



CITY COUNCIL MEETING AGENDA

September 28, 2009

SPECIAL MEETING, Miller Creek Conference Room, 3rd Floor

For the purpose of holding an Executive Session to discuss real estate and potential litigation per RCW 42.30.110(1b&i)

6:00 p.m.

and

Council Meeting, 1st Floor

7:00 p.m.

Burien City Hall, Council Chambers

400 SW 152nd Street, 1st Floor

Burien, Washington 98166

PAGE NO.

1. CALL TO ORDER

2. EXECUTIVE SESSION

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

5. AGENDA CONFIRMATION

6. PUBLIC COMMENT

To receive comments on *topics other than public hearing topics*. Individual will please limit their comments to three minutes, and groups to five minutes.

7. CORRESPONDENCE FOR THE RECORD

- a. Email Dated July 11, 2009, from Judith McDonald Regarding Median Plantings at the 148th Street/518 Exit with Response from Valerie Stuart, Public Works Department Assistant. 3.
- b. Email Dated September 11, 2009, from Marco Milanese, Port of Seattle, Regarding Last Weekend's Stormwater Incident at Sea-Tac Airport. 7.
- c. Email Dated September 12, 2009, from Erik Utter Regarding Lantern Glow Event with Response from Lisa Clausen, Government Relations Specialist. 9.

8. PRESENTATIONS

COUNCILMEMBERS

Joan McGilton, Mayor
Kathy Keene

Sue Blazak, Deputy Mayor
Lucy Krakowiak Sally Nelson

Rose Clark
Gordon Shaw

CITY COUNCIL MEETING AGENDA

September 28, 2009

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9. CONSENT AGENDA	a. Approval of Vouchers: Numbers 23122 - 23235 in the Amount of \$1,176,978.62.	11.
	b. Approval of Council Meeting Minutes: September 14, 2009.	29.
	c. Motion to Adopt Resolution No. 304, Authorizing an Amendment to the SCORE Interlocal Agreement.	35.
10. BUSINESS AGENDA	a. City Manager's Report.	59.
	b. Review of Council Proposed Agenda Schedule.	85.
	c. Motion to Approve 2010 Key Legislative Policies and 2010 Legislative Priorities.	89.
	d. Motion to Adopt Proposed Ordinance No. 517, Amending the Burien Municipal Code (BMC) Relating to the Disclosure of Public Records.	95.
	e. Discussion on Proposed Resolution No. 302, Approving the Fee Schedule for Public Records Requests.	105.
	f. Discussion on Proposed Ordinance 520, Amending Section 2.15.070 BMC (Duties of the Hearings Examiner).	111.
	g. Discussion on Proposed Ordinance 521, Amending Chapter 15.05.032 BMC (Electrical Code Adoption) and Chapter 15.30 (Electrical Code).	117.
	h. Discussion of Draft Resolution No. 305, Relating to "Initiative Measure No. 1033 Concerns State, County and City Revenue."	215.
	i. Discussion regarding Proposed Tenant Protection Program.	227.
11. COUNCIL REPORTS		
12. ADJOURNMENT		

From: Council
Sent: Monday, July 13, 2009 11:51 AM
To: 'Judith McDonald'
Subject: RE: median plantings at the 148th Street/518 exit

Thank you for writing to the Burien City Council. Your message will be forwarded to the appropriate staff for response and included in the Council's Correspondence for the Record.

L. Clausen
City Manager's Office

From: Judith McDonald [mailto:jmcdon3940@comcast.net]
Sent: Saturday, July 11, 2009 7:30 PM
To: Council
Subject: median plantings at the 148th Street/518 exit

Dear Burien City Council,

I drive highway 509 to work each day, getting off at the exit at S. 148th St.
I was so pleased when the new plants went into the new medians.
The medians are in a sad and disgraceful condition now.
I am sure that the city is short on money in this depressed economy,
But I wish there were a way to maintain these medians. The plants are dying,
the medians are being overtaken by weeds, and people are using the medians
to throw their trash. I am wondering if various groups might sign up to clean up the medians on a rotating
monthly basis.

Sincerely,
Judith McDonald

CFTR: 9/28/09

FOR RESANSE: PUBL.WKS

SECRET

From: Lisa Clausen
Sent: Wednesday, August 12, 2009 4:41 PM
To: Council
Subject: median plantings at the 148th Street/518 exit

From: Valerie Stuart
Sent: Wednesday, August 12, 2009 4:14 PM
To: 'Judith McDonald'
Subject: RE: median plantings at the 148th Street/518 exit

*Hello Ms. McDonald,
I will definitely forward your concerns to the WSDOT maintenance people. Unfortunately, with all of the areas they are responsible for, the medians are probably one of their lowest priorities. With the recent dry weather I am sure there are many areas of neglect.*

We appreciate your bringing this matter to our attention and hopefully we will see some improvement soon. Please feel free to contact me with any further questions.

*Valerie Stuart, Department Assistant
City of Burien Public Works Department
400 SW 152nd Street, Suite 300
Burien, WA 98166-2209
206-248-5521
206-248-5539 (Fax)
valeries@burienwa.gov
www.burienwa.gov*

From: Judith McDonald [mailto:jmcdon3940@comcast.net]
Sent: Wednesday, August 12, 2009 4:10 PM
To: Valerie Stuart
Subject: RE: median plantings at the 148th Street/518 exit

Dear Ms. Stuart,

Thank you for getting back to me.

I am referring to the medians on the east side of 1st Avenue South where the State Routes (518 and 509) meet. I would appreciate it if you would forward my concern to the WSDOT maintenance department. It just seems like such a waste of money to have done all of that work on those medians (including the purchase of the plant material) and to not take care of them. There is now quite a bit of garbage being thrown onto the medians. Similar to not cleaning up graffiti (graffiti invites more graffiti), letting the medians go into such an unmaintained and uncared for state just invites continued abuse.

