. Since this is not a campaign, comments and responses about other applicants will not be allowed.
- (10.) The Council may recess into Executive Session to discuss the qualifications of all candidates. Nominations, voting and selection of a person to fill the vacancy will be conducted during a public meeting.
- (11.) The City Attorney will prepare the Oath of Office and swear in the newly appointed Councilmember at the same or next scheduled Council meeting.
- (12.) Upon appointment, the City Clerk ~~writes~~ shall send a letter to the Department of Elections notifying ~~them~~ it of the new appointment.

- (13.) The vacancy that was filled by appointment must be filled by election to that position in the next regularly scheduled municipal election.
- (14.) The Councilmember elected in the next regular municipal election to the office that had been vacated prior to the expiration of the term, will take office immediately following the certification of the election.

SECTION 24. BURIEN CITIZEN BOARDS AND COMMISSIONS

The following Boards and Commissions are established by the Burien City Council.

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~~24.1 City of Burien Planning Commission. A Planning Commission consisting of seven members to provide guidance and direction to the City Council on Burien's future growth is created by Ordinance No. 388, replacing Ordinance No. 113.~~

~~Membership and Terms. The seven members are appointed to staggered terms of four years; members filling Position Numbers 1, 2, 3, and 4 shall be appointed for terms expiring March 31, 2006; and members filling Position Nos. 5, 6, and 7 shall be appointed for terms expiring March 31, 2004.~~

~~Appointment. All members shall be appointed by the City Council. Voting members must reside within the city limits and the Commission shall at all times include between five and seven voting members. Members shall be selected without respect to political affiliation and shall serve without compensation. The Council shall attempt but not be obligated to appoint members representing all geographic areas of Burien.~~

~~Removal. Members may be removed by a majority vote of the entire City Council for neglect of duty, conflict of interest, malfeasance in office or other just cause, including absence for more than eight regular meetings in a calendar year. The decision of the City Council shall be final and there shall be no appeal therefrom.~~

~~Vacancies. Vacancies shall be filled for the unexpired term in the same manner as appointments.~~

~~24.2 Business and Economic Development Partnership. A Business and Economic Development Partnership consisting of 14 appointed citizen members and one non voting ex officio to provide advice to the City Council on Burien's future economic development is created by Ordinance No. 114 and amended by Ordinance No. 258.~~

~~Membership. The Partnership shall consist of 14 appointed members and one non voting ex officio member. The membership shall be selected with a goal of predominate business representation and should include applicants from the following areas serving Burien:~~

- ~~Business owners, managers and employees~~
- ~~Commercial property owners~~
- ~~Chambers of commerce and merchants associations~~
- ~~Burien city residents~~
- ~~Employment and job training services~~
- ~~Education~~
- ~~Others with an interest in Burien~~

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- ~~— The City Manager or his/her designee shall be a non-voting ex-officio member.~~
- ~~— **Terms.** Appointed members shall serve four-year terms running from April 1 through March 31, or until a successor is duly appointed and confirmed. The appointments shall be staggered with every odd-numbered year, half of the members due for re-appointment or replacement.~~
- ~~— **Appointment.** Members of the Partnership shall be appointed by the City Council in a manner consistent with the Council's appointment procedures. Members shall be selected without respect to political affiliation and shall serve without compensation.~~
- ~~— **Removal.** Members may be removed by a majority vote of the entire City Council. The decision of the City Council shall be final and there shall be no appeal therefrom.~~
- ~~— **Vacancies.** Vacancies occurring other than through the expiration of the term shall be filled for the unexpired term in the same manner as for appointments as provided above.~~

24.3 —

- ~~— **City of Burien Arts Commission.** An Arts Commission shall be appointed to advise and make recommendations to the City Council regarding the improvement and furtherance of artistic activities within the City is created by Ordinance No. 229 and amended by Ordinance No. 324.~~
- ~~— **Membership and Terms.** Eleven (11) Commission members shall be appointed to four-year terms. There shall be a term limit of two consecutive terms. Terms will expire March 31.~~
- ~~— **Appointment.** All members shall be appointed by a majority vote of the City Council, from among the residents of the City. Appointments shall emphasize citizens involved in non-profit arts organizations.~~
- ~~— **Removal.** Members of the Commission may be excused by majority vote of the City Council.~~
- ~~— **Vacancies.** Vacancies shall be filled for new four-year terms~~

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24.4 —

- ~~— **Parks and Recreation Advisory Board.** A Parks and Recreation Advisory Board shall be appointed to advise and make recommendations to the City Council regarding recreational programming and the acquisition, promotion, improvement, maintenance, and use of City Parks is created by Ordinance No. 228 and amended by Ordinance No. 325.~~
- ~~— **Membership and Terms.** Seven (7) Parks and Recreation Board members shall be appointed to four-year terms. During the initial organization of the Board, three of the members shall be appointed to two-year terms to stagger initial membership expiration. There shall be a term limit of two consecutive terms. Terms will expire March 31.~~

~~Appointment. All members shall be appointed by a majority vote of the City Council, from among the residents of the City. Appointments shall be made from citizens of recognized fitness for the position, based on a demonstrated interest in parks and recreation, dedication to representing the interests of the public, and to some degree, based on professional training/expertise in related fields.~~

~~Removal. Members of the Commission may be excused by majority vote of the City Council.~~

~~Vacancies. Vacancies shall be filled for new four year terms.~~

SECTION 25. MISCELLANEOUS

25.1 When Councilmembers register to attend an official conference requiring voting delegates, such as the annual National League of Cities or Association of Washington Cities, the Council shall designate the voting delegate(s) and alternate voting delegate(s) during a public meeting, by a majority vote. When possible, said selection of voting delegate(s) shall be done on a rotating basis for the purpose of allowing all Councilmembers the opportunity to be an official voting delegate.

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SECTION 26. SUSPENSION AND AMENDMENT OF ~~RULES~~GUIDELINES

- 26.1** Any provision of these ~~rules~~guidelines not governed by state law or ordinance, may be temporarily suspended by a majority vote of the Council.
- 26.2** These ~~rules~~guidelines may be amended, or new rules adopted, by a majority vote of the Council.

Adopted by the Burien City Council
July 25, 1994
Revised February 13, 1995
Revised November 20, 1995 by Resolution 072
Revised December 18, 1995 by Resolution 071
Revised January 26, 1998 by Resolution 095, 097, & 100
Revised June 1, 1998 by Motion
Revised September 21, 1998 by Resolution No. 103
Revised April 27, 1999 by Ordinance No. 228 and Ordinance 229
Revised June 7, 1999 by Ordinance No. 258
Revised October 4, 1999 by Motion
Revised February 26, 2001 by Motion
Revised February 4, 2002 by Motion
Revised February 3, 2003 by Motion
Revised November 1, 2004 by Motion
Revised June 6, 2005 by Motion and Resolution No. 215
Revised , 2012 by Resolution No.

EXHIBIT A

RCW 35A.13.010

City officers — Size of council.

The councilmembers shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective municipal judge. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven-member council. If, after a city has become a council-manager code city its population increases to twenty-five hundred or more inhabitants, the number of council offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of council offices in the city. When the population of a council-manager code city having five council offices increases to five thousand or more inhabitants, the number of council offices in the city shall increase from five to seven members. In the event of an increase in the number of council offices, the city council shall, by majority vote, pursuant to RCW 35A.13.020, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the council-manager plan of government and which has seven council offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of council offices to five. The ordinance shall specify which two council offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained council office, if necessary, in order to comply with RCW 35A.12.040.

However, a noncharter code city that has retained its old council-manager plan of government, as provided in RCW 35A.02.130, is subject to the laws applicable to that old plan of government.

For the purposes of determining population under this section, cities may include or exclude the population of any state correctional facility located within the city.

[2011 c 14 § 2; 2009 c 549 § 3016; 1994 c 223 § 35; 1994 c 81 § 72; 1987 c 3 § 16; 1985 c 106 § 2; 1983 c 128 § 2; 1979 ex.s. c 18 § 24; 1979 c 151 § 34; 1967 ex.s. c 119 § 35A.13.010.]

Notes:

Severability -- 1987 c 3: See note following RCW 3.70.010.

Severability -- 1979 ex.s. c 18: See note following RCW 35A.01.070.

Population determinations, office of financial management: Chapter 43.62 RCW.

RCW 35A.13.020

Election of councilmembers — Eligibility — Terms — Vacancies — Forfeiture of office — Council chair.

In council-manager code cities, eligibility for election to the council, the manner of electing councilmembers, the numbering of council positions, the terms of councilmembers, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro tempore or deputy mayor or

councilmember pro tempore shall be governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a code city organized under the mayor-council plan, except that in council-manager cities where all council positions are at-large positions, the city council may, pursuant to RCW 35A.13.033, provide that the person elected to council position one shall be the council chair and shall carry out the duties prescribed by RCW 35A.13.030.

[2009 c 549 § 3017; 1994 c 223 § 36; 1975 1st ex.s. c 155 § 1; 1967 ex.s. c 119 §35A.13.020.]

RCW 35A.13.030

Mayor — Election — Chair to be mayor — Duties.

Biennially at the first meeting of the new council the members thereof shall choose a chair from among their number unless the chair is elected pursuant to RCW 35A.13.033. The chair of the council shall have the title of mayor and shall preside at meetings of the council. In addition to the powers conferred upon him or her as mayor, he or she shall continue to have all the rights, privileges, and immunities of a member of the council. The mayor shall be recognized as the head of the city for ceremonial purposes and by the governor for purposes of military law. He or she shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by ordinance, shall take command of the police, maintain law, and enforce order.

[2009 c 549 § 3018; 1975 1st ex.s. c 155 § 2; 1967 ex.s. c 119 § 35A.13.030]

RCW 35A.13.033

Election on proposition to designate person elected to position one as chair — Subsequent holders of position one to be chair.

The city council of a council-manager city may by resolution place before the voters of the city a proposition to designate the person elected to council position one as the chair of the council with the powers and duties set forth in RCW 35A.13.030. If a majority of those voting on the proposition cast a positive vote, then at all subsequent general elections at which position one is on the ballot, the person who is elected to position one shall become the chair upon taking office.

[2009 c 549 § 3019; 1975 1st ex.s. c 155 § 3.]

RCW 35A.13.035

Mayor pro tempore or deputy mayor.

Biennially at the first meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

[2009 c 549 § 3020; 1969 ex.s. c 81 § 1.]

Notes:

Effective date -- 1969 ex.s. c 81: "This 1969 amendatory act shall take effect July 1, 1969." [1969 ex.s. c 81 § 7.]

RCW 35A.13.040

Compensation of councilmembers — Expenses.

The salaries of the councilmembers, including the mayor, shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office

shall not become effective until the expiration of the term then being served by the incumbent: PROVIDED. That compensation of councilmembers may not be increased or diminished after their election nor may the compensation of the mayor be increased or diminished after the mayor has been chosen by the council.

Until councilmembers of a newly organized council-manager code city may lawfully be paid as provided by salary ordinance, such councilmembers shall be entitled to compensation in the same manner and in the same amount as councilmembers of such city prior to the adoption of this council-manager plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, the first councilmembers shall be entitled to compensation as follows: In cities having less than five thousand inhabitants -- twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants -- a salary of one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants -- a salary of four hundred dollars per calendar month. A councilmember who is occupying the position of mayor, in addition to his or her salary as a councilmember, shall be entitled, while serving as mayor, to an additional amount per calendar month, or portion thereof, equal to twenty-five percent of the councilmember salary; PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers. Councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

[2009 c 549 § 3021; 1979 ex.s. c 18 § 25; 1967 ex.s. c 119 § 35A.13.040.]

Notes:

Severability -- 1979 ex.s. c 18: See note following RCW 35A.01.070.

RCW 35A.13.050

City manager — Qualifications.

The city manager need not be a resident at the time of his or her appointment, but shall reside in the code city after his or her appointment unless such residence is waived by the council. He or she shall be chosen by the council solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in, or his or her knowledge of, accepted practice in respect to the duties of his or her office. No person elected to membership on the council shall be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he or she was elected.

[2009 c 549 § 3022; 1967 ex.s. c 119 §35A.13.050.]

RCW 35A.13.060

City manager may serve two or more cities.

Whether the city manager shall devote his or her full time to the affairs of one code city shall be determined by the council. A city manager may serve two or more cities in that capacity at the same time.

[2009 c 549 § 3023; 1967 ex.s. c 119 § 35A.13.060.]

RCW 35A.13.070

City manager — Bond and oath.

Before entering upon the duties of his or her office the city manager shall take an oath or affirmation for the faithful performance of his or her duties and shall execute and file with the clerk of the council a bond in favor of the code city in such sum as may be fixed by the council. The premium on such bond shall be paid by the city.

[2009 c 549 § 3024; 1967 ex.s. c 119 § 35A.13.070.]

RCW 35A.13.080

City manager — Powers and duties.

The powers and duties of the city manager shall be:

- (1) To have general supervision over the administrative affairs of the code city;
- (2) To appoint and remove at any time all department heads, officers, and employees of the code city, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: PROVIDED, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of a city planning commission, and other advisory citizens' committees, commissions, and boards advisory to the city council: PROVIDED FURTHER, That if the municipal judge of the code city is appointed, such appointment shall be made by the city manager subject to confirmation by the council, for a four year term. The council may cause an audit to be made of any department or office of the code city government and may select the persons to make it, without the advice or consent of the city manager;
- (3) To attend all meetings of the council at which his or her attendance may be required by that body;
- (4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;
- (5) To recommend for adoption by the council such measures as he or she may deem necessary or expedient;
- (6) To prepare and submit to the council such reports as may be required by that body or as he or she may deem it advisable to submit;
- (7) To keep the council fully advised of the financial condition of the code city and its future needs;
- (8) To prepare and submit to the council a proposed budget for the fiscal year, as required by chapter 35A.33 RCW, and to be responsible for its administration upon adoption;
- (9) To perform such other duties as the council may determine by ordinance or resolution.

[2009 c 549 § 3025; 1987 c 3 § 17; 1967 ex.s. c 119 § 35A.13.080.]

Notes:

Severability -- 1987 c 3: See note following RCW 3.70.010.

RCW 35A.13.090

Creation of departments, offices, and employment — Compensation.

On recommendation of the city manager or upon its own action, the council may create such departments, offices, and employments as it may find necessary or advisable and may determine the powers and duties of each department or office. Compensation of appointive officers and employees may be fixed by ordinance after recommendations are made by the city manager. The appointive officers shall include a city clerk and a chief of police or other law enforcement officer. Pursuant to recommendation of the city manager, the council shall make provision for obtaining legal counsel for the city, either by appointment of a city attorney on a full time or part time basis, or by any reasonable contractual arrangement for such professional services.

[1967 ex.s. c 119 § 35A.13.090.]