Thank you again for the follow up.

Judith McDonald

From: Valerie Stuart [mailto:ValerieS@burienwa.gov]
Sent: Wednesday, August 12, 2009 3:46 PM
To: 'jmcdon3940@comcast.net'

Cc: Council
Subject: FW: median plantings at the 148th Street/518 exit

Dear Ms. McDonald:

Your message to the Burien City Council has been forwarded to the Public Works Department for response. I would like to clarify which median(s) you are referring to in order to give you a correct response.

Are you talking about the median area on SR-518 where SR-509 on & off ramps intersect it, on the east side of 1st Avenue South; or the narrow median on SW 148th Street on the immediate west side of 1st Avenue South?

The median on the west side of 1st that runs east/west on SW 148th Street, has recently been weeded and planted with flowers on the west end of it. This median is a City of Burien responsibility.

The median(s) on the east side of 1st Avenue South, where the State Routes meet, belong to WSDOT. If those are the ones you are referring to, please let me know and I will forward your concern to their maintenance department.

*Valerie Stuart, Department Assistant
City of Burien Public Works Department
400 SW 152nd Street, Suite 300
Burien, WA 98166-2209
206-248-5521
206-248-5539 (Fax)
valeries@burienwa.gov
www.burienwa.gov*

From: Judith McDonald [mailto:jmcdon3940@comcast.net]
Sent: Saturday, July 11, 2009 7:30 PM
To: Council
Subject: median plantings at the 148th Street/518 exit

Dear Burien City Council,

I drive highway 509 to work each day, getting off at the exit at S. 148th St.
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The medians are in a sad and disgraceful condition now.
I am sure that the city is short on money in this depressed economy,
But I wish there were a way to maintain these medians. The plants are dying,
the medians are being overtaken by weeds, and people are using the medians
to throw their trash. I am wondering if various groups might sign up to clean up the medians on a rotating
monthly basis.

Sincerely,
Judith McDonald

From: Milanese, Marco [Milanese.M@portseattle.org]
Sent: Friday, September 11, 2009 6:07 PM
To: Angela Kolczynski -- King County Councilmember Julia Patterson; Beckett, Kurt; Sheckler, Bob - City of Des Moines; Marshall, Brenda; Brian Wilson - City of Federal Way; Brooke Lindquist -- City of Federal Way; Gallagher, Clare; Ward, Craig - City Manager (Sea Tac); Summerhays, Diane; Doug Schulze - Normandy Park; Leavitt, Elizabeth; Fain, Geraldine - Highline School District; Gordon Shaw; May, Jan - Highline School District; Janet Stallman; Mullet, Steve - City of Tukwila; Joan Hernandez - City of Tukwila; Creighton, John; Julie Burr Spani - Highline Public Schools; Sulman, Kym; Ellis, Lesa - City of SeaTac; Kochmar, Linda - City of Federal Way; Lisa Clausen; Hernandez, Marcela; Milanese, Marco; Reis, Mark; Kennedy, Mary Gin; Mary Linder -- City of Normandy Park; Mike Martin; Davis, Pat; Davis, Pat; Ralph Shape - City of Sea Tac; Berry, Rhoda - City Manager (Tukwila); Rose Clark; McEvoy, Shawn - City of Normandy Park; O'Keefe, Shelly - City of Tukwila; Bowman, Sue - City of Des Moines; Todd Cutts - City of SeaTac; Piasecki, Tony - City Manager (Des Moines); Wanda Skoog -- Highline Public Schools
Cc: Kittleson, Sarah; Duffner, Bob; Cooper, Perry
Subject: Last weekend's stormwater incident at Sea-Tac Airport

Dear Members of the Highline Forum:

Over the last weekend, we had some issues on airport construction sites related to the heavy rains we experienced. On Saturday, almost a half inch of rain fell in an hour, with a total of .9 inches in 24 hours.

During the wettest hour, the intensity of the storm overwhelmed the capacity we had for pumping stormwater to construction stormwater ponds. This resulted in the failure of some of our stormwater Best Management Practices (BMPs) and stormwater ended up flowing into the standard stormwater system and into Des Moines and Walker Creeks with elevated turbidity. In Miller Creek, increased stream flows worked their way into new stream habitat features we had installed. We had also just completed the new outlet structure in one of our stormwater ponds, and the water leaving that pond had an elevated pH caused by the water first flushing through the new concrete structure.

We have spent the last few days conducting site inspections, repairing BMPs, and working with the contractor and the team on preventing a similar situation from occurring in the future.

Please let me know if you have any question.

Marco Milanese on behalf of Elizabeth Leavitt
Port of Seattle
Director, Aviation Planning and Environmental
Seattle Tacoma International Airport
PO Box 68727
Seattle, WA 98168-0727
206-787-7203

CFTR: 9/28/09

From: Council
Sent: Thursday, September 17, 2009 4:30 PM
To: 'Erik Utter'; info@burienarts.org
Subject: RE: Lantern glow event

Dear Mr. Utter:

Thank you for copying the City Council on your message.

To respond to your question about the sculptures in the Town Square park, they were removed after being vandalized. The City is in communication with the artist as to how to replace the missing pieces and avoid such problems in the future.

Thank you-
L. Clausen
City Manager's Office

From: Erik Utter [mailto:erik.utter@gmail.com]
Sent: Saturday, September 12, 2009 10:56 PM
To: info@burienarts.org
Cc: Council
Subject: Lantern glow event

Just a quick note to say that my step-son and I attended the lantern glow Saturday after remembering at the last minute. We arrived late in the evening but had a GREAT time! Excellent event, great crowd, great music, and great family fun. Please keep up the good work and don't change a thing... we look forward to making our lanterns next year!

PS. Do you know what happened to the sculptures that were on the park stone pedestals that looked like 3d road signs? All but one seemed to be gone.. I really thought they were great.

Erik Utter

cc: Burien City Council

From: Council
Sent: Monday, September 14, 2009 9:51 AM
To: 'Erik Utter'
Subject: RE: Lantern glow event

Thank you for your message to the Burien City Council. It will be included in the Council's Correspondence for the Record.

L. Clausen
City Manager's Office

From: Erik Utter [mailto:erik.utter@gmail.com]
Sent: Saturday, September 12, 2009 10:56 PM
To: info@burienarts.org
Cc: Council
Subject: Lantern glow event

Just a quick note to say that my step-son and I attended the lantern glow Saturday after remembering at the last minute. We arrived late in the evening but had a GREAT time! Excellent event, great crowd, great music, and great family fun. Please keep up the good work and don't change a thing... we look forward to making our lanterns next year!

PS. Do you know what happened to the sculptures that were on the park stone pedestals that looked like 3d road signs? All but one seemed to be gone.. I really thought they were great.

Erik Utter

cc: Burien City Council

CFTR: 9/28/09
FOR RESPONSE: LISA CLAUSEN

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 21ST day of September, 2009 the FOLLOWING:

CHECK NOS. 23122-23235

IN THE AMOUNTS OF \$1,176,978.62

WITH VOIDED CHECK NOS. _____

Accounts Payable
Checks for Approval



User: liliac
Printed: 09/16/2009 - 3:57 PM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
23122	09/21/2009	General Fund	Professional Services	ABC Legal Messengers, Inc.	64.00
23122	09/21/2009	General Fund	Miscellaneous	ABC Legal Messengers, Inc.	42.00
Check Total:					106.00
23123	09/21/2009	Street Fund	Neighborhood Traffic Control	ACE Hardware	66.19
23123	09/21/2009	Street Fund	Neighborhood Traffic Control	ACE Hardware	30.33
23123	09/21/2009	General Fund	Office And Operating Supplies	ACE Hardware	15.74
Check Total:					112.26
23124	09/21/2009	General Fund	Office And Operating Supplies	ACE Hardware	126.19
Check Total:					126.19
23125	09/21/2009	General Fund	Operating Rentals And Leases	AIRGAS-NORPAC, INC.	7.80
23125	09/21/2009	General Fund	Operating Rentals And Leases	AIRGAS-NORPAC, INC.	7.80
Check Total:					15.60
23126	09/21/2009	Town Square CIP	Office Furniture and Equipment	Albert Lee Appliance	170.82
Check Total:					170.82
23127	09/21/2009	General Fund	Office And Operating Supplies	Al Book's Custom Weldin	651.52
Check Total:					651.52
23128	09/21/2009	General Fund	Newsletter Printing/postage	MT Group LLC	4,986.63

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	4,986.63
23129	09/21/2009	General Fund	Professional Services	Administrative Office of the C	6.00
				Check Total:	6.00
23130	09/21/2009	General Fund	Telephone	A T & T	35.26
				Check Total:	35.26
23131	09/21/2009	General Fund	Federal Lobbying Services	Ball Janik LLP	3,833.33
				Check Total:	3,833.33
23132	09/21/2009	General Fund	Quarterly Newsletter	Kenneth Barger	147.36
23132	09/21/2009	General Fund	Community Outreach	Kenneth Barger	80.00
				Check Total:	227.36
23133	09/21/2009	General Fund	Professional Services	STEVE BOTKIN	2,002.32
				Check Total:	2,002.32
23134	09/21/2009	Street Fund	Street Maintenance-non-county	The Brickman Group, Ltd.	15,637.50
				Check Total:	15,637.50
23135	09/21/2009	General Fund	Office And Operating Supplies	Burien Trophy	9.96
				Check Total:	9.96
23136	09/21/2009	General Fund	Repairs And Maintenance	Carr Lines	438.00
				Check Total:	438.00
23137	09/21/2009	General Fund	Computer Related Supplies	CDW-G	264.23
23137	09/21/2009	General Fund	Computer Related Supplies	CDW-G	38.12
23137	09/21/2009	General Fund	Computer Related Supplies	CDW-G	253.55
23137	09/21/2009	Equipment Reserve Fund	Machinery And Equipment	CDW-G	1,667.07
23137	09/21/2009	Equipment Reserve Fund	Machinery And Equipment	CDW-G	788.48
23137	09/21/2009	General Fund	Computer Related Supplies	CDW-G	311.83