RCW 35A.13.100

City manager — Department heads — Authority.

The city manager may authorize the head of a department or office responsible to him or her to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the city manager, or by the head of a department or office, except one who holds his or her position subject to civil service, may be removed by the manager or other such appointing officer at any time subject to any applicable law, rule, or regulation relating to civil service. Subject to the provisions of RCW 35A.13.080 and any applicable civil service provisions, the decision of the manager or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body, or court whatsoever.

[2009 c 549 § 3026; 1967 ex.s. c 119 § 35A.13.100.]

RCW 35A.13.110

City manager — Appointment of subordinates — Qualifications —

Terms.

Appointments made by or under the authority of the city manager shall be on the basis of ability and training or experience of the appointees in the duties which they are to perform, and shall be in compliance with provisions of any merit system applicable to such city. Residence within the code city shall not be a requirement. All such appointments shall be without definite term.

[1967 ex.s. c 119 § 35A.13.110.]

RCW 35A.13.120

City manager — Interference by councilmembers.

Neither the council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the city manager or any of his or her subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately. The provisions of this section do not prohibit the council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.

[2009 c 549 § 3027; 1967 ex.s. c 119 § 35A.13.120.]

RCW 35A.13.130

City manager — Removal — Resolution and notice.

The city manager shall be appointed for an indefinite term and may be removed by a majority vote of the council. At least thirty days before the effective date of his or her removal, the city manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the city council stating the council's intention to remove him or her and the reasons therefor. Upon passage of the resolution stating the council's intention to remove the manager, the council by a similar vote may suspend him or her from duty, but his or her pay shall continue until his or her removal becomes effective.

[2009 c 549 § 3028; 1967 ex.s. c 119 § 35A.13.130.]

RCW 35A.13.140

City manager — Removal — Reply and hearing.

The city manager may, within thirty days from the date of service upon him or her of a copy thereof, reply in writing to the resolution stating the council's intention to remove him or her. In the event no reply is timely filed, the resolution shall upon the thirty-first day from the date of such service, constitute the final resolution removing the manager and his or her services shall terminate upon that day. If a reply shall be timely filed with the city clerk, the council shall fix a time for a public hearing upon the question of the manager's removal and a final resolution removing the manager shall not be adopted until a public hearing has been had. The action of the council in removing the manager shall be final.

[2009 c 549 § 3029; 1967 ex.s. c 119 § 35A.13.140.]

RCW 35A.13.150

City manager — Substitute.

The council may designate a qualified administrative officer of the city or town to perform the duties of manager:

(1) Upon the adoption of the council-manager plan, pending the selection and appointment of a manager; or

(2) Upon the termination of the services of a manager, pending the selection and appointment of a new manager; or

(3) During the absence, disability, or suspension of the manager.

[1967 ex.s. c 119 § 35A.13.150.]

RCW 35A.13.160

Oath and bond of officers.

All provisions of RCW 35A.12.080 relating to oaths and bonds of officers, shall be applicable to code cities organized under this council-manager plan.

[1967 ex.s. c 119 § 35A.13.160.]

RCW 35A.13.170

Council meetings — Quorum — Rules — Voting.

All provisions of RCW 35A.12.110, as now or hereafter amended, and 35A.12.120, relating to council meetings, a quorum for transaction of business, rules and voting at council meetings, shall be applicable to code cities organized under this council-manager plan.

[1979 ex.s. c 18 § 26; 1967 ex.s. c 119 § 35A.13.170.]

Notes:

Severability -- 1979 ex.s. c 18: See note following RCW 35A.01.070.

RCW 35A.13.180

Adoption of codes by reference.

Ordinances of cities organized under this chapter may adopt codes by reference as provided in RCW 35A.12.140.

[1967 ex.s. c 119 § 35A.13.180.]

RCW 35A.13.190

Ordinances — Style — Requisites — Veto.

The enacting clause of all ordinances shall be as follows: "The city council of the city of do ordain as follows:" No ordinance shall contain more than one subject and that must be clearly expressed in its title.

No ordinance or any section or subsection thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full length.

No ordinance shall take effect until five days after the date of its publication unless otherwise provided by statute or charter, except that an ordinance passed by a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption, but such ordinance may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money.

[1967 ex.s. c 119 § 35A.13.190.]

RCW 35A.13.200

Authentication, recording and publication of ordinances.

Ordinances of code cities organized under this chapter shall be authenticated, recorded and published as provided in RCW 35A.12.150 and 35A.12.160.

[1967 ex.s. c 119 § 35A.13.200.]

RCW 35A.13.210

Audit and allowance of demands against city.

RCW 35A.12.170 shall apply to the audit and allowance of demands against the city.

[1967 ex.s. c 119 § 35A.13.210]

RCW 35A.13.220

Optional division of city into wards.

A code city organized under this chapter may be divided into wards as provided in RCW 35A.12.180.

[1967 ex.s. c 119 § 35A.13.220.]

RCW 35A.13.230

Powers of council.

The council of any code city organized under the council-manager plan provided in this chapter shall have the powers and authority granted to legislative bodies of cities governed by this title as more particularly described in chapter 35A.11 RCW, except insofar as such power and authority is vested in the city manager.

[1967 ex.s. c 119 § 35A.13.230.]



APPLICATION FOR APPOINTMENT TO BURIEN CITY COUNCIL

Thank you for your interest in serving on the Burien City Council. Please fill out this form and attach a cover letter and resume if you wish. Submit the form to the City Clerk's Office, 400 SW 152nd Street, Suite 300, 98166, by 5 p.m. on _____. Should you have any questions, feel free to contact Monica Lusk, City Clerk, at (206) 248-5517.

The vacancy is for Council Position No. _____, which is an At Large position representing all Burien residents. The term for this position expires December 31, _____. Applicants must have lived in the city of Burien for 12 consecutive months prior to being appointed to office and be a registered voter to qualify for a position on the Burien City Council.

(Note: Residents living in the area annexed to Burien in April 2010 are eligible to apply)

PLEASE PRINT:

NAME: _____

HOME ADDRESS: _____

PHONE NUMBER - HOME: _____ WORK _____

EMAIL: _____

YEARS OF RESIDENCE IN BURIEN: _____

(Note: Residents living in the area annexed to Burien in April 2010 are eligible to apply)

CURRENT OCCUPATION: _____

PRIOR WORK EXPERIENCE: _____

COMMUNITY INVOLVEMENT (Past and present) _____

AVAILABILITY FOR LATE AFTERNOON AND EVENING MEETINGS

**CITY COUNCIL POLICIES AND PROCEDURES
CITY COUNCIL COMMENT SUMMARY
WORKING DRAFT 11/28/2012**

COUNCIL MEMBER	#	REFERENCE Section	CURRENT	REQUESTS	COUNCIL CONSENT (Y/N)
LK/JB/GR/BE	1	2.6 Correspondence for the Record	Correspondence that is abusive or otherwise inappropriate, or sent anonymously, will not be included in the Record.	Councilmembers discussed what should or shouldn't be included in the Correspondence for the Record (CFR). Staff recommends: Correspondence that discloses personal information will be edited out before included in the Record. Correspondence that contains profanity or abusive in nature would be submitted to the Mayor who would decide whether it should be included in the Record. Correspondence that is sent anonymously will not be included in the Record.	
Council	2	Section 9.3 Council Relations with Staff	This section was retained in the Council Policies and Procedures.	Council discussed how many Councilmember's approvals are needed when asking staff to work on issues that require significant resources. Staff recommends that Council majority is required for significant issues as written in section 9.3.9: "No Councilmember shall direct the City Manager or staff to initiate any action or prepare any report that is a priority or requires significant resources, or initiate any project or study without the consent of a majority of the Council."	

BE/LK	3	16.1 Litigation Policies and Reporting	This section was removed from the Council Policies and Procedures.	<p>Staff recommended this section be removed from the Policies and Procedures because rather than a mandatory reporting schedule, staff recommends that litigation reporting occurs in executive session on an as-needed basis as determined by City Manager and City Attorney.</p> <p>BE & LK would like this section be rewritten to ask the City Attorney to periodically provide a report on litigation issues.</p> <p>Staff recommends the section be rewritten as follows:</p> <p>“Periodically, the City Attorney will provide a report to the City Council on new litigation and ongoing litigation in the Council Executive Session.</p>	
Staff	4	Section 19 City Manager Evaluation Process	This section was removed from Council Policies and Procedures.	<p>Staff recommended this section be removed from the Policies and Procedures because this process is in the “Performance Evaluations of City Manager by Mayor and City Council” document in the Human Resources Department.</p> <p>BE/LK didn’t feel the process steps in the Human Resources’ document addressed the process of creating and changing the criteria for City Manager’s Evaluation and would like to add section 19 back. Staff suggested that section 19 was outdated. Staff gave the examples of step 19.8 being incorrect because the City hasn’t issued press release regarding the results of the evaluation and step 19.3 being redundant because it was repeated in step 19.4.</p> <p>BE suggested staff to merge the two documents to reflect the process and to update current practices.</p> <p>Staff recommends rewriting the City Manager’s Evaluation process as follows:</p>	

				<p>Process for evaluating the Burien City Manager</p> <ol style="list-style-type: none"> 1. The Mayor, Councilmembers and City Manager will determine the evaluation criteria and format for the city manager evaluation process. 2. City Manager sends Council Members blank evaluation forms with completed self evaluation. (by second Monday in November). 3. Council Members complete individual evaluations then convey them by the second Monday in December to the Human Resources Manager for compilation. 4. The HR manager will create a single evaluation then return it to all Council Members and City Manager no later than the third Monday in December. The document will consolidate all scores and verbatim comments, and identify them by author. 5. Council and the City Manager will meet in executive session on the second Monday in January to discuss the evaluation. 	
BE	5	22 Appointments to Regional Organizations	<p>SECTION 22. APPOINTMENTS TO REGIONAL ORGANIZATIONS</p> <p>Appointments to regional bodies, ad-hoc community committees or other special committees outside the City auspices may be made in two ways: (1) the regional committee may request recommendations for ultimate appointment by the regional committee; or (2) the City Council may make direct appointment to a regional committee when asked to do so by that body.</p>	<p>BE would like to see procedure for appointments to ad-hoc committees.</p> <p>Staff recommends Council to discuss how this procedure be created. Staff will use Council's directions to draft the procedure.</p>	

COUNCIL MEMBER	#	REFERENCE Section	CURRENT	REQUESTS	COUNCIL CONSENT (Y/N)
LK	6	2.1.A. Regular Meetings and Study Session	Regular meetings of the City Council of the City of Burien shall be held at 7:00 p.m. on the first and third Monday of each month at the building designated as Burien City Hall, currently located at 400 SW 152 nd Street, Burien, Washington, or at another location the City Council may deem appropriate. (Resolution No. 3 and amended by Resolution Nos. 3, 19, 35, 71, 97, 101, and 290).	LK asked staff to provide Resolution 3, 19, 35, 71, 97, 101, and 290. Staff provided resolutions.	Done
BE	7	2.4 Council Meetings	The City Clerk shall prepare minutes for all Council meetings, which shall contain an account of all official actions of the Council. The minutes will constitute the official record of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law.	BE asked: "If information is not documented in the minutes, the Council has the <u>responsibility</u> to amend the minutes?" Staff responds: There is no legal responsibility required of Council to amend the minutes; however, Council has the opportunity to do so at the next meeting under Consent Agenda.	Done
LK	8	2.5.(5) Executive Session	Before convening an Executive Session, the Mayor shall announce the specific purpose of the meeting and the potential for action by the Council when it reconvenes. The Mayor shall also announce that the Executive Session will be conducted per RCW42.30.110(2) .	LK asked staff to provide RCW 42.30.110(2). Staff provided resolution.	Done
LK	9	2.6 Roll Call	The City Clerk shall call the roll, and the Mayor shall indicate any Councilmember who is not in attendance and whether or not the Councilmember has an excused absence. Councilmembers may make a motion to excuse absent Councilmembers.	LK asked staff to provide ordinance regarding attendance requirement for Councilmembers. Staff provided RCW.	Done

BE	10	2.6 Roll Call	The City Clerk shall call the roll, and the Mayor shall indicate any Councilmember who is not in attendance and whether or not the Councilmember has an excused absence. Councilmembers may make a motion to excuse absent Councilmembers.	Delete “Councilmembers may make a motion to excuse absent Councilmembers” to read: The City Clerk shall call the roll, and the Mayor shall indicate any Councilmember who is not in attendance and whether or not the Councilmember has an excused absence. Staff: No recommendation.	Done
LK	11	2.6 Public Hearings and Discussion	<u>Public Hearings and Discussion</u> Public hearings are held to receive public comment on important issues and/or issues requiring a public hearing by State statute or Burien ordinances. Public wishing to comment will follow the same procedure as for "Public Comments" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council may then proceed with deliberation and decision making.	LK would like to add “For legislative public hearing, Council’s decision will occur at the next regular meeting.” Staff revised the section to read: <u>Public Hearings and Discussion</u> Public hearings are held to receive public comment on important issues and/or issues requiring a public hearing by State statute or Burien ordinances. Public wishing to comment will follow the same procedure as for "Public Comments" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council may then proceed with deliberation. For legislative public hearing, Council’s decision will occur at the next regular meeting.	Done
LK	12	2.6 Consent Agenda	Consent Agenda items are considered to be routine and are approved by one motion. Items on the Consent Agenda include but are not limited to minutes, vouchers or other matters, including ordinances and resolutions , discussed at a previous City Council meeting.	Delete “including ordinances and resolutions” to read: Consent Agenda items are considered to be routine and are approved by one motion. Items on the Consent Agenda include but are not limited to minutes, vouchers or other matters, discussed at a previous City Council meeting. Note: The proposed change would not prevent ordinances and resolutions from being included. Staff: No recommendation.	Done