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
Check Total:					3,323.28
23138	09/21/2009	General Fund	Office And Operating Supplies	Citywide Locksmith Services	9.31
23138	09/21/2009	General Fund	Office And Operating Supplies	Citywide Locksmith Services	41.88
23138	09/21/2009	General Fund	Office And Operating Supplies	Citywide Locksmith Services	41.88
Check Total:					93.07
23139	09/21/2009	General Fund	Office And Operating Supplies	Complete Office	289.45
23139	09/21/2009	General Fund	Office And Operating Supplies	Complete Office	372.30
23139	09/21/2009	General Fund	Office And Operating Supplies	Complete Office	41.25
23139	09/21/2009	General Fund	Office/Operating Supplies	Complete Office	41.25
23139	09/21/2009	General Fund	Office And Operating Supplies	Complete Office	41.25
23139	09/21/2009	General Fund	Office/operating Supplies	Complete Office	330.70
23139	09/21/2009	General Fund	Office/operating Supplies	Complete Office	372.30
23139	09/21/2009	General Fund	Office And Operating Supplies	Complete Office	289.45
23139	09/21/2009	General Fund	Office And Operating Supplies	Complete Office	125.55
23139	09/21/2009	General Fund	Office And Operating Supplies	Complete Office	125.57
23139	09/21/2009	General Fund	Office And Operating Supplies	Complete Office	125.57
23139	09/21/2009	General Fund	Office And Operating Supplies	Complete Office	125.57
Check Total:					2,280.21
23140	09/21/2009	General Fund	Office And Operating Supplies	Consolidated Electrical	19.78
23140	09/21/2009	General Fund	Office And Operating Supplies	Consolidated Electrical	89.06
23140	09/21/2009	General Fund	Office And Operating Supplies	Consolidated Electrical	89.06
Check Total:					197.90
23141	09/21/2009	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS	173.73
23141	09/21/2009	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS	173.73
23141	09/21/2009	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS	173.73
23141	09/21/2009	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS	173.72
23141	09/21/2009	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS	305.00
23141	09/21/2009	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS	396.90
23141	09/21/2009	General Fund	Citizens Patrol/ Crime Prevent	CONOCOPHILIPS	58.99
Check Total:					1,455.80
23142	09/21/2009	General Fund	Instructors Prof Svcs	Carolle Crabill	336.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	336.00
23143	09/21/2009	General Fund	Miscellaneous	Crystal and Sierra Springs	15.90
23143	09/21/2009	General Fund	Miscellaneous	Crystal and Sierra Springs	71.53
23143	09/21/2009	General Fund	Miscellaneous	Crystal and Sierra Springs	71.54
				Check Total:	158.97
23144	09/21/2009	General Fund	Court Remittance	City of Renton	152,789.21
				Check Total:	152,789.21
23145	09/21/2009	Street Fund	Utilities - Traffic Signals	City of Seattle	953.07
23145	09/21/2009	Street Fund	Utilities-street Lighting	City of Seattle	3,306.56
23145	09/21/2009	General Fund	Utilities	City of Seattle	34.38
23145	09/21/2009	General Fund	Utilities	City of Seattle	14.26
				Check Total:	4,308.27
23146	09/21/2009	General Fund	Registration - Trainng/workshp	CITY OF SEATTLE	160.00
				Check Total:	160.00
23147	09/21/2009	General Fund	Instructors Prof Svcs	Donald Custer	679.58
				Check Total:	679.58
23148	09/21/2009	General Fund	State Lobbying Services	Michael D. Doubleday	2,061.50
				Check Total:	2,061.50
23149	09/21/2009	General Fund	Mis Plan Implementation	Department of Information Serv	8,180.19
23149	09/21/2009	General Fund	Mis Plan Implementation	Department of Information Serv	1,035.46
				Check Total:	9,215.65
23150	09/21/2009	Town Square CIP	Construction	DPK Inc.	-35,098.87
23150	09/21/2009	Town Square CIP	Construction	DPK Inc.	131,944.69
				Check Total:	96,845.82
23151	09/21/2009	General Fund	Mis Plan Implementation	Susanne Dubois, Inc.	1,092.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name	16 Amount
				Check Total:	1,092.50
23152	09/21/2009	General Fund	Office And Operating Supplies	Dunn Lumber Co.	199.38
				Check Total:	199.38
23153	09/21/2009	General Fund	Subscriptions/publications	ECONOMIC FORECASTER	432.53
				Check Total:	432.53
23154	09/21/2009	General Fund	Repair/maint-vehicle	Elephant Car Wash	5.46
				Check Total:	5.46
23155	09/21/2009	General Fund	Miscellaneous	FedEx	6.28
				Check Total:	6.28
23156	09/21/2009	General Fund	Professional Services	Gray & Osborne, Inc.	1,271.85
				Check Total:	1,271.85
23157	09/21/2009	General Fund	Office And Operating Supplies	Ecolab Equipment Care	7.99
23157	09/21/2009	General Fund	Office And Operating Supplies	Ecolab Equipment Care	35.93
23157	09/21/2009	General Fund	Office And Operating Supplies	Ecolab Equipment Care	35.93
				Check Total:	79.85
23158	09/21/2009	General Fund	Parks Maintenance	Goodbye Graffiti	429.24
23158	09/21/2009	General Fund	Parks Maintenance	Goodbye Graffiti	1,250.49
				Check Total:	1,679.73
23159	09/21/2009	Transportation CIP	Project Development	Brian Gilles	377.50
				Check Total:	377.50
23160	09/21/2009	General Fund	Office And Operating Supplies	Grainger	0.97
23160	09/21/2009	General Fund	Office And Operating Supplies	Grainger	4.37
23160	09/21/2009	General Fund	Office And Operating Supplies	Grainger	4.37

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	9.71
23161	09/21/2009	General Fund	Building Maintenance	Guardian Security	65.00
				Check Total:	65.00
23162	09/21/2009	General Fund	Admission and Entrance Fees	Highland Ice Arena	93.50
				Check Total:	93.50
23163	09/21/2009	General Fund	Operating Rentals And Leases	Head-quarters	81.50
				Check Total:	81.50
23164	09/21/2009	General Fund	Operating Rentals And Leases	IKON Office Solutions	40.82
23164	09/21/2009	General Fund	Operating Rentals And Leases	IKON Office Solutions	40.82
23164	09/21/2009	General Fund	Operating Rentals And Leases	IKON Office Solutions	40.82
23164	09/21/2009	General Fund	Operating Rentals And Leases	IKON Office Solutions	40.82
23164	09/21/2009	General Fund	Operating Rentals And Leases	IKON Office Solutions	40.82
				Check Total:	473.42
				Check Total:	636.70
23165	09/21/2009	General Fund	Operating Rentals And Leases	Ikon Office Solutions	47.35
23165	09/21/2009	General Fund	Operating Rentals And Leases	Ikon Office Solutions	10.35
23165	09/21/2009	General Fund	Operating Rentals And Leases	Ikon Office Solutions	10.37
23165	09/21/2009	General Fund	Operating Rentals And Leases	Ikon Office Solutions	10.37
23165	09/21/2009	General Fund	Operating Rentals And Leases	Ikon Office Solutions	10.37
				Check Total:	88.81
23166	09/21/2009	General Fund	Miscellaneous	Iron Mountain Rec. Management	506.00
23166	09/21/2009	General Fund	Professional Services	Iron Mountain Rec. Management	75.00
23166	09/21/2009	General Fund	Miscellaneous	Iron Mountain Rec. Management	177.55
				Check Total:	758.55
23167	09/21/2009	General Fund	Mis Plan Implementation	Daniel Jimenez	2,270.00
				Check Total:	2,270.00
23168	09/21/2009	Transportation CIP	Retainage Payable	Johansen Excavating, Inc	53,549.88