BE	13	2.6 Correspondence for the Record	Correspondence addressed to the Council will normally be included in Correspondence for the Record for a future City Council meeting.	BE requested the word “future” to be replaced with the words “the next regularly scheduled” meeting to read: Correspondence addressed to the Council will normally be included in “Correspondence for the Record” for a future the next regularly scheduled City Council meeting	Done
LK	14	2.6 Council Reports	Council Reports Councilmembers may report on other meetings and activities in which they have participated and represented the City. Councilmembers may also provide written reports to the City Manager’s report under the heading, “Council Updates and Reports.”	LK would like to take out “City Business” item under “Business Agenda” in the City Council Meeting Agenda and replace it with an item titled “City Manager Report.” LK also would like to rename “Council Reports” to “Council Business.” Staff agrees.	Done
LK	15	2.7 Order of Study Session Agenda	Call to Order Pledge of Allegiance Roll Call Discussion Items	Add “Correspondence for the Record” to read: Call to Order Pledge of Allegiance Roll Call Correspondence for the Record Discussion Items	Done
BE	16	3.2 Agenda Preparation	The proposed agenda schedule will be reviewed as the first item of discussion at the 4th Monday Study Session.	BE wanted to revise the section to read: The proposed agenda schedule will be reviewed during the last regular Council meeting of each month.	Done
BE/GR	17	3.8 Agenda Preparation	Agenda and materials will be available at City Hall and on the City’s website for City staff, media and the public at 5 pm on the Friday prior to the meeting.	BE requested to change the time of making agenda package available to the public to an earlier time. GR requested the agenda package to be available at the Burien Library. The revised statement reads: Agenda and materials will be available at City Hall, on the City’s website and at the Burien Library for City staff,	Done

				media and the public at 4:00 pm on the Friday prior to the meeting.	
LK/BE/GR	18	4.1-4.8 Council Discussion and Decision Making Process	In these sections and throughout the Policies and Procedures, the word “will” is being used most dominantly.	<p>For stronger emphasis and consistency, councilmembers LK/BE/GR asked staff to use the word “shall” in place of the word “will” wherever applicable throughout the document.</p> <p>Staff recommends keeping the status quo since the word “will” is less formal than “shall” and fits the intent of the document which is a “Guidelines” rather than “Policies and Procedures.”</p> <p>BE asked staff to look at paragraphs that have both words “will” and “shall” to ensure proper usage.</p> <p>Staff agreed and replaced “will” with “shall” in section 5.1, section 7.2 and section 23.7.</p>	Done
LK	19	6.0 Motions	There are vertical marks on the left column on page 82 and throughout the document.	LK pointed out these vertical lines should be deleted. Staff explained that once the document is finalized, the lines will be deleted.	Done
LK	20	8.10 Presiding Officer of the Council	Share information with Councilmembers on meetings, issues, etc. that the Mayor has received as part of his/her official status as Mayor.	<p>Add “conducted or participated in” to read:</p> <p>Share information with Councilmembers on meetings, issues, etc. that the Mayor has received, conducted or participated in as part of his/her official status as Mayor.</p>	Done
BE	21	8.10 Presiding Officer of the Council	Format: (1.), (2.) and so on.	<p>Remove the period after the number to read:</p> <p>(1), (2) and so on.</p>	Done

Staff	22	Section 9.1 & 9.2 Anti Harassment Policy & Reporting Discrimination or Harassment	This section was removed from Council Policies and Procedures.	Staff recommended this section be removed from the Policies and Procedures because it can be found in the Human Resources Department's City of Burien Personnel Policies, Section 2.03 Anti-Harassment Policy, Including Sexual Harassment.	Done
BE	23	9.7 & 9.8 Council Relationship with Staff	9.7 To ensure timely response and any required administrative actions, mail addressed to the Mayor shall be copied and circulated by the City Clerk to all appropriate persons as soon as practicable after it arrives. Unless specifically requested, other Councilmembers' mail shall not be opened before distribution to those Councilmembers. 9.8 The City Clerk shall not open mail addressed to individual Councilmembers.	BE expressed concern that these two sections might duplicate each other and asked staff to remove section 9.8. Section 9.8 is deleted. 9.8 The City Clerk shall not open mail addressed to individual Councilmembers Staff agrees.	Done
BE	24	11.5 Councilmember Attendance at Meetings	Councilmembers will let the Executive Assistant to the City Manager know what meetings they are attending so that these can be noted on the meetings calendar.	BE asked: "Where is the meeting calendar located that shows which meetings each Council member attends?" (sic) and asked staff to include in the pink sheet (distributed in the first page of the City Council meeting package) the Council's committee assignment list (as assigned for the year during Council Retreat). Staff agrees.	Done
BE	25	12.3 Public Hearing - Quasi-Judicial Public Hearings	The Public wishing to comment will follow the same procedure as for "Public Comment" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council then proceeds with deliberation and decision making.	BE would like to move this paragraph from section 12.3 to merge with section 12.1 Public Hearings – Types to read: <u>12.1 TYPES</u> There are two types of public hearings: legislative and quasi-judicial. The mayor will state the public hearing procedures before each public hearing. The public may comment on public hearing items. The Public wishing to comment will follow the same procedure as for "Public	Done

				<p>Comment" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council then proceeds with deliberation and decision making.</p> <p>Staff agrees.</p>	
BE	26	14.4 Council Representation	<p>As a matter of courtesy, letters to the editor, or other communication of a controversial nature, which do not express the majority opinion of the Council, should be presented to the full Council in the Council agenda packet prior to publication so that Councilmembers may be made aware of the impending publication.</p>	<p>BE wanted to delete "in the Council agenda packet prior to publication so that Councilmembers may be made aware of the impending publication" and add "at the time of communication":</p> <p>As a matter of courtesy, letters to the editor, or other communication of a controversial nature, which do not express the majority opinion of the Council, should be presented to the full Council in the Council agenda packet prior to publication so that Councilmembers may be made aware of the impending publication at the time of communication.</p> <p>Staff: No recommendation.</p>	Done
BE	27	15.1 Confidentiality	<p>Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions, when the information is considered to be exempt from disclosure under exemptions set forth in the Revised Code of Washington (RCW).</p>	<p>BE requested the referenced RCW to be identified. This section is revised to read:</p> <p>Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions, when the information is considered to be exempt from disclosure under exemptions set forth in the Revised Code of Washington (RCW 42.56 Public Records Act).</p>	Done

RC	28	16.2 Financial Management Policies	This section was removed from the Council Policies and Procedures.	Staff recommended this section to be removed from the Policies and Procedures because it can be found in the 2013-2014 Biennial Budget Section 5.3 "Financial Policies." RC wanted City to include "buying from local businesses as much as possible" to be included in Purchasing Policies. Staff is in the process of revising the Purchasing Policies and plan to roll out the updated policies in March 2013. This issue could be considered at that time.	Done
Staff	29	Section 17 Council and Staff Travel and Expenses	This section was removed from Council Policies and Procedures.	Staff recommended this section be removed from the Policies and Procedures because it is in the "City of Burien's Travel Policies and Procedures, Revised March 31, 2011" in the Human Resources Department and is posted on City Intranet called B-Hive for staff's reference.	Done
LK	30	20.3 Mayor/Deputy Mayor Selection Process	The Deputy Mayor shall be elected to a one-year term at the first Regular Council meeting in January according to a motion passed by the Council on January 10, 1994.	Delete the date to read: The Deputy Mayor shall be elected to a one-year term at the first Regular Council meeting in January according to a motion passed by the Council on January 10, 1994.	Done
Staff	31	Section 21 City Council Committees	This section was removed from Council Policies and Procedures.	Staff recommended this section to be removed from the Policies and Procedures because there are no committees.	Done
Staff	32	Section 24 Burien Citizen Boards and Commissions	This section was removed from Council Policies and Procedures.	Staff recommended this section be removed from the Policies and Procedures because it can be found in Burien Municipal Code 2.45, 2.50, 2.55 and 2.60 which is available on the City of Burien's website.	Done

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discuss and adopt Ordinance 577, accepting property donations		Meeting Dates: February 4 and March 4, 2013
Department: Legal, Parks	Attachments: Ordinance No. 577, accepting property donations	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Craig Knutson, Michael Lafreniere		
Telephone: (206) 248-5553 (206) 988-3703		
Adopted Work Plan Priority: Yes No <input checked="" type="checkbox"/>	Work Plan Item Description:	
PURPOSE/REQUIRED ACTION: The City Attorney and Parks and Recreation Director are recommending adoption of Ordinance 577, authorizing the City Manager to accept property donations on the City's behalf.		
Background: The owners of a 9.4 acre parcel near the Seamount Addition west of Ambaum have contacted the Parks Department about donating the property to the City. The parcel is treed, on a ravine, and has a stream running through it.		
State law authorizes cities to accept donations as long as the city has adopted an ordinance setting forth a procedure for formally accepting the property and carrying out the terms of the donation, if within the powers granted the city by law. If no terms or conditions are attached to the donation, the city can expend or use it for any municipal purpose. RCW 35.21.100.		
Since Burien has not adopted such an ordinance, the attached ordinance would comply with the state statute by authorizing the City Manager to accept donations or bequests of money or property on the City's behalf. The ordinance also provides that any terms that condition the donation must be carried out, if such terms are within the powers granted the City by law, and that if no terms are attached to the donation, the City may use it for any municipal purpose. The ordinance further directs the City Manager to designate the appropriate City fund or department to which the donation will be allocated.		
OPTIONS (Including fiscal impacts): <ol style="list-style-type: none"> 1. Adopt the ordinance. 2. Do not adopt the ordinance. 		
Administrative Recommendation: Discuss the proposed ordinance on February 4 and adopt the ordinance on March 4.		
Advisory Board Recommendation: N/A		
Suggested Motion for March 4, 2013 meeting: Move to adopt Ordinance No. 577, authorizing the City Manager to accept property donations on the City's behalf.		
Submitted by: Administration _____ City Manager _____		
Today's Date: January 30, 2013	File Code: R:/CC/Agenda Bills 2013/020413ls-1 Ord577 property donations	

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 577

**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON,
AUTHORIZING THE ACCEPTANCE OF DONATIONS OR
REQUESTS OF MONEY OR PROPERTY ON THE CITY'S BEHALF**

WHEREAS, pursuant to RCW 35.21.100, the City may by ordinance authorize the acceptance of money or property donated or bequeathed to the City in accordance with the terms of the donation or bequest, if such terms are within the powers granted the City by law; and

WHEREAS, it is appropriate to authorize the City Manager to accept donations or bequests of money or property on the City's behalf and to designate the appropriate City fund or department to which such money or property shall be allocated;

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

Section 1. Pursuant to RCW 35.21.100, the City Council authorizes the City Manager to accept donations or bequests of money or property on the City's behalf in accordance with the terms of the donation or bequest, if such terms are within the powers granted the City by law. If no terms or conditions are attached to the donation or bequest, the City may expend or use it for any municipal purpose. The City Manager shall designate the appropriate City fund or department to which such money or property shall be allocated.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 4TH DAY OF MARCH, 2013, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ____ DAY OF _____, 2013.

CITY OF BURIEN

Brian Bennett, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Craig D. Knutson, City Attorney

Filed with the City Clerk: January 30, 2013

Passed by the City Council: _____, 2013

Ordinance No. 577

Date of Publication: _____, 2013



Burien

Washington, USA

400 SW 152nd St., Suite 300, Burien, WA 98166
Phone: (206) 241-4647 • FAX (206) 248-5539
www.burienwa.gov

MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Mike Martin, City Manager
DATE: February 4, 2013
SUBJECT: City Manager's Report

I. INTERNAL CITY INFORMATION

A. Full Circle Farms Organic Foods in the Teen Afterschool Program

In a new partnership with Full Circle Farms, staff in the Burien Parks, Recreation & Cultural Services (PaRCS) Teen Program are introducing teens to creative and healthy food preparation. Once a month, a box of in-season organic fruits and vegetables are delivered to the Community Center. The teens help prepare a dish and are then able to enjoy it. They have already prepared and experienced roasted delicata squash and pears.

B. Senior Acting Program Highlighted

The PaRCS "Theater Scene Study" class for senior adults was featured in the January 22 edition of the Highline Times. This weekly enrichment class has been offered for over 20 years and gives participants a chance to develop acting skills within a fun social environment. Each 8-week session offers instruction, rehearsal, and an opportunity to act in some casual performances in community locations.

C. Empty Bowls Raises \$16,000 for Food Banks

This year's Empty Bowls event was held Friday, January 25 at the Community Center. Approximately 900 people attended this popular fundraiser for the Highline and White Center Food Banks, raising \$16,000. All of the food was donated by local businesses, and Moshier Arts Center potters created and donated 1500 beautiful bowls. The bowls were on display in the Community Center lobby; event attendees chose a bowl to take home and then enjoyed a meal of hot soup, bread and a cookie.

D. Increase in Recreation Program Registration

Winter quarter registration has been busy this past month with PaRCS' front desk staff registering 639 participants during the first two weeks of January. This is a 33% increase over the 480 participants who registered during the same period in 2012. There has also been an increase in the number of participants who registered on-line during this same two week period, with 77 in 2012 and 114 in 2013.

E. Revenue Up for the PaRCS Department

As compared to the previous year, program and other related revenues are up overall for PaRCS by 6.2%, from \$629,822 in 2011 to \$668,644 for 2012. Since 2006, the Department's annual revenues have increased a total of 67.6%.

F. Contracts over \$25,000 Signed by the City

The following is a list of budgeted contracts over \$25,000 that have been signed by the City between August 24 and December 31, 2012. In the future, this list will be provided to the Burien City Council with the quarterly financial reports.

- Washington State Department of Commerce for 2012-2013 Growth Management Act Competitive Grant for \$45,000
- Heartland, LLC for Housing Stock and Land Inventory on Ambaum Corridor for \$45,000
- Washington State Department of Commerce for North East Redevelopment Area (NERA) Stormwater Facilities Grant for \$3,450,000
- Waste Management of Washington for a Settlement Agreement due to July/August 2012 Labor Strike for credits to residential and commercial accounts, valued at \$135,430
- Discover Burien for 2012 Business Development and Team Clean Sweep Services for \$98,184
- Washington State Department of Transportation (WSDOT) for Local Agency Grant Agreement for pre-design of NERA Eastbound SR518 off-ramp to Des Moines Memorial Drive for \$250,000
- Mike Doubleday for 2013 State and Federal Lobbying Services for \$69,600
- Washington State Department of Ecology for NERA/Miller Creek Stormwater Management Facility for \$1,000,000

G. Annual Utility Tax Relief Program Update for 2012

The annual processing of the Utility Tax Relief Program for low-income Burien residents has been completed for 2012. This program helps offset the impact of the 6% Burien utility tax to low-income households on regular telephone, basic cable TV, and gas/electricity through Puget Sound Energy (PSE). The 54 Burien households that participated in the program will receive a collective total of \$2,019 in reimbursements for the Burien utility taxes they paid on regular telephone services and basic cable television services in 2012. The average reimbursement amount per household was \$37 and reimbursement checks will be mailed in early February. Participants who have gas and/or electricity with Puget Sound Energy will have the Burien utility tax removed from their PSE bills for 2013.

H. Quarterly Construction and Land Use Permit Report (Page 171)

Attached is the Construction and Land Use Permit Activity Report for the fourth quarter of 2012. The number of permits issued in 2012 is the highest on record. Overall valuation for the year was lower than in 2011, indicating there were fewer

high value construction projects and an increase in lower value projects. The number of online mechanical, plumbing, electrical and re-roof E-permits continue to increase with an average of 46% of these permit types issued through Mybuildingpermit.com in 2012.