Check Number	Check Date	Fund Name	Account Name	Vendor Name	18 Amount
				Check Total:	53,549.88
23169	09/21/2009	General Fund	Police Contract - King Co	King County Sheriff's Office	598,602.33
				Check Total:	598,602.33
23170	09/21/2009	General Fund	Jail Contract	KING COUNTY FINANCE	26,992.07
23170	09/21/2009	General Fund	Repairs And Maintenance	KING COUNTY FINANCE	26.98
				Check Total:	27,019.05
23171	09/21/2009	General Fund	Miscellaneous	KING COUNTY FINANCE	4,449.42
				Check Total:	4,449.42
23172	09/21/2009	General Fund	Plan Review Fee Fire Dist 2	King County Fire District #2	629.89
				Check Total:	629.89
23173	09/21/2009	General Fund	Attorney Srvc - Litigation	Kenyon Disend, PLLC	23,629.45
23173	09/21/2009	General Fund	Att Srvc - Litigation - 1st So	Kenyon Disend, PLLC	258.00
23173	09/21/2009	General Fund	Prosecution - City Atty	Kenyon Disend, PLLC	10,279.56
23173	09/21/2009	General Fund	Attorney Srvc - Litigation	Kenyon Disend, PLLC	9,933.36
				Check Total:	44,100.37
23174	09/21/2009	Parks & Gen Gov't CIP	Construction	KEY BANK	1,295.00
				Check Total:	1,295.00
23175	09/21/2009	General Fund	Drug seizure proceeds KCSO	Kesselring Gun Shop, Inc.	71.41
				Check Total:	71.41
23176	09/21/2009	General Fund	Instructors Prof Svcs	Kidz Love Soccer, Inc.	3,189.20
				Check Total:	3,189.20
23177	09/21/2009	General Fund	Public Defender	Kirshenbaum & Goss, Inc., P.S	5,000.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	5,000.00
23178	09/21/2009	General Fund	Instructors Prof Svcs	Kim Klose	46.80
23178	09/21/2009	General Fund	Instructors Prof Svcs	Kim Klose	15.00
				Check Total:	61.80
23179	09/21/2009	Parks & Gen Gov't CIP	Construction-Inspection	KPG, Inc.	7,825.09
23179	09/21/2009	Transportation CIP	Project Development	KPG, Inc.	19,542.80
23179	09/21/2009	Transportation CIP	Project Development	KPG, Inc.	3,259.10
				Check Total:	30,626.99
23180	09/21/2009	General Fund	Hearing Exam Nonreimbursed	Donald B. Largen	625.80
				Check Total:	625.80
23181	09/21/2009	General Fund	Instructors Prof Svcs	Alexander Lewis	650.00
				Check Total:	650.00
23182	09/21/2009	General Fund	Small Tools & Equipment	Fernando Llamas	903.38
				Check Total:	903.38
23183	09/21/2009	General Fund	Professional Services	Gary Luke	800.00
				Check Total:	800.00
23184	09/21/2009	General Fund	Professional Services	Cary Lung	400.00
				Check Total:	400.00
23185	09/21/2009	General Fund	Repairs And Maintenance	Magnum	108.41
				Check Total:	108.41
23186	09/21/2009	General Fund	Auto Allowance	MIKE MARTIN	400.00
				Check Total:	400.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	20 Amount
23187	09/21/2009	General Fund	Professional Services	Charly McCreary	500.00
				Check Total:	500.00
23188	09/21/2009	General Fund	Instructors Prof Svcs	Carly McElligott	93.75
				Check Total:	93.75
23189	09/21/2009	Street Fund	Special Event Clean up	McLendon Hardware, Inc.	414.60
23189	09/21/2009	General Fund	Small Tools & Minor Equipments	McLendon Hardware, Inc.	13.41
23189	09/21/2009	General Fund	Office And Operating Supplies	McLendon Hardware, Inc.	4.87
23189	09/21/2009	General Fund	Office And Operating Supplies	McLendon Hardware, Inc.	21.89
23189	09/21/2009	General Fund	Office And Operating Supplies	McLendon Hardware, Inc.	21.89
23189	09/21/2009	General Fund	Small Tools & Minor Equipments	McLendon Hardware, Inc.	26.03
				Check Total:	502.69
23190	09/21/2009	General Fund	Sales Tax Auditing Costs	Microflex, Inc.	136.19
23190	09/21/2009	General Fund	B&O Tax collect & audit	Microflex, Inc.	2,063.93
23190	09/21/2009	Street Fund	Dt Business License Svcs	Microflex, Inc.	3,426.11
				Check Total:	5,626.23
23191	09/21/2009	General Fund	Office And Operating Supplies	Miller Paint Co.	52.89
				Check Total:	52.89
23192	09/21/2009	General Fund	Instructors Prof Svcs	Scott A. Miller	575.25
				Check Total:	575.25
23193	09/21/2009	General Fund	Building Maintenance	NBM Corporation	630.30
23193	09/21/2009	General Fund	Building Maintenance	NBM Corporation	492.25
23193	09/21/2009	General Fund	Building Maintenance	NBM Corporation	140.06
23193	09/21/2009	General Fund	Building Maintenance	NBM Corporation	630.30
				Check Total:	1,892.91
23194	09/21/2009	General Fund	Instructors Prof Svcs	Jennifer Olszewski	117.60
				Check Total:	117.60
23195	09/21/2009	General Fund	Telephone	SPRINT	188.13