I. Construction Permit Update

Permits were issued in 2009 for construction of 46 multi-family townhomes at the Miller Creek Junction development located off of S 160th Street. Due to financial reasons the project was put on hold while a new owner was sought. In the past month Miller Creek Court LLC (new owners) and Westland Associates (general contractor) requested the permits be reinstated. The City has approved the reinstatement and construction of the townhomes is expected to be completed by the end of this year.

J. City Crews Now Performing De-Icing Duties

Prior to purchasing the anti-icing system, a call was placed to King County to schedule anti-icing of Burien roads. Now when icy conditions are expected the crew can come in early to anti-ice the shady and steeper streets. This has greatly improved road conditions and response time and ensures that anti-ice is only applied to those areas that need it. In the event that snow is followed by a freeze, this equipment will make it quicker and easier to melt the ice so that the plows can be more effective.

K. City of Burien Safety Report

In 2012, the City had one workplace incident involving two days away from work and one injury involving six days of restricted duty occur. The chart below details the statistics for the previous few years.

Year	Number of Injuries or Illnesses	Total number of Days Away From Work	Total number of Days of Job Restriction
2008	2	13	167
2009	7	14	77
2010	0	0	0
2011	1	0	16
2012	2	2	6

Since 2009, staff has made a concerted effort to address safety in the workplace: the Safety Policies have been updated, all employees have attended a Safety Orientation, a personal protective equipment assessment for each position has been conducted, and all safety-related forms have been updated. Staff will continue to support a safe and healthy workplace through employee awareness, engagement, and education.

L. Employee Wellness Program in Progress

Making big lifestyle changes can be tough. Whether it is trying to exercise thirty minutes per day or aiming to reduce fat intake, changing lifestyle habits that have been in place for years is daunting. That's why our latest wellness campaign, The

Big Easy, challenges employees to shift their focus away from big lifestyle changes and instead make small, everyday changes. For six weeks, 19 employees will swap three not-so-healthy habits (like snacking on junk food or getting an insufficient amount of sleep) for three healthier habits (like taking the stairs or eating one additional vegetable per day). By the end of the program, employees should feel more confident in their ability to improve their health habits, while moving down the road to better health and wellness.

M. Promotional Street Banners Coming Soon

The Communications Office is developing a plan to use large cross-street banners to better publicize events in the community such as the Strawberry Festival, Wellness Fair, community-wide meetings and other big City events. We'll be utilizing the pedestrian overpass on 1st Ave. S. just north of 128th St., the existing "Downtown Burien" structure across SW 152nd St just west of 1st Ave., and the "Welcome to Burien" pagoda-like structure at 1st Ave. S. and 148th St. (northwest corner). Staff is looking at having poles installed on Ambaum around SW 136th St. where a banner could be hung. Watch for the first big banner publicizing Burien Clean Sweep on April 20.

COUNCIL UPDATES/REPORTS

A. Follow-up to Parks Scholarship Question (Page 179)

At the January 7 Council meeting, Council asked staff to provide information about hardship waivers for Parks program participants and to review the current fees and adjust where appropriate. This question was prompted by a letter from participants affected by a recent fee increase for drop-in activities; this matter has now been resolved. The attached table summarizes the Burien Parks, Recreation & Cultural Services (PaRCS) Department's scholarship options available to seniors and youth who qualify due to their low- or fixed income status. Though the Department was attempting to adjust for 15+ years of inflation and responding to a Department of Revenue determination that fees for drop-in programs are now subject to sales tax, Parks is returning the drop-in fees for card games (e.g. pinochle, etc.) to the previous rates and absorbing the tax increase. Staff will reassess the activity fee in the broader context of a future round of fee adjustments.

B. Letter from Pacific Underwriters to Burien City Council (Page 181)

A letter (attached) dated January 15, 2013, was sent from Randy Flem, Pacific Underwriters, to the Burien City Council in support of the proposed property zoning changes.

C. Letter from North Highline Unincorporated Area Council (NHUAC) President to King County Library System (KCLS) Board of Trustees President (Page 183)

Barbara Dobkin, President, NHUAC, sent a letter (attached) dated January 22, 2013, to Jim Wigfall, President of KCLS Board of Trustees, requesting that the White Center Library be rebuilt at its current location, as promised in the 2004 bond levy.

D. Notice of Continuation Public Hearing for North Highline Area Q Annexation (Page 185)

Lenora Blauman, Washington State Boundary Review Board, sent a Notice of Hearing (attached) to the Burien City Council regarding the City of Tukwila North Highline Area Q Annexation.

E. 2013 Legislative Session Update (Page 187)

The attached update from Mike Doubleday, Government Relations Specialist, summarizes the first two weeks of the 2013 legislative session.

F. Citizen Action Report (CAR) (Page 193)

Staff has provided Council with the attached December Citizen Action Report.

G. Notices: (Page 203)

The following (attached) Notice was published:

- Request for Quotation: quotations will be received by the City of Burien for janitorial services for Burien City Hall and are due at City Hall by 1:30 pm on Wednesday, February 6, 2013.
- Request for Qualifications (RFQ) for Solid Waste, Recycling, and Yard Waste/Organics Collection Professional Services Due Tuesday, February 19, 2013, by 5:00 pm.

CITY OF BURIEN, WASHINGTON

DATE: January 2013
TO: Mayor Brian Bennett and City Council
FROM: Jan Vogee, C.B.O., Building Official
SUBJECT: Construction and Land Use Permit Activity Report for 4th Quarter 2012

1. CONSTRUCTION-RELATED PERMITS ISSUED—QUARTERLY:

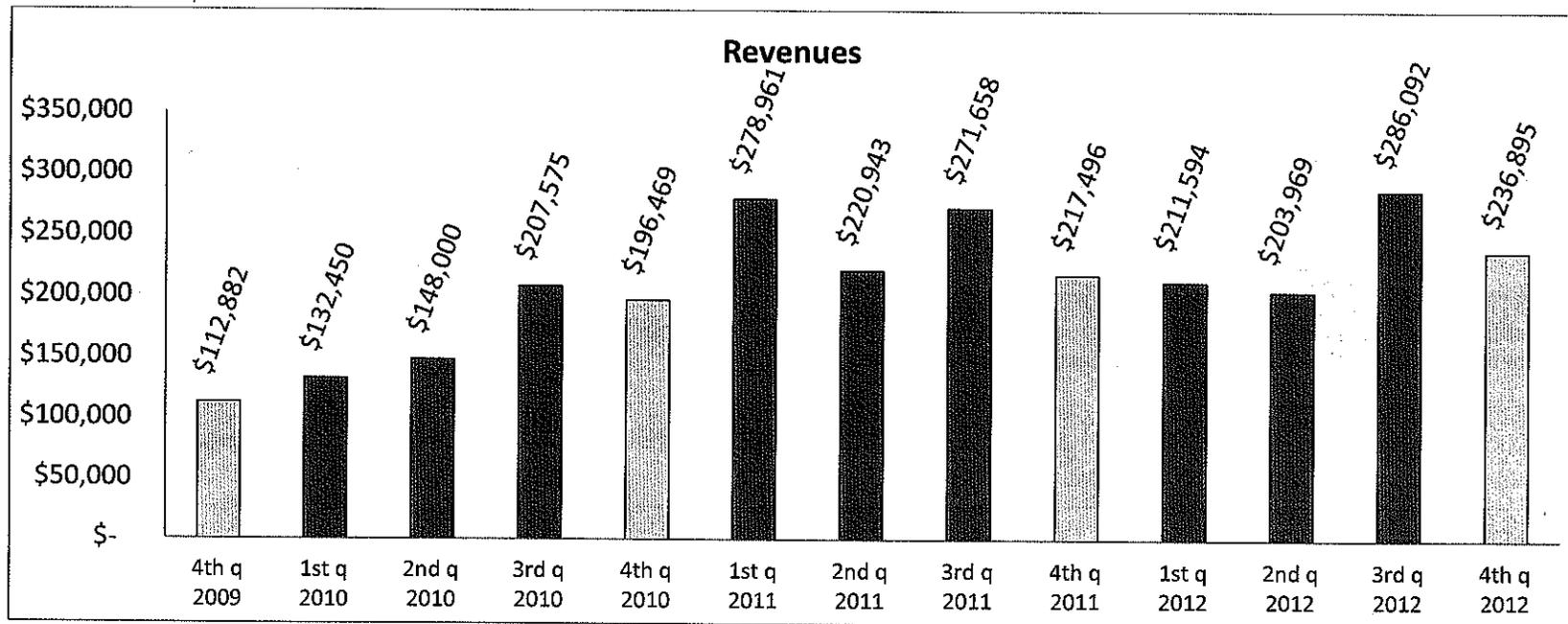
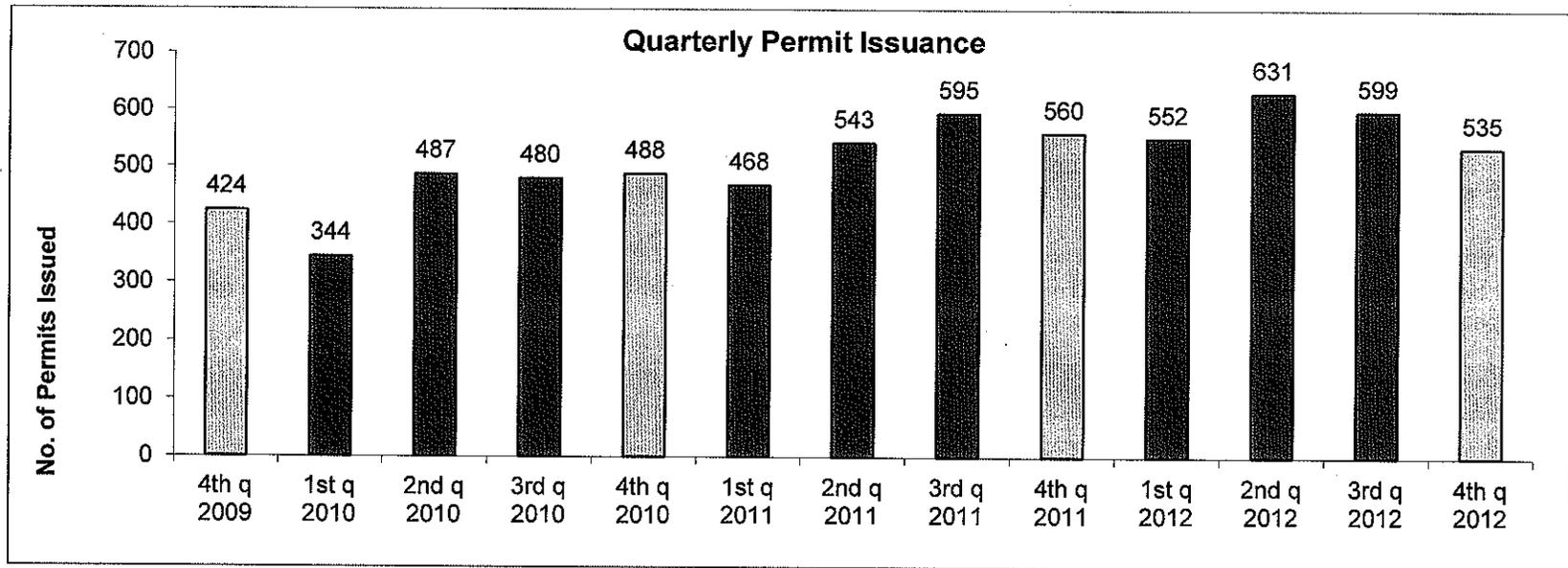
The chart below shows the number of different construction-related permits issued over the past three years, along with the revenues generated by those permits. Work continues to remain steady for the Building staff.

ISSUED PERMITS	4th q 2009	1 st q 2010	2 nd q 2010	3 rd q 2010	4th q 2010	1 st q 2011	2nd q 2011	3 rd q 2011	4th q 2011	1 st q 2012	2 nd q 2012	3 rd q 2012	4th q 2012
Building	54	54	62	75	73	73	117	110	76	68	78	107	62
Demolition	18	8	24	17	17	16	11	6	10	13	11	16	3
Electrical	136	112	172	146	169	179	201	223	209	235	262	215	214
Fire Protection	15	9	11	15	15	16	23	32	35	30	38	27	18
Mechanical	87	47	77	58	67	60	44	65	89	73	63	74	81
Plumbing	32	19	32	35	28	33	43	38	29	24	37	37	34
Right-of-Way	61	60	95	105	82	63	74	79	87	81	116	105	100
Sign	21	35	24	29	37	28	26	30	25	28	26	18	23
TOTALS	424	344	487	480	488	468	543	595	560	552	631	599	535
Revenues	\$112,182	\$132,450	\$148,000	\$ 207,575	\$196,469	\$278,961	\$220,943	\$271,658	\$217,496	\$211,594	\$203,969	\$286,092	\$236,895
Valuation (\$millions)	\$ 53.2	\$ 3.9	\$ 5.2	\$ 13.7	\$ 4.8	\$ 21.5	\$ 10.2	\$ 13.8	\$ 8.4	\$ 7.7	\$ 11.0	\$ 20.6	\$11.0

2. CONSTRUCTION-RELATED PERMITS ISSUED-- SUMMARY:

The chart below shows a summary of permits issued, total revenue, and valuation by year. The number of permits issued in 2012 is the highest on record for the City of Burien. 40% of all permits issued were electrical permits.

	2006	2007	2008	2009	2010	2011	2012
Permits Issued	2003	2074	2153	1715	1799	2166	2317
Total Revenues	\$ 1,005,796	\$ 916,181	\$ 1,122,922	\$ 507,866	\$ 684,494	\$ 989,058	\$ 938,550
Total Valuation	\$ 65,308,000	\$ 97,574,866	\$ 107,568,900	\$ 23,073,791	\$ 27,616,215	\$ 57,661,370	\$50,258,095



3. MAJOR CONSTRUCTION PERMITS ISSUED (over \$300,000 valuation):

The following table shows major construction permits issued in 4th quarter of 2012 with a valuation over \$300,000. The most significant permits issued this quarter were El Dorado West Retirement Home plumbing permit, and the Fred Meyer renovation. Permits for Fred Meyer included Building, Plumbing, Mechanical, and Electrical which were reviewed and approved by City Staff on computer (aka Electronic Review) saving the applicant a significant amount of money in printing costs.