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
23195	09/21/2009	General Fund	Telephone	SPRINT	
23195	09/21/2009	General Fund	Telephone	SPRINT	22.19
23195	09/21/2009	General Fund	Telephone	SPRINT	158.97
23195	09/21/2009	General Fund	Telephone	SPRINT	22.19
23195	09/21/2009	General Fund	Telephone	SPRINT	1,216.97
23195	09/21/2009	Street Fund	Telephone	SPRINT	140.79
23195	09/21/2009	Surface Water Management Fund	Telephone	SPRINT	140.79
23195	09/21/2009	General Fund	Telephone	SPRINT	140.79
23195	09/21/2009	General Fund	Telephone	SPRINT	44.38
23195	09/21/2009	General Fund	Telephone	SPRINT	254.44
23195	09/21/2009	General Fund	Telephone	SPRINT	66.82
23195	09/21/2009	General Fund	Telephone	SPRINT	66.83
23195	09/21/2009	General Fund	Telephone	SPRINT	66.83
23195	09/21/2009	General Fund	Telephone	SPRINT	66.83
23195	09/21/2009	General Fund	Telephone	SPRINT	76.93
23195	09/21/2009	General Fund	Telephone	SPRINT	45.79
23195	09/21/2009	General Fund	Drug seizure proceeds KCSO	SPRINT	365.89
Check Total:					3,085.56
23196	09/21/2009	General Fund	Instructors Prof Svcs	Pamela Odegard	150.00
Check Total:					150.00
23197	09/21/2009	General Fund	Instructors Prof Svcs	Paws Abilities	144.00
Check Total:					144.00
23198	09/21/2009	General Fund	Mileage	Petty Cash Custodian	16.50
23198	09/21/2009	General Fund	Registration - Trainng/workshp	Petty Cash Custodian	12.05
23198	09/21/2009	General Fund	Registration - Trainng/workshp	Petty Cash Custodian	7.00
23198	09/21/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	8.73
23198	09/21/2009	General Fund	Registration - Trainng/workshp	Petty Cash Custodian	14.00
23198	09/21/2009	General Fund	Office/operating Supplies	Petty Cash Custodian	26.98
23198	09/21/2009	Surface Water Management Fund	Other Travel	Petty Cash Custodian	9.90
23198	09/21/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	7.67
23198	09/21/2009	General Fund	Miscellaneous	Petty Cash Custodian	17.50
23198	09/21/2009	General Fund	Mileage	Petty Cash Custodian	7.15
23198	09/21/2009	General Fund	Office/operating Supplies	Petty Cash Custodian	15.87
23198	09/21/2009	General Fund	Registration - Trainng/workshp	Petty Cash Custodian	12.50
23198	09/21/2009	General Fund	Drug seizure proceeds KCSO	Petty Cash Custodian	27.35
23198	09/21/2009	Surface Water Management Fund	Office And Operating Supplies	Petty Cash Custodian	13.13
23198	09/21/2009	Town Square CIP	Project development	Petty Cash Custodian	9.46
23198	09/21/2009	General Fund	Office/Operating Supplies	Petty Cash Custodian	6.00
23198	09/21/2009	General Fund	Travel	Petty Cash Custodian	10.25

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
23198	09/21/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	5.46
23198	09/21/2009	General Fund	Miscellaneous	Petty Cash Custodian	2.00
23198	09/21/2009	General Fund	Registration - Trainng/workshp	Petty Cash Custodian	12.66
23198	09/21/2009	General Fund	Registration - Trainng/workshp	Petty Cash Custodian	17.47
23198	09/21/2009	General Fund	Registration - Trainng/workshp	Petty Cash Custodian	7.24
23198	09/21/2009	General Fund	Mileage	Petty Cash Custodian	13.75
23198	09/21/2009	General Fund	Office/operating Supplies	Petty Cash Custodian	5.25
23198	09/21/2009	General Fund	Miscellaneous	Petty Cash Custodian	17.03
23198	09/21/2009	General Fund	Miscellaneous	Petty Cash Custodian	24.00
23198	09/21/2009	General Fund	Registration - Trainng/workshp	Petty Cash Custodian	75.00
23198	09/21/2009	General Fund	Mileage	Petty Cash Custodian	17.60
23198	09/21/2009	General Fund	Office/operating Supplies	Petty Cash Custodian	5.79
23198	09/21/2009	General Fund	Travel	Petty Cash Custodian	12.00
23198	09/21/2009	General Fund	Office/operating Supplies	Petty Cash Custodian	1.90
23198	09/21/2009	General Fund	Miscellaneous	Petty Cash Custodian	5.00
23198	09/21/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	4.36
Check Total:					448.55
23199	09/21/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	3.60
23199	09/21/2009	General Fund	Other Travel	Petty Cash Custodian	20.00
23199	09/21/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	19.62
23199	09/21/2009	General Fund	Admission and Entrance Fees	Petty Cash Custodian	3.00
23199	09/21/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	2.00
23199	09/21/2009	General Fund	Admission and Entrance Fees	Petty Cash Custodian	51.00
23199	09/21/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	11.04
23199	09/21/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	13.17
23199	09/21/2009	General Fund	Other Travel	Petty Cash Custodian	20.00
23199	09/21/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	26.25
23199	09/21/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	6.01
23199	09/21/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	14.45
23199	09/21/2009	General Fund	Other Travel	Petty Cash Custodian	25.00
23199	09/21/2009	General Fund	Office And Operating Supplies	Petty Cash Custodian	6.98
23199	09/21/2009	General Fund	Other Travel	Petty Cash Custodian	20.00
23199	09/21/2009	General Fund	Cash Over & Short	Petty Cash Custodian	-5.00
Check Total:					237.12
23200	09/21/2009	General Fund	Repairs And Maintenance	Performance Mechanical Group	109.50
Check Total:					109.50
23201	09/21/2009	Street Fund	Utilities-street Lighting	Puget Sound Energy	1,524.09