Permit No.	Address	Project Name	Project Description	Valuation	Issued
PLM 11-1893	1010 SW 134TH ST	El Dorado West Retirement Home	Plumbing to new 102 Unit Assisted Care Apartment Building	\$ 700,000	10/16/2012
ELE 12-1938	14300 1ST AVE S	Fred Meyer	Electrical for Renovation	\$ 393,038	12/19/2012
BLD 12-1935	14300 1ST AVE S	Fred Meyer	Renovation including updating interior, change use of current tenant to Fred Meyer, modify entrances, modify sidewalks, new exterior paint	\$ 4,080,222	12/19/2012

4. E-PERMITS – (MyBuildingPermit.com, AKA MBP)

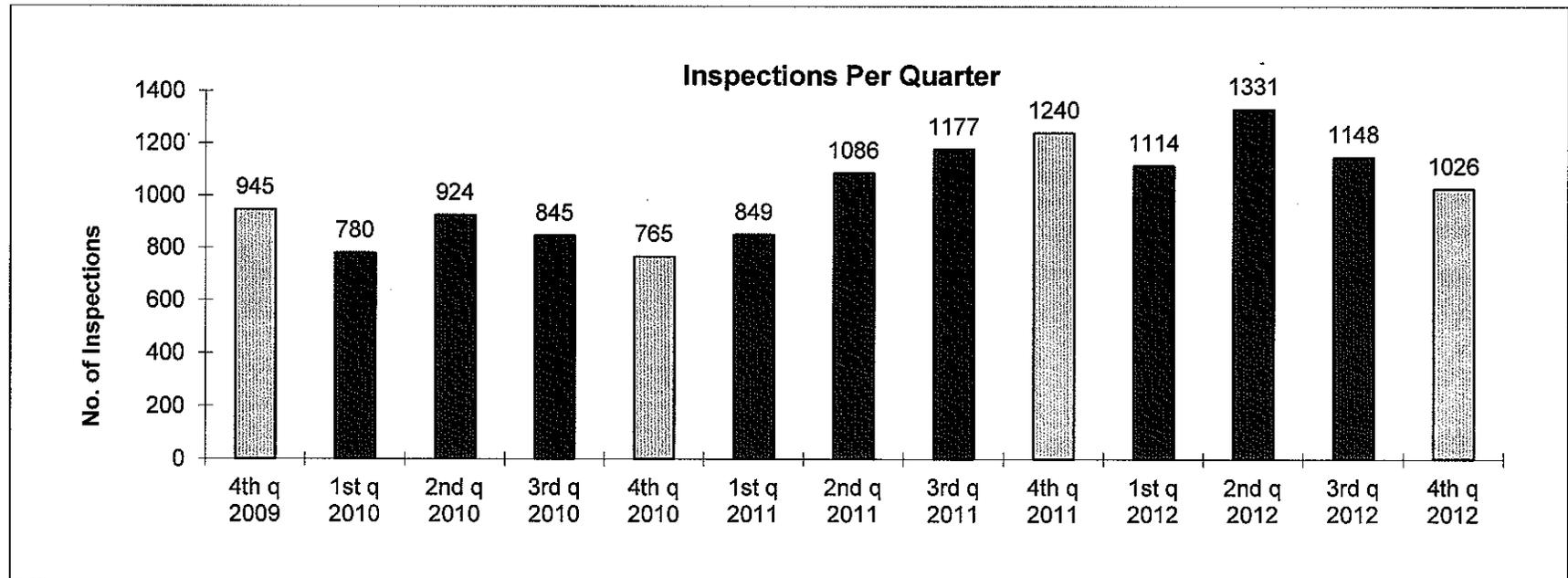
The chart below shows the number of permits that have been issued on line in relation to the total number of permits issued by the city for each permit type. Work continues on Phase 2 of the E-Plan project which will allow additional development related permits including all building, planning, fire service and right of way to be accepted, reviewed and issued online. Building, Planning and Public works staff are now configuring the options and information needed into the computer program for each of the additional permit types to be offered in the E-Plan phase and will be testing the new system in winter/spring 2013. The new system is expected to go live in May 2013.

E-PERMITS ISSUED	2008 Totals	2009 Totals	2010 Totals	1 st q 2011	2 nd q 2011	3rd q 2011	4 th q 2011	2011 Totals	1 st q 2012	2 nd q 2012	3rd q 2012	4 th q 2012	2012 Totals
Building (Re-roof)	3/43 (7%)	2/36 (6%)	4/30 (13%)	0/3 (0%)	2/24 (8%)	0/17 (0%)	0/6 (0%)	2/50 (4%)	0/4 (0%)	1/11 (9%)	1/12 (8%)	0/2 (0%)	2/30 (7%)
Mechanical	68/160 (43%)	133/251 (53%)	132/254 (52%)	29/55 (53%)	22/45 (49%)	28/65 (43%)	63/89 (71%)	142/254 (56%)	39/74 (53%)	39/63 (62%)	39/74 (53%)	53/82 (65%)	170/293 (58%)
Plumbing	37/108 (34%)	36/146 (25%)	31/112 (28%)	5/31 (16%)	8/42 (19%)	6/39 (15%)	7/29 (24%)	26/141 (18%)	4/23 (17%)	8/37 (22%)	13/38 (34%)	13/34 (38%)	38/132 (29%)
Electrical	93/520 (18%)	117/502 (23%)	145/598 (24%)	49/166 (30%)	68/190 (36%)	62/215 (29%)	100/209 (48%)	279/ 80 (36%)	116/234 (50%)	138/262 (53%)	79/210 (38%)	96/215 (45%)	429/922 (47%)
TOTALS	201/831 (24%)	288/935 (31%)	312/994 (32%)	83/255 (40%)	100/301 (33%)	96/336 (29%)	170/333 (51%)	449/1225 (38%)	159/335 (47%)	186/373 (50%)	132/335 (39%)	162/333 (49%)	639/1377 (46%)

5. CONSTRUCTION INSPECTIONS:

Burien's Building inspectors perform a variety of building, electrical, plumbing and mechanical inspections in addition to performing plan reviews and assisting the public at the counter and on the phone. They also assist with code enforcement complaints related to construction projects. Inspection requests can be called into a voice mail system, or submitted online through the City's website or www.mybuildingpermit.com.

INSPECTIONS	3 rd q 2009	2009 Total	1 st q 2010	2 nd q 2010	3 rd q 2010	4 th q 2010	2010 Total	1 st q 2011	2 nd q 2011	3 rd q 2011	4 th q 2011	2011 Total	1 st q 2012	2 nd q 2012	3 rd q 2012	4 th q 2012	2012 Total
No. of Inspections	945	3980	780	924	845	765	3314	849	1086	1177	1240	4352	1114	1331	1148	1026	4619
Average No. of inspections per day per inspector	6.1	6.4	5.1	5.8	5.3	4.9	5.3	5.5	6.8	7.4	8.1	6.9	7.2	8.3	7.3	6.6	7.4



6. NORMANDY PARK PLAN REVIEWS AND INSPECTIONS:

In January, 2006, Burien began providing plan review and inspection services to the City of Normandy Park. These services are provided by Burien's Building Official and our three inspectors. The inspections and review listed here are in addition to those performed for Burien. This quarter showed a significant increase in the number of Normandy Park plan review and a continued increase in inspections.

The following chart shows the number of plan reviews and inspections performed by Burien staff on behalf of Normandy Park.

	2006 Total	2007 Total	2008 Total	2009 Total	1 st q 2010	2 nd q 2010	3 rd q 2010	4 th q 2010	2010 Total	1 st q 2011	2 nd q 2011	3 rd q 2011	4 th q 2011	2011 Total	1st q 2012	2 nd q 2012	3 rd q 2012	4th q 2012	2012 Total
No. of Plan Reviews + Other	48	77	125	56	13	11	6	3	33	9	11	10	8	38	6	12	8	18	44
No. of inspections	672	1242	1473	1035	176	235	137	114	695	124	149	164	175	612	161	156	230	242	789
Average # inspections per day	2.7	4.9	5.9	4.2	2.9	3.7	2.1	1.8	2.8	2	2.3	2.6	2.9	2.4	2.6	2.4	3.7	3.9	3.1

7. LAND USE PRE-APPLICATION MEETINGS:

Pre-application meetings are required for most planning and land use-related actions. Meetings are held every other Thursday for up to 4 pre-application reviews. Staff from planning, building, public works, fire, and police attends as needed to discuss fatal flaws and to identify various requirements for a proposed development. A written report is provided to the applicant, as well as meeting minutes. Although this service requires a substantial amount of staff time, it has proven to be valuable to both the applicant and the city and helps to expedite the formal review later in the process. The following chart shows the number of pre-application reviews by project type.

Pre-Application Project Type	2007 Total	2008 Total	2009 Total	1 st q 2010	2 nd q 2010	3 rd q 2010	4 th q 2010	2010 Total	1 st q 2011	2 nd q 2011	3 rd q 2011	4 th q 2011	2011 Total	1st q 2012	2 nd q 2012	3 rd q 2012	4 th q 2012	2012 Total
Short Plat (4 or fewer lots)	14	9	2	4		3	2	9	1	1	2		4	1	2	3		6
Subdivision (5 or more lots)	5	4					1	1								1	1	2
Multi-Family	1	4								1		2	3	1			1	2
Critical Area Review—Single-Family	17	5	2			2		2	1	1	2	1	5		2	2	3	7
Critical Area Review—Other	1	2	2	1				1										
Commercial/Mixed Use—New	8	6	4	1	2	3		6	1		2	1	4		1	1		2
Commercial/Mixed Use—Addition, Renovation	7	3	4	3		1	1	5	2	1		1	4	1	1	1	4	7
Change of Use	1	1			1	1	1	3	1		2	1	4	4		2		6
Other	2	5	7	2		2	2	6		1		1	2			1		1
TOTALS	56	39	21	11	3	12	7	33	6	5	8	7	26	7	6	11	9	26

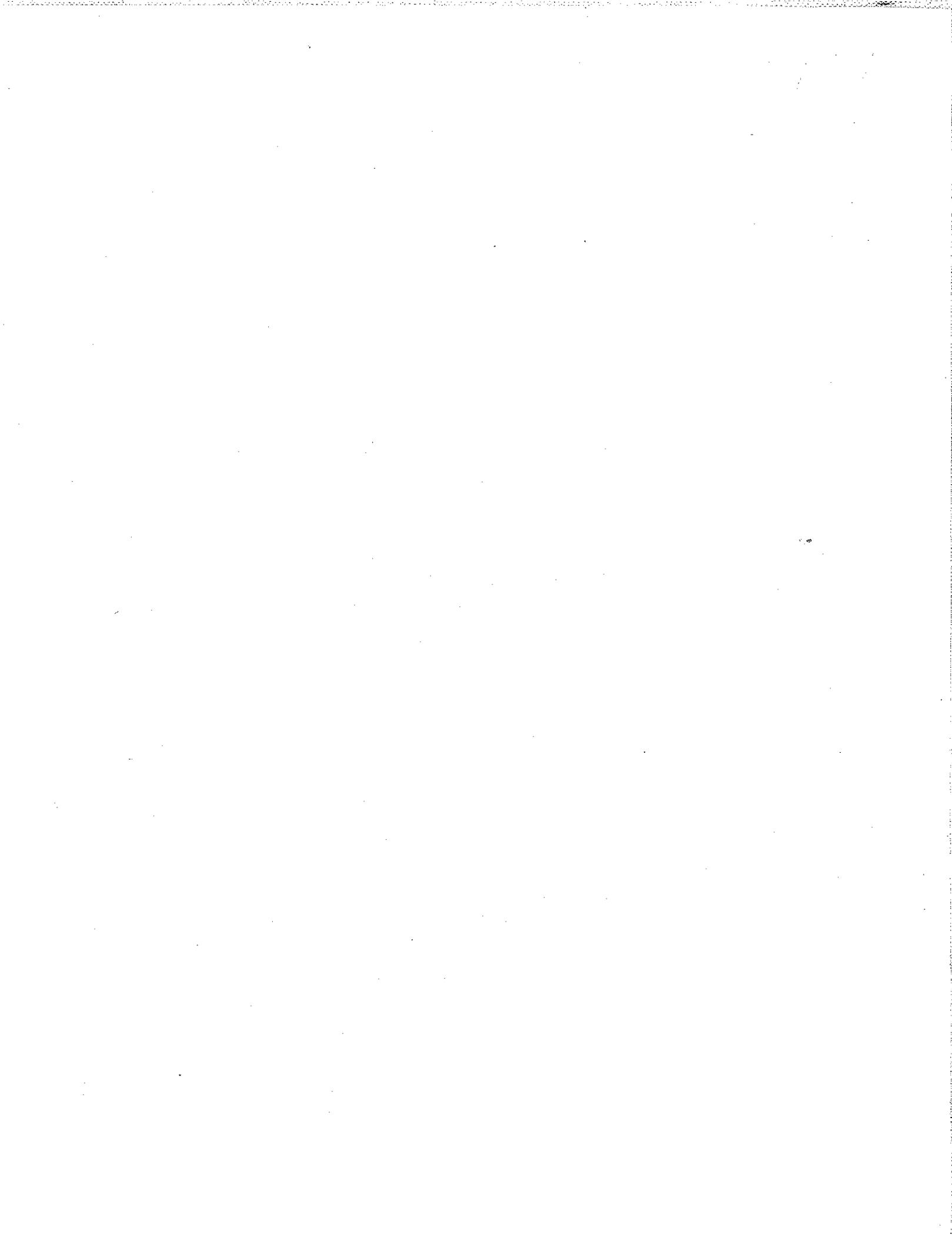
8. LAND USE APPLICATIONS:

We received the following types of planning and land use applications, categorized as shown below.

Project Type	2008 Total	2009 Total	1 st Q 2010	2 nd q 2010	3 rd q 2010	4 th q 2010	2010 Total	1 st q 2011	2 nd q 2011	3 rd q 2011	4 th q 2011	2011 Total	1 st q 2012	2 nd q 2012	3 rd q 2012	4 th q 2012	2012 Total
Accessory Dwelling Unit	9	9	1	3	1		5	2	2	1	1	6		4	1	1	6
Critical Area Review—Admin.	2					1	1		1			1		1			
Critical Area Review—Type 1	1			2			2		3			3					
Lot Line Adjustment	6	8			4	1	5		6	2	2	10	2	3	3	1	9
Land Use Review—Type 1	5	6			1	1	2	3			1	4	1		1	2	4
Land Use Review—Type 2	1	1	1			1	2										
Land Use Review—Type 3	1	1								1		1					
Master Sign Plan	2	1			1		1		1			1					
Multi-Family Tax Exemption	0																
Rezone	0	1															
Shoreline Exemption	4	2				3	3	3	1	3	1	8	1	1	3	2	7
Short Plat—Preliminary	5	1	2	3	2	1	8	1	1	1		3	1	1	3	2	7
Short Plat—Final	7	3			1	5	6		1		1	2	2		1	3	6
Subdivision—Preliminary	3																
Subdivision—Final	1									1		1					
Tree Removal Permit	9	13	7	8	3	3	21	1	5	5	5	16	6	5	3	9	23
Temporary Use Permit	3	2							1			1					
TOTALS	59	48	11	17	13	16	57	10	22	14	11	57	13	15	15	20	63

9. LAND USE DECISIONS ISSUED:

	2008	2009	1 st q 2010	2 nd q 2010	3 rd q 2010	4 th q 2010	2010 Total	1 st q 2011	2 nd q 2011	3 rd q 2011	4 th q 2011	2011 Total	1 st q 2012	2 nd q 2012	3 rd q 2012	4 th q 2012	2012 Total
Number of Decisions Issued	16	15	2	6	7	3	18	2	3	6	3	14	1	0	1	3	5
Percent Issued By Target Date	69%	80%	50%	100%	86%	100%	89%	100%	67%	100%	100%	93%	0%	n/a	100%	100%	80%



Recreation Program Reduced Fees & Scholarships

Type	Age	Income Restrictions	Residency	\$ Allocated and Limits	Revenue Source
Youth	0-18 yrs	HSD-established low income category (Must meet eligibility requirements for free/reduced lunch program)	City of Burien residents only	50% off a maximum of 2 programs per year	Reduced program revenue collected
Seniors	50 yrs+	None	None	\$50 max per quarter	Edith Trust Fund
Adult Special Recreation Participants (Developmentally Disabled)	18 yrs+	None	None	None	Reduced program revenue collected



PACIFIC UNDERWRITERS

12611 DES MOINES MEMORIAL DRIVE
P.O. BOX 68787
SEATTLE, WA 98168

ESTABLISHED 1941

TELEPHONE (206) 248-2254
TOLL FREE (800) 562-5226
FAX (206) 248-0130

January 15, 2013

RECEIVED

Burien City Council
400 SW 152nd St., Suite 300
Burien, WA 98166-1911

JAN 22 2013

City of Burien

Dear Council,

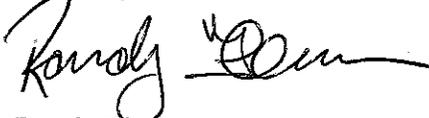
I am a property owner within the change zone and have worked here for 27 years. I spoke with David Johanson at length today regarding the property zoning changes proposed for our office building and the adjacent lot.

He did a great job explaining the changes and the goals for making the changes.

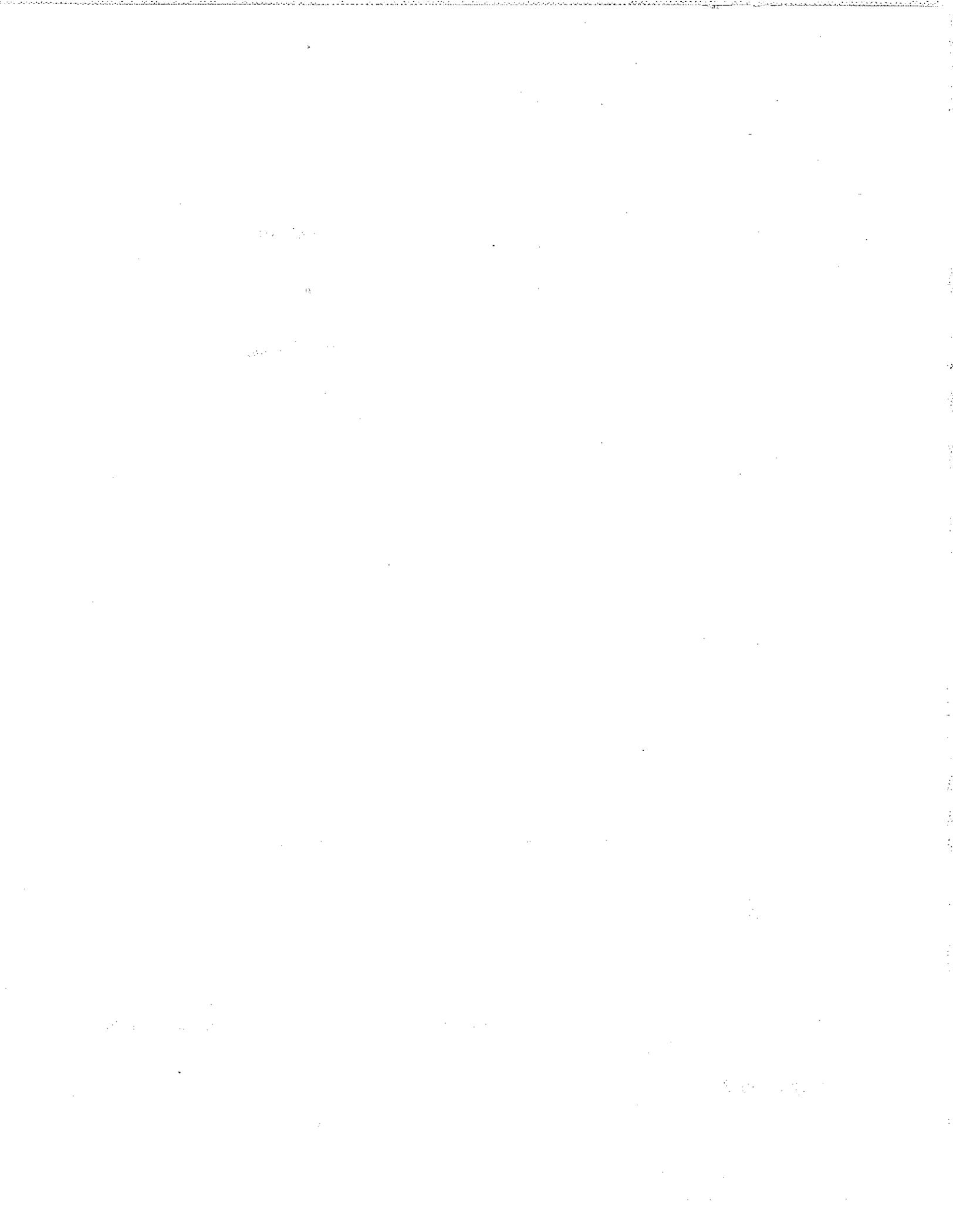
I wanted to write in support of the proposed changes and encourage the council to move forward with the plans.

This would benefit our community by providing a focused area of higher density and business use. It would benefit the businesses within the area and protect the surrounding residential areas from business encroachment.

Sincerely,



Randy Flem
Pacific Underwriters
12611 Des Moines Memorial Dr.
Seattle, WA 98168





North Highline Unincorporated Area Council

P.O. (Box 66900

Burien, WA 98166

www.northhighlineuac.org

RECEIVED

January 22, 2012

JAN 23 2013

Jim Wigfall
President, Board of Trustees
King County Library System
960 Newport Way, NW
Issaquah, WA 98027

City of Burien

Dear Mr. Wigfall:

The North Highline Unincorporated Area Council has long supported the building of the promised new White Center Library at the location of the present facility. We did not see how moving and consolidating the White Center and Boulevard Park Libraries would have been beneficial to the residents of either community. We now do not see how moving the White Center Library north into the unincorporated area of White Center will be beneficial to the many middle and high school students it serves in its current location.

We face an uncertain future. If the new White Center Library is built at its current location, this will ensure one thing for our community, and that is a future without any question of losing library services.

We again ask that you keep the promise made to this community in the 2004 bond levy and rebuild the White Center Library at its current location.

As advocates for many of the important issues that face the White Center community, we ask that you include us in any conversations and or deliberations regarding locating the new library.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads 'Barbara Dobkin'.

Barbara Dobkin

President, North Highline Unincorporated Area Council

Cc Joe McDermott, King County Council
Brian Bennett, Burien Mayor

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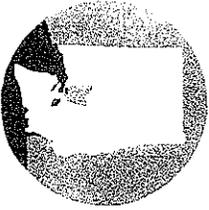
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Washington State Boundary Review Board For King County

Yesler Building, Room 240, 400 Yesler Way, Seattle, WA 98104

Phone: (206) 296-6800 • Fax: (206) 296-6803 • <http://www.kingcounty.gov/annexations>

December 3, 2012

The Honorable City Council
City of Burien
400 SW 152nd Street, Suite 300
Burien, WA 98166

IN RE: Notice of Continuation Public Hearing
File No. 2343 – City of Tukwila – North Highline Area “Q” Annexation

Dear Council:

This letter is to notify you that the Washington State Boundary Review Board for King County has received and verified a request for a Public Hearing on the above-referenced proposal.

A Public Hearing has been scheduled before the Boundary Review Board as prescribed by RCW36.93.160 and as required in the Rules of Practice and Procedure of the Boundary Review Board. We have enclosed a Notice of Hearing.

Under the Boundary Review Board Rules of Practice and Procedures, the Board may request that concerned parties provide a position statement relative to the Notice of Intention. For this proposal, the Board is inviting a position statement from the initiator of the action, from the initiator of the request for public hearing and from other affected governmental units.

Written position statements should be provided no later than **December 17, 2012** in order to ensure that the Boundary Review Board will have an adequate opportunity to review and consider the Position Statement prior to the Public Hearing.

If you wish additional information relative to this proposal, please contact me at 206-296-6800.

Sincerely,

Lenora Blauman
Executive Secretary

RECEIVED

Enclosure: Notice of Hearing

DEC 05 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

City of Burien

Form HE7

**NOTICE OF
CONTINUATION PUBLIC HEARING
CITY OF TUKWILA
NORTH HIGHLINE ANNEXATION "AREA Q"
FILE NO. 2343**

NOTICE IS HEREBY GIVEN that the WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY will hold a Continuation Public Hearing at the hour of 7:00PM on Thursday, January 10, 2013 at the Riverside Inn, 11244 Tukwila International Blvd, Seattle, WA 98168. The purpose of the hearing is to consider the proposed annexation to the City of Tukwila of an area known as "North Highline – Area "Q" all in King County, Washington and more generally described as:

"To Reclassify certain Real Property near the City of Seattle City Limits described as all or portions of the SE Section 32 and the SW of Section 33, Township 24 North Range 4 East and the NW of Section 4 and NE of Section 5 Township 23 North Range 4 East, Willamette Meridian in King County, Washington being located south of McNatts 1st addition and South of S. Director St., East of 12th Avenue South, East of Excelsior Acre Tracts No. 2, North of S. 96th Street, East of State Route 99, North of tracts 55 of Moores Five acre tracts and West of Duwamish Waterway.

A COMPLETE LEGAL DESCRIPTION IS ON FILE AND AVAILABLE AT THE OFFICE OF THE BOUNDARY REVIEW BOARD.

The Boundary Review Board conducts all meetings and hearings in locations that are wheelchair accessible. Any person requiring other disability accommodations or special assistance should contact the Boundary Review Board staff at least two business days prior to the meeting.

The Boundary Review Board telephone is 206-296-6800. For TTY telephone services, please call 711.

Each request for accommodations or assistance will be considered individually according to the type of request, the availability of resources and the financial ability of the Board to provide the requested services or equipment.

DATED at Seattle, Washington, on December 3, 2012

WASHINGTON STATE BOUNDARY
REVIEW BOARD FOR KING COUNTY

Lenora Blauman
Executive Secretary

January 27, 2013

**To: Mike Martin, Burien City Manager
City Councilmembers**

From: Mike Doubleday

Re: 2013 Legislative Session, Week 2 Update

A word about introduced bills; many bills are introduced in a long session, some are what we refer to as "hero" bills, for a legislator's constituents; others are local in nature, trying to fix a problem in one county or city that then affects the whole state; others are ideologically driven. In these reports, I'll confine myself to bills that I feel have a chance of moving along in the process and that would affect Burien.

1. Liquor Funds (HB 1368)

HB 1368 is AWCs bill restoring local government liquor revenue that was redirected to the state general fund last session. The bill reinstates the \$10 million in liquor taxes that was permanently redirected to the state last year, and it removes the cap on the amount of liquor profits that local governments receive (thus returning to cities the historical growth in liquor profits).

2. Transportation

A number of city lobbyists met with Senate Transportation Committee co-chair Curtis King (R- Yakima) and then with House Transportation Committee Chair Judy Clibborn during the week. Senator King supports a transportation ballot measure in 2014, (he's moved from 2015 according to Rep. Clibborn) and Rep. Clibborn supports a 2013 transportation package voted in Olympia. We discussed local options with both legislators, no determination from Senator King; Rep. Clibborn thought a local MVET (either state or local) would only pass out of the legislature with a public

vote attached. Judy probably will release a revenue package in a few weeks, depending on the McCleary discussions.

3. Local B&O Tax

We obtained a draft local B&O bill that AWB was shopping to its' members last week. The bill takes away from the cities, and gives to the Washington State Department of Revenue (DOR), the power to amend and interpret the model B&O ordinance. It requires that the model ordinance mirror the state's tax classifications. The bill also substantially reduces the number of state tax classifications, but preserves the current effective tax rate by creating a system of deductions and exemptions. The bill, or any other AWB backed local B&O bill has not been dropped in as of Friday, the 25th.

I spent time during the week talking to legislators who signed onto the Governor's state administration bill last year, encouraging them not to sign onto an AWB backed bill this year. I also attended a House Finance committee work session on the state B&O tax; the local portal was mentioned by staff in passing, and all committee questions were directed to the local B&O (mostly the cumbersome nature of paying local B&O taxes in multiple jurisdictions).

4. Public Records (HB 1037, HB 1128)

The two city public records bills were heard in the House last week: **HB 1037** allows jurisdictions to charge for records provided for commercial purposes; and the AWC bill, **HB 1128**, allows local governments to seek a civil injunction when faced with a financially motivated, punitive, or retributive request. The bill also allows jurisdictions to adopt a policy limiting the number of hours devoted to public records requests. The newspapers opposed both bills as did a number of other open government proponents. There will be negotiating meetings on both bills probably this week.

5. Seahurst Park Renovation Funding

The Seahurst park project has been recommended for the following funding in Governor Gregoire's 2013-15 biennial capital budget:

- \$4.42M in the Puget Sound Acquisition and Restoration Fund (PSAR) which is in the Puget Sound Partnership budget, and
- \$1.28M in the Estuary and Salmon Restoration Program (ESRP) which is in the Department of Fish and Wildlife (DFW) budget. This is down from a previous number of \$2.83M. Steve Roemer reports the ESRP committee reduced this funding since the \$4.42M and now \$1.28M together will complete the Seahurst project. DFW has asked that we continue to explore federal funding from the Corps of Engineers so that the \$1.28M could be put to other projects in the state, a reasonable request. I spoke with Steve and Michael late in the week and I'll make a renewed push this week with Senator Murray and Rep. McDermott's office for help with federal funding for this project; I'll probably inquire about involving our state delegation.