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	1,524.09
23202	09/21/2009	Surface Water Management Fund	Surface Water Mgmt Inventory	Pipeline Video & Cleaning LLC	1,309.90
				Check Total:	1,309.90
23203	09/21/2009	General Fund	Telephone	QWEST	27.50
23203	09/21/2009	General Fund	Telephone	QWEST	6.12
23203	09/21/2009	General Fund	Telephone	QWEST	27.50
				Check Total:	61.12
23204	09/21/2009	Street Fund	RedFlex Red Light Cameras	Redflex Traffic Systems	19,400.00
				Check Total:	19,400.00
23205	09/21/2009	General Fund	Right Of Way Use Permit	Julie Dow	250.00
				Check Total:	250.00
23206	09/21/2009	General Fund	Contributions - Wlnss Cluster	Aqua Massage LLC	25.00
				Check Total:	25.00
23207	09/21/2009	Street Fund	Business Licenses	Vidomir Mocić	30.00
				Check Total:	30.00
23208	09/21/2009	General Fund	Refund Clearing Account -Parks	Maria A. Gonzalez	200.00
				Check Total:	200.00
23209	09/21/2009	General Fund	Refund Clearing Account -Parks	Tina Price	12.00
				Check Total:	12.00
23210	09/21/2009	General Fund	Refund Clearing Account -Parks	Mary Lou Reiser	12.00
				Check Total:	12.00
23211	09/21/2009	General Fund	Refund Clearing Account -Parks	Vicki Wagner	100.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	24 Amount
				Check Total:	100.00
23212	09/21/2009	General Fund	Printing/binding/copying	Claude McAlpin, III	40.90
				Check Total:	40.90
23213	09/21/2009	General Fund	Instructors Prof Svcs	Sandra Schneider	157.50
				Check Total:	157.50
23214	09/21/2009	General Fund	Instructors Prof Svcs	Alan Schmitz	650.00
				Check Total:	650.00
23215	09/21/2009	General Fund	Advertising	Seattle Times	166.84
23215	09/21/2009	General Fund	Advertising/legal Publications	Seattle Times	450.00
				Check Total:	616.84
23216	09/21/2009	General Fund	Computer Consultant Prof Svcs	SEITEL Systems, LLC	1,144.10
23216	09/21/2009	Street Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC	190.69
23216	09/21/2009	Surface Water Management Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC	190.69
23216	09/21/2009	Parks & Gen Gov't CIP	Project Development	SEITEL Systems, LLC	3,856.48
				Check Total:	5,381.96
23217	09/21/2009	General Fund	Professional Services	Nancy Shattuck	1,730.00
				Check Total:	1,730.00
23218	09/21/2009	General Fund	Instructors Prof Svcs	Mike Shintaku	450.00
				Check Total:	450.00
23219	09/21/2009	General Fund	Professional Services	Sound Law Center	423.50
				Check Total:	423.50
23220	09/21/2009	General Fund	Office And Operating Supplies	Suburban Propane	660.89

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
Check Total:					660.89
23221	09/21/2009	General Fund	Utilities	Southwest Suburban Sewer Dist.	85.50
23221	09/21/2009	General Fund	Utilities	Southwest Suburban Sewer Dist.	46.50
23221	09/21/2009	General Fund	Utilities	Southwest Suburban Sewer Dist.	19.31
23221	09/21/2009	General Fund	Utilities	Southwest Suburban Sewer Dist.	86.90
23221	09/21/2009	General Fund	Utilities	Southwest Suburban Sewer Dist.	86.90
23221	09/21/2009	General Fund	Utilities	Southwest Suburban Sewer Dist.	43.00
23221	09/21/2009	General Fund	Utilities	Southwest Suburban Sewer Dist.	43.00
23221	09/21/2009	General Fund	Utilities	Southwest Suburban Sewer Dist.	53.19
23221	09/21/2009	General Fund	Utilities	Southwest Suburban Sewer Dist.	43.00
Check Total:					507.30
23222	09/21/2009	General Fund	Subscriptions & publications	The Kiplinger Letter	79.00
Check Total:					79.00
23223	09/21/2009	Street Fund	Street Maintenance-non-county	Trugreen-landcare/NW Region	711.75
Check Total:					711.75
23224	09/21/2009	General Fund	Comp Plan Implementation Costs	Transportation Solutions, Inc.	2,157.50
Check Total:					2,157.50
23225	09/21/2009	General Fund	Operating Rentals And Leases	United Site Services	80.00
Check Total:					80.00
23226	09/21/2009	General Fund	Subscriptions/publications	United States Postal Service	75.00
Check Total:					75.00
23227	09/21/2009	Parks & Gen Gov't CIP	Construction	Wyser Construction, Inc.	26,936.00
Check Total:					26,936.00
23228	09/21/2009	Street Fund	Landscape Maint - Utilities	Water District No. 20	134.70
23228	09/21/2009	General Fund	Utilities	Water District No. 20	2,847.35
23228	09/21/2009	General Fund	Utilities	Water District No. 20	494.75
23228	09/21/2009	General Fund	Utilities	Water District No. 20	638.35

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
23228	09/21/2009	General Fund	Utilities	Water District No. 20	3,542.90
Check Total:					7,658.05
23229	09/21/2009	Street Fund	Landscape Maint - Utilities	Water District No. 49	1,348.75
23229	09/21/2009	Street Fund	Landscape Maint - Utilities	Water District No. 49	49.02
23229	09/21/2009	Street Fund	Landscape Maint - Utilities	Water District No. 49	48.75
23229	09/21/2009	Street Fund	Landscape Maint - Utilities	Water District No. 49	74.16
23229	09/21/2009	Street Fund	Landscape Maint - Utilities	Water District No. 49	48.75
23229	09/21/2009	General Fund	Utilities	Water District No. 49	1,898.70
Check Total:					3,468.13
23230	09/21/2009	General Fund	Probatn/public Defndr Screenng	Tammy Weigel	840.00
Check Total:					840.00
23231	09/21/2009	General Fund	Jury & Witness Fees	Michael Beeman	11.10
Check Total:					11.10
23232	09/21/2009	General Fund	Professional Services	Washington Legal Messengers, I	92.00
Check Total:					92.00
23233	09/21/2009	General Fund	Seasonal Security	Washington Merchant Patrol LLC	3,565.00
Check Total:					3,565.00
23234	09/21/2009	General Fund	Office And Operating Supplies	Walter E. Nelson Co.	19.22
23234	09/21/2009	General Fund	Office And Operating Supplies	Walter E. Nelson Co.	86.49
23234	09/21/2009	General Fund	Office And Operating Supplies	Walter E. Nelson Co.	86.49
23234	09/21/2009	General Fund	Office And Operating Supplies	Walter E. Nelson Co.	48.05
Check Total:					240.25
23235	09/21/2009	General Fund	Professional Services	Washington State Patrol	90.00
Check Total:					90.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
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Report Total:

1,176,978.62

CITY COUNCIL MEETING MINUTES

September 14, 2009

SPECIAL MEETING, Miller Creek Conference Room, 3rd Floor

For the purpose of holding an Executive Session to discuss real estate per RCW 42.30.110(1b)

6:00 p.m.

and

Council Meeting, 1st Floor

7:00 p.m.

Burien City Hall, Council Chambers

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
- Order an audio CD recording or a DVD of the meeting from the City Clerk, (206) 241-4647

SPECIAL MEETING

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

Present: Mayor Joan McGilton, Deputy Mayor Sue Blazak, Councilmembers Rose Clark, Kathy Keene, Lucy Krakowiak, Sally Nelson, and Gordon Shaw.

Administrative staff present: Mike Martin, City Manager and Dick Loman, Economic Development Manager.

No action was taken.

CALL TO ORDER

Mayor McGilton called the Meeting of the Burien City Council to order at 7:00 p.m.

EXECUTIVE SESSION

Held prior to the meeting for the purpose of discussing real estate per RCW 42.30.110(1b).

PLEDGE OF ALLEGIANCE

Mayor McGilton led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Joan McGilton, Councilmembers Rose Clark, Kathy Keene, Lucy Krakowiak, Sally Nelson, and Gordon Shaw. Deputy Mayor Sue Blazak was excused.

Administrative staff present: Mike Martin, City Manager; Richard Loman, Economic Development Manager; Lisa Clausen, Government Relations Specialist; Tabatha Miller,

Finance Director; David Johanson, Senior Planner; Chip Davis, Planner; Doug Lamothe, Interim Public Works Director; and Monica Lusk, City Clerk.

AGENDA CONFIRMATION

Direction/Action

Motion was made by Councilmember Nelson, seconded by Councilmember Krakowiak, and passed unanimously to affirm the September 14, 2009, Agenda.

PUBLIC COMMENT

Marlin Thibeault, 13736 12th Avenue SW, Apartment 75Bb, Burien
 Mr. Thibeault spoke to issues related to liquor sales at the Burien Gardens Supermarket.

Annie Phillips, 17600 Sylvester Road, Burien
 Ms. Phillips, member of Sustainable Burien, provided an update to the Energy Efficiency and Conservation Block grant available from the Department of Ecology. She asked the Council to sign the grant application prior to submittal.

Ed Dacy, 2016 SW 146th Street
 Mr. Dacy stated that the Hospitality House 8th Annual Walk will be held on September 28, which is also the same day as the Octoberfest.

Goodspaceguy
 Mr. Goodspaceguy suggested selling the current Library/City Hall building and build on the old library building to allow more parking in the downtown.

CORRESPONDENCE FOR THE RECORD

- a. Letter Dated July 22, 2009, from Nandhni (Nan) Maharaj Regarding Wah Long Sports Bar Complaint with Response from Scott Kimerer, Police Chief.
- b. Letter Dated July 22, 2009, from Jordan Pomeroy Regarding Wah Long Sports Bar Complaint with Response from Scott Kimerer, Police Chief.
- c. Letter Received July 27, 2009, from Ben Seaman Regarding Wah Long Sports Bar Complaint with Response from Scott Kimerer, Police Chief.
- d. Letter Dated August 20, 2009, from Fredrick G. Novota Regarding "New Library Needs Pay Phone," Letters to Editor, (Article in Highline Times, August 19th, 2009) with Response from Mike Martin, City Manager.
- e. Email Dated August 23, 2009, from Troy Rimmelspacher Regarding Burien "Timed" Stop Lights, How Silly are You Guys? with Response from Doug Lamothe, Interim Public Works Director.
- f. Email Dated August 26, 2009, from Sue Love Regarding Sidewalks and Bike Pathways with Response from Jenn Ramirez Robson, Management Analyst.
- g. Email Dated August 27, 2009, from Erik Utter Regarding KUOW Weekday.
- h. Email Dated September 5, 2009, from Tim Eyman Regarding Unable to Attend Your I-1033 Hearing on 9/28, However, We Ask...

PRESENTATIONS

Introduction of New Employee Larry Blanchard, Public Works Director

Mike Martin, City Manager, introduced Larry Blanchard who will be joining the staff in mid-October as the Public Works Director.

Mr. Blanchard said he looks forward to forming long time relationships with Council and staff, to dealing with future issues, and to looking closely at grant opportunities.

Proponents of Initiative Measure No. 1033 Concerns State, County and City Revenue

None were present to speak.

Mayor McGilton noted that correspondence was received from Tim Eyman and was included in the packet under Correspondence for the Record.

Opponents of Initiative Measure No. 1033 Concerns State, County and City Revenue

None were present to speak.

Mike Martin, City Manager, noted that both pro and con speakers were solicited.

Presentation by David Johnson, Navos, and Alice Madsen, Highline Community College, on the Wellness Cluster

Dick Loman, Economic