6. Preservation of Model Toxic Control Act (MTCA) Funding for Toxic Site Cleanups and Stormwater Management

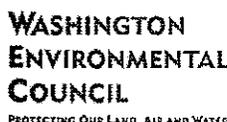
As reported in the AWC bulletin, AWC has joined a group of organizations in the local government, business, and environmental communities in a coalition to preserve the dedicated capital accounts used to fund the state's investments in toxic cleanups, stormwater, and other activities. Along with the Association of Washington Business, Washington State Association of Counties, Washington Public Ports Association, Associated General Contractors, Western States Petroleum Association, Washington Conservation Voters, and Washington Environmental Council, AWC and the coalition have testified about the need to preserve these accounts for their usual purposes in front of a number of committees in the opening weeks of the session. Attached is a 2-page coalition handout.

7. Transportation and Capital Budget Requests

The Transportation and Capital Budget committee chairs asked for member requests by the end of the month, so I forwarded our requests to the Burien delegation last week:

- The transportation request for \$12M for the 518/DMMD drive off ramp,
- Capital requests for retaining the Seahurst park money in the Puget Sound Partnership and state Department of Fish and Wildlife budgets.

I'm following up with members' on these requests.



Promote jobs and healthy communities by maintaining dedicated MTCA funds for top environmental priorities

Washington voters approved Initiative 97 (The Model Toxics Control Act) in 1988 "to raise sufficient funds to clean up all hazardous waste sites and to prevent the creation of future hazards due to improper disposal of toxic wastes into the state's land and waters." Funding comes from a 0.7% tax on the wholesale value of hazardous materials entering the state - about 90% of revenues come from Washington's petroleum refineries.

MTCA should be maintained for its intended purposes

Voters approved MTCA to promote clean water, clean air and clean communities. The quantified needs for these efforts vastly exceed the account funds. There is no "extra money" in the MTCA account - every dollar transferred to the general fund is a dollar denied to critical projects.

Since 2009, the Legislature has diverted nearly \$250 million from MTCA to the general fund, undermining the voters' original intent. These transfers directly reduced investments in infrastructure, job creation and public health, and produced public distrust.

MTCA investments create jobs and economic opportunities

Environmental clean-up projects create short-term construction jobs and long-term economic benefits. According to a recent study*, the fund could potentially create more than 42,000 family-wage jobs over the next decade. For every dollar spent on redevelopment, there is:

- \$7 in ongoing payroll value
- \$32 in business revenue
- \$6 in new state and local tax revenue

MTCA investments promote healthy communities

Through local community partnerships, MTCA investments have removed thousands of tons of heavy metals and carcinogenic chemicals from the environment. But more than 2,000 toxic sites, including several schools, still await cleanup. If left alone, these brownfields will prevent community revitalization, and continue to increase people's risk of suffering life-threatening illnesses, reproductive problems, and developmental disabilities.

MTCA funding principles

- Preserve MTCA for its intended purpose, as passed by the voters, as an effective resource for addressing toxic threats in Washington. MTCA dollars should not be diverted to the general fund nor should they be used for other general government purposes.
- The top priority for MTCA dollars is toxic cleanups. However, to avoid creating future toxic threats, MTCA funds may also be used for programs with a clear nexus to toxics prevention and management, such as stormwater investments and solid and hazardous waste management.
- Since the need for MTCA dollars clearly exceeds the funds available in the account, Ecology should pursue all viable and appropriate additional revenue sources for toxics work.

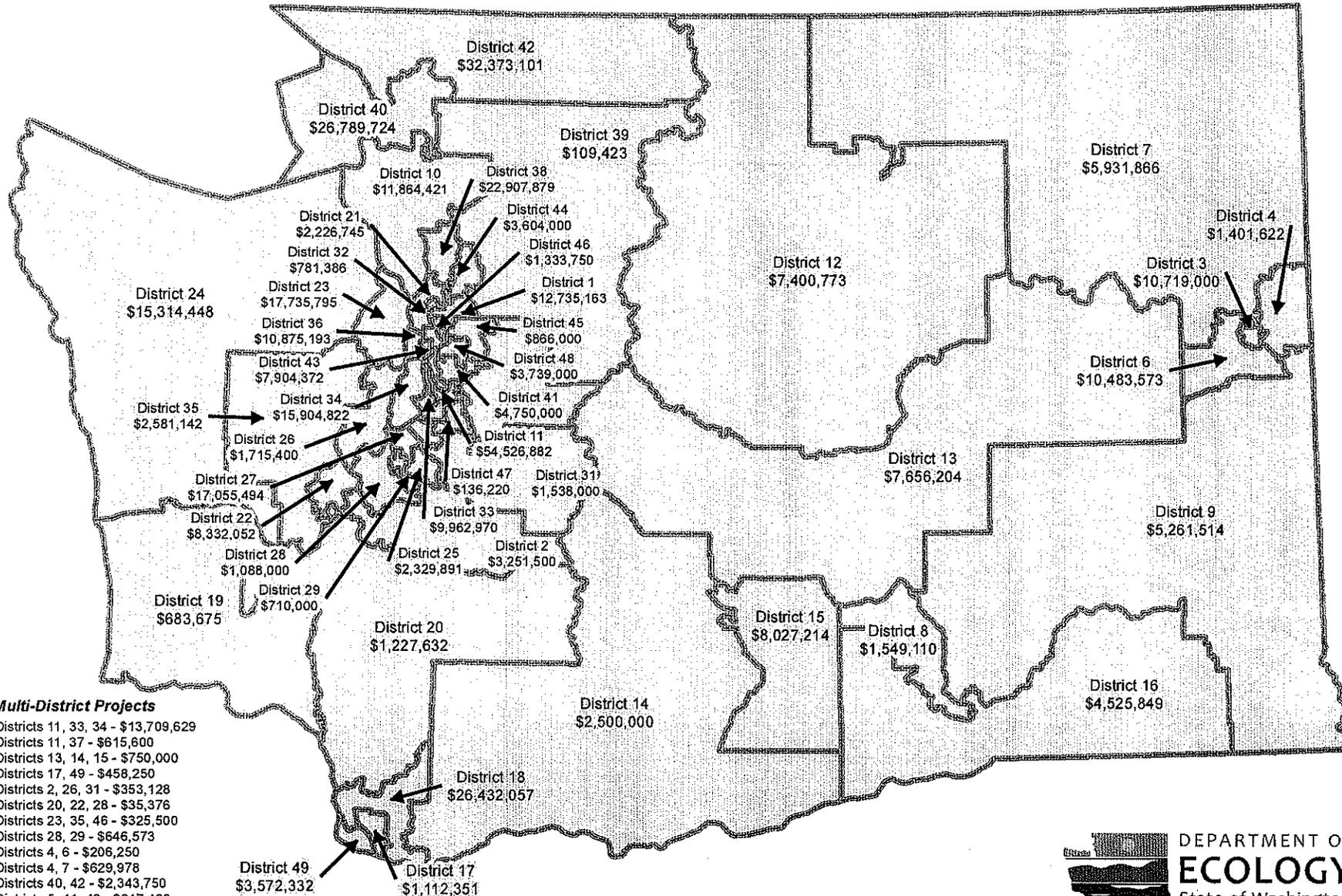
*Model Toxics Control Act Remedial Action Grants: Alternative Financing Evaluation, Washington State Dept. of Ecology, Jan. 2010, pg. 8

Ecology 2013-15 Budget Request MTCA Funded Projects

\$439.4 M - For Cleanup, Stormwater, and Centennial Projects by Legislative District

November 2012

PURPOSE: Respond to stakeholder inquiry for Ecology's 2013-15 capital budget request for MTCA funded projects; including new appropriations, reappropriations, and additional projects which could be funded with the September and November 2012 revenue forecast increases in the State and Local Toxics Control Accounts.



Note: Not included on this map are \$28.2 M in Coordinated Prevention Grants and \$28.4 M in various statewide and other projects.



DEPARTMENT OF
ECOLOGY
State of Washington



Burien

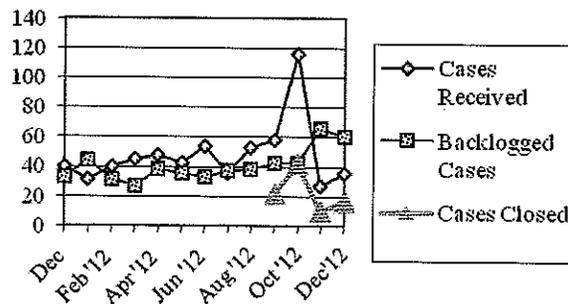
Washington, USA

CITY OF BURIEN MEMORANDUM

DATE: January 7, 2013
TO: Mike Martin, City Manager
FROM: Cynthia Schaff, Paralegal
RE: 2012 Citizen Action Report

This report reflects the caseload for December and includes all backlog cases open as of December 31, 2012. As of that date, there were 84 open cases. 61 of the open cases are more than five weeks old and are considered backlog. There were 36 cases opened during the month of December, 20 cases initiated by staff/police/fire, and 16 cases initiated by residents. 17 of the cases opened during the month of December were closed within the month.

Citizen Action Case Status



	Dec	Jan '12	Feb '12	Mar '12	Apr '12	May '12	Jun '12	Jul '12	Aug '12	Sep '12	Oct '12	Nov '12	Dec '12
Cases Closed										22	42	10	17
Cases Received	40	31	40	45	48	43	54	36	53	58	116	27	36
% Cases Closed/Received										38%	36%	37%	47%
Backlogged Cases	33	44	31	27	38	36	33	37	38	43	43	66	61
Total Open Cases	60	67	54	62	63	59	69	60	62	72	125	88	84
% of Backlog	55%	66%	57%	44%	60%	61%	48%	62%	61%	60%	34%	75%	73%

As usual, please let me know if you have any questions or suggestions for additional improvements to this report.

Cc: David Johansen, Interim Community Development Director
 Jim Bibby, Code Compliance Officer
 Maiya Andrews, Public Works Director
 Michael Lafreniere, Parks Director
 Jan Vogee, Building Official
 Craig Knutson, City Attorney





Monthly Report to the City Manager

Citizen Action Request Case Status

Report Date: 01/07/2013

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
1001	Code Enforcement	CAR-10-0161	04/12/2010	Nuisance	12663 16TH AV S Nuisance-Johnson	Phone Call	03/14/2011	Open
993	Public Works	CAR-10-0208	04/20/2010	Planning / Zoning	804 SW 122ND ST Zoning-Puloka-Zone 1	Other - See Notes	10/26/2012	Open
578	Code Enforcement	CAR-11-0213	06/09/2011	Nuisance	18460 4TH AV S Nuisance-Martinez-Zone 4	NOV Issued	11/01/2012	Open
451	Building	CAR-11-0399	10/14/2011	Critical Area Concerns	16705 MAPLEWILD AV SW Critical Area House-Johnson/Justin-Zone 3	Other - See Notes	11/30/2012	Open
424	Code Enforcement	CAR-11-0486	11/10/2011	Nuisance	16331 MAPLEWILD AV SW Nuisance-Golka-Zone 3	NOV Issued	07/24/2012	Open
383	Code Enforcement	CAR-11-0552	12/21/2011	Nuisance	11813 ROSEBERG AV S Nuisance Junk Vehicles-Teem-Zone 2	NOV Issued	09/10/2012	Open
355	Fire Department	CAR-12-0024	01/18/2012	Fire Department Issue	15733 AMBAUM BL SW Fire Dept issue-Highline Lanes-Zone 3	Other - See Notes	04/12/2012	Open
292	Fire Department	CAR-12-0110	03/21/2012	Fire Department Issue	420 SW 154TH ST Fire Issue-Laru Apts-Zone 3	Case Received	03/21/2012	Open
292	Fire Department	CAR-12-0111	03/21/2012	Fire Department Issue	615 AMBAUM BL SW Fire Issue-Condos-Zone 3	Case Received	03/21/2012	Open
292	Fire Department	CAR-12-0112	03/21/2012	Fire Department Issue	15800 4TH AV S Fire Issue-Woodcrest Apt-Zone 4	Case Received	03/21/2012	Open
292	Fire Department				15621 4TH AV S			

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
		CAR-12-0114	03/21/2012	Fire Department Issue	Fire Issue-Cedar Court Apts-Zone 4	Case Received	03/21/2012	Open
266	Code Enforcement	CAR-12-0152	04/16/2012	Housing Concerns	340 SW 120TH ST Housing, Vacant-deLeon-Zone 1	NOV Issued	10/25/2012	Open
249	Planning	CAR-12-0179	05/03/2012	Planning / Zoning	Zoning, Storage-Triple J-Zone 2	Site Investigation	06/18/2012	Open
228	Code Enforcement	CAR-12-0203	05/24/2012	Nuisance	12657 12TH AV S Nuisance, Vehicles, House-Towle-Zone 2	NOV Issued	10/26/2012	Open
189	Code Enforcement	CAR-12-0284	07/02/2012	Fire Department Issue	12448 AMBAUM BL SW Fire Issue-Clifton Apts-Zone 1	Case Received	07/02/2012	Open
182	Code Enforcement	CAR-12-0289	07/09/2012	Fire Department Issue	Fire Issue-Green Center Trailer Court-Zone 1	NOV Issued	11/30/2012	Open
173	Code Enforcement	CAR-12-0300	07/18/2012	Business License	12658 DES MOINES MEMORIAL DR S B/L-Storage business-Zone 2	NOV Issued	11/13/2012	Open
165	Fire Department	CAR-12-0311	07/26/2012	Fire Department Issue	12400 28TH AV S Fire Alarm-Woodbridge Apts.-Zone 2	Phone Call	07/30/2012	Open
158	Fire Department	CAR-12-0319	08/02/2012	Fire Department Issue	12446 1ST AV S Fire Issue,annual service-Bazlak Townhomes-Zone 2	Case Received	08/02/2012	Open
153	Building	CAR-12-0326	08/07/2012	Building	2401 SW 172ND ST Landslide-Kramer-Zone 3	Enforcement Letter 1	08/21/2012	Open
152	Building	CAR-12-0331	08/08/2012	Building	16641 6TH AV SW Building Permit-Grahn-Zone 3	Other Letter	11/21/2012	Open
146	Code Enforcement	CAR-12-0338	08/14/2012	Business License	502 SW 138TH ST Business License/Home Occ.-Parkers Moving-Zone 1	NOV Issued	10/26/2012	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
145	Code Enforcement	CAR-12-0341	08/15/2012	Nuisance	1226 SW 146TH ST Nuisance vehicles, grass-Till-Zone 3	NOV Issued	12/19/2012	Open
138	Code Enforcement	CAR-12-0353	08/22/2012	Nuisance	12723 SHOREWOOD PL SW Nuisance, Attractive,Swim Pool-Mielke-Zone 1	NOV Issued	10/29/2012	Open
137	Code Enforcement	CAR-12-0355	08/23/2012	Nuisance	Vegetation-Miller-Zone 1	NOV Issued	10/18/2012	Open
136	Code Enforcement	CAR-12-0356	08/24/2012	Nuisance	1605 S 124TH ST Vegetation-Schafer-Zone 2	NOV Issued	10/29/2012	Open
123	Code Enforcement	CAR-12-0394	09/06/2012	Nuisance	11859 24TH AV S Nuisance-Q & K Prop.-Zone 2	NOV Issued	11/01/2012	Open
122	Code Enforcement	CAR-12-0374	09/07/2012	Nuisance	12004 3RD AV S Electrical Cord-Wetzel-Zone 2	Enforcement Letter 1	10/30/2012	Open
115		CAR-12-0389	09/14/2012		12012 2ND PL SW	Case Received	09/14/2012	Open
112	Code Enforcement	CAR-12-0403	09/17/2012	Nuisance	414 S 168TH ST Vacant-Chase/Fannie Mae-Zone 4	Enforcement Letter 1	10/30/2012	Open
111	Code Enforcement	CAR-12-0397	09/18/2012	Rental Housing License	13040 12TH AV SW Rental Hsg-Ambaum View Apts.-Zone 1	NOV Issued	12/19/2012	Open
110	Building	CAR-12-0406	09/19/2012	Building	15809 25TH AV SW Bldg Permit-Hunt-Zone 3	Enforcement Letter 1	09/20/2012	Open
102	Code Enforcement	CAR-12-0425	09/27/2012	Nuisance	12441 1ST AV SW Nuisance-Eidem-Zone 1	Case Received	09/27/2012	Open
102	Building	CAR-12-0426	09/27/2012	Building	2841 SW 171ST ST Bidg. Permit/Ext.Maint.-Landau-Zone 3	Enforcement Letter 1	10/02/2012	Open
98	Code Enforcement	CAR-12-0431	10/01/2012	Fire Department Issue	18050 DES MOINES MEMORIAL DR S Fire/Building-New Owner-Zone 4	Enforcement Letter 1	11/21/2012	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
88	Code Enforcement	CAR-12-0439	10/11/2012	Building	14448 8TH AV S Building Permit-Hoang-Zone 4	Case Received	10/11/2012	Open
87	Code Enforcement	CAR-12-0572	10/12/2012	Housing Concerns	19028 7TH AV S Septic Issue-Hackman Carns-Zone 4	Site Investigation	11/05/2012	Open
84	Code Enforcement	CAR-12-0442	10/15/2012	Nuisance	15827 8TH AV SW RV Living-McCann-Zone 3	Enforcement Letter 1	11/07/2012	Open
84	Code Enforcement	CAR-12-0444	10/15/2012	Business License	209 SW 152ND ST B/L-La Preciousa Boutique-Zone 3	Enforcement Letter 1	12/03/2012	Open
84	Code Enforcement	CAR-12-0458	10/15/2012	Business License	11826 26TH AV SW B/L-Ramsey Landscape-Zone 1	Enforcement Letter 1	11/19/2012	Open
84	Code Enforcement	CAR-12-0460	10/15/2012	Business License	15621 8TH AV SW B/L-Able Hauling-Zone 3	Case Received	10/15/2012	Open
84	Code Enforcement	CAR-12-0462	10/15/2012	Business License	12321 15TH AV SW B/L-Active Solutions NW-Zone 1	Enforcement Letter 1	12/03/2012	Open
84	Code Enforcement	CAR-12-0469	10/15/2012	Business License	11650 26TH AV SW B/L-Clark Residence Inc.-Zone 1	Enforcement Letter 1	12/03/2012	Open
83	Code Enforcement	CAR-12-0477	10/16/2012	Business License	634 SW 136TH ST B/L-Gauthier-Zone 1	Enforcement Letter 1	12/03/2012	Open
83	Code Enforcement	CAR-12-0494	10/16/2012	Business License	12428 23RD AV S B/L-Margies Daycare-Zone 1	Case Received	10/16/2012	Open
83	Code Enforcement	CAR-12-0502	10/16/2012	Business License	12644 DES MOINES MEMORIAL DR S B/L-S & S Power Equip.-Zone 2	Case Received	10/16/2012	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
83	Code Enforcement	CAR-12-0513	10/16/2012	Business License	16436 8TH AV SW B/L-Broadleaf Energy LLC-Zone 1	Enforcement Letter 1	12/03/2012	Open
83	Code Enforcement	CAR-12-0520	10/16/2012	Business License	707 SW 156TH ST B/L-NW Safe & Vault-Zone 3	Enforcement Letter 1	12/11/2012	Open
82	Code Enforcement	CAR-12-0529	10/17/2012	Business License	132 SW 152ND ST B/L-National Soccer League-Zone 3	Case Received	10/17/2012	Open
82	Code Enforcement	CAR-12-0534	10/17/2012	Nuisance	1407 SW 116TH ST Nuisance, Vacant Un-Secured-Kraut-Zone 1	Enforcement Letter 1	11/13/2012	Open
82	Code Enforcement	CAR-12-0535	10/17/2012	Building	208 SW 139TH ST Building Permit Expired-Linkem-Zone 1	Phone Call	10/25/2012	Open
81	Code Enforcement	CAR-12-0569	10/18/2012	Nuisance	12607 10TH AV S Nuisance, Garbage-Pedrisco-Zone 2	Enforcement Letter 1	11/21/2012	Open
74	Building	CAR-12-0547	10/25/2012	Building	16429 3RD AV S Bldg Permits-Fernandez-Zone 4	Enforcement Letter 2	11/30/2012	Open
74	Code Enforcement	CAR-12-0553	10/25/2012	Business License	15513 AMBAUM BL SW B/L-VanWormer, MSW-Zone 3	Enforcement Letter 1	11/28/2012	Open
73	Code Enforcement	CAR-12-0557	10/26/2012	Nuisance	16004 7TH AV SW Unsecured/Vacant-Golka-Zone 3	Other - See Notes	12/05/2012	Open
70	Code Enforcement	CAR-12-0551	10/29/2012	Nuisance	2607 S 125TH ST Vacant/Vegetation/Vehicle-Barter-Zone 2	Enforcement Letter 1	11/13/2012	Open
68	Code Enforcement	CAR-12-0558	10/31/2012	Nuisance	2615 S 125TH ST Nuisance, Vehicles & Parking-Do-Zone 2	Enforcement Letter 1	11/28/2012	Open
63	Code Enforcement	CAR-12-0564	11/05/2012	Nuisance	14437 4TH CT S Vacant-Zavar-Zone 4	NOV Issued	12/19/2012	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
59	Code Enforcement	CAR-12-0567	11/09/2012	Housing Concerns	251 S 156TH ST Vacant, un-secured-Kuykendall-Zone 4	NOV Issued	11/30/2012	Open
47	Code Enforcement	CAR-12-0579	11/21/2012	Nuisance	Nuisance Debris-Heera-Zone 4	Enforcement Letter 1	11/28/2012	Open
47	Code Enforcement	CAR-12-0581	11/21/2012	Nuisance	443 S 124TH ST Nuisance, Garbage-Touch-Zone 2	Enforcement Letter 1	12/12/2012	Open
47	Code Enforcement	CAR-12-0583	11/21/2012	Apartment Complex	11842 24TH AV S Nuisance, Trash, Vehicles-Reyes-Zone 2	Case Received	11/27/2012	Open
42	Code Enforcement	CAR-12-0580	11/26/2012	Nuisance	13437 3RD AV S Nuisance-Harris Bank-Zone 2	NOV Issued	01/03/2013	Open
41	Code Enforcement	CAR-12-0582	11/27/2012	Nuisance	12232 4TH AV SW Nuisance-Bergdoll-Zone 1	Enforcement Letter 1	12/19/2012	Open
38	Code Enforcement	CAR-12-0588	11/30/2012	Nuisance	13262 4TH AV S Vehicle Repair-Elkins- Zone 2	Enforcement Letter 1	12/19/2012	Open
38	Code Enforcement	CAR-12-0594	11/30/2012	Sign Violation	250 SW 153RD ST Sign Permit- El Unicornio-Zone 3	Case Received	11/30/2012	Open
35	Code Enforcement	CAR-12-0590	12/03/2012	Nuisance	Vehicles/Noise-Calderon-Zone 2	Enforcement Letter 1	12/12/2012	Open
35	Code Enforcement	CAR-12-0591	12/03/2012	Nuisance	13811 DES MOINES MEMORIAL DR S Fence -Haberzettl-Zone 2	Case Received	12/03/2012	Open
35	Code Enforcement	CAR-12-0592	12/03/2012	Animals	12627 14TH AV S Chickens/Ducks/Rabbits-Musni-Zone 2	Case Received	12/03/2012	Open
34	Code Enforcement	CAR-12-0598	12/04/2012	Nuisance	Nuisance, Vehicles, Parts, Repair-Morales-Zone 2	Enforcement Letter 1	12/12/2012	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
32	Code Enforcement	CAR-12-0600	12/06/2012	Business License	11804 8TH AV SW Business License, Swear Shop-Nguyen-Zone 1	Case Received	12/06/2012	Open
31	Code Enforcement	CAR-12-0601	12/07/2012	Nuisance	11418 12TH AV SW Nuisance, Police, Vacant-Carter-Zone 1	Case Received	12/07/2012	Open
28	Code Enforcement	CAR-12-0606	12/10/2012	Sign Violation	13809 1ST AV S ABS Pole Violation-Classy Motors-Zone 1	Enforcement Letter 1	12/19/2012	Open
28	Code Enforcement	CAR-12-0607	12/10/2012	Sign Violation	17800 DES MOINES MEMORIAL DR S Sign Permit-Berendt Roofing-Zone 4	Enforcement Letter 1	12/13/2012	Open
24	Code Enforcement	CAR-12-0614	12/14/2012	Nuisance	15238 9TH AV SW Nuisance, Vegetation-Crumpler-Zone 3	Enforcement Letter 1	12/19/2012	Open
21	Code Enforcement	CAR-12-0617	12/17/2012	Accessory Dwelling Unit	1256 SW 119TH ST ADU/Nuisance-Sorm-Zone 1	Enforcement Letter 1	01/04/2013	Open
21	Code Enforcement	CAR-12-0618	12/17/2012	Building	13205 DES MOINES MEMORIAL DR S Bldg./Vehicles-Manyari-Zone 2	Enforcement Letter 1	01/02/2013	Open
21	Code Enforcement	CAR-12-0621	12/17/2012	Sign Violation	147 SW 152ND ST Sign Maintenance-Julie's Nails-Zone 3	Enforcement Letter 1	01/02/2013	Open
19	Code Enforcement	CAR-12-0620	12/19/2012	Business License	15608 1ST AV S Business License-LC Interpreters-Zone 4	Case Received	12/19/2012	Open
19	Code Enforcement	CAR-12-0626	12/19/2012	Nuisance	12242 23RD AV S Nuisance, Vehicles, Trash, RV Living-King-Zone 2	Enforcement Letter 1	01/02/2013	Open
17	Code Enforcement	CAR-12-0622	12/21/2012	Nuisance	635 SW 148TH ST Nuisance-Leon-Zone 3	Enforcement Letter 1	01/02/2013	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
14	Code Enforcement	CAR-12-0625	12/24/2012	Nuisance	11639 DES MOINES MEMORIAL DR S Nuisance, Dumping-Baker-Zone 2	Enforcement Letter 1	01/04/2013	Open
14	Code Enforcement	CAR-12-0627	12/24/2012	Home Occupation	235 S 126TH ST Home Occupation, Vehicles-Rared-Zone 2	Case Received	12/24/2012	Open
17	Code Enforcement	CAR-12-0624	12/21/2012	Business License	Business License-Unknown Tenant-Zone 3	Enforcement Letter 1	01/02/2013	Open

REQUEST FOR QUOTATION

Notice is hereby given that quotations will be received by the City of Burien, Washington, for:

Janitorial Services for Burien City Hall

at Burien City Hall, 400 SW 152nd Street, Suite 300, Burien, WA 98166 by 1:30 p.m.,
Wednesday, February 6, 2013.

The work to be performed is janitorial services for Burien City Hall located at 400 SW 152nd, Suite 300, Burien, Washington 98166. Any vendor providing services under this contract shall comply with all federal, state, county and city codes or regulations applicable to such work.

Detailed information, including general terms & conditions, requested services, and requirements, is available at Burien City Hall, 400 SW 152nd Street, Suite 300, Burien, WA 98166, or by calling (206) 248-5521, or by e-mail to: ValerieS@burienwa.gov.

The City of Burien reserves the right to reject any and all submittals and to waive irregularities and informalities in the submittal and evaluation process. This Request for Quotation ("RFQ") does not obligate the City to pay any costs incurred by respondents in the preparation and submission of a quotation. Furthermore, the RFQ does not obligate the City to accept or contract for any expressed or implied services.

City of Burien is an Equal Opportunity and Affirmative Action Employer.

Dated this 15th day of January, 2013.

Valerie Stuart
Public Works Department

Published in the Seattle Times, January 16, 2013

**CITY OF BURIEN
REQUEST FOR QUALIFICATIONS (RFQ)**

**Solid Waste, Recycling, and Yard Waste/Organics Collection Professional Services
Due Tuesday, February 19, 2013 by 5:00 p.m. Pacific Standard Time (PST)**

The City of Burien ("City") is requesting Statements of Qualifications (SOQ) from qualified consultants who are interested in being considered to perform level of service and rate analysis, and other professional services related to solid waste and recycling management for the City. Questions regarding this RFQ or the submittal process should be directed via electronic communications to Nhan Nguyen, Management Analyst at nhann@burienwa.gov.

Responses to the RFQ must be mailed or hand delivered to:

Nhan Nguyen
City of Burien
City Manager Department
400 SW 152nd Street Suite 300
Burien, Washington 98166.

Responses whether mailed or hand delivered must arrive no later than **5:00 p.m. on February 19, 2013, PST**. No submittals will be accepted after that date and time. The City will not be liable for delays in delivery of responses due to handling by the US Postal Service or any other type of delivery service. Faxed or emailed submittals shall be rejected.

Project Scope: Under the direction of the Public Works Director with the assistance of the Management Analyst, the selected consultant will accomplish solid waste management tasks including but not limited to:

- Analyzing the potential impacts of implementing a universal solid waste, recycling, yard waste/organics collection program on rates and illegal dumping.
- Analyzing solid waste, recycling, and yard waste/organics collection services procurement options.
- Performing a comparative analysis of the City's residential, multi-family and commercial solid waste, recycling, and yard waste collection services and rates.
- Drafting procurement document (Request for Bids or Request for Proposals), providing technical analysis/evaluation of bids/proposals.
- Assisting the City with contract negotiations and providing other technical support as required.
- Drafting a new comprehensive solid waste collection contract for the City of Burien.

The full RFQ is available online at the City of Burien website at www.burienwa.gov.

Published Seattle Times – January 31 and February 7, 2013

Published Daily Journal of Commerce – January 31 and February 7, 2013

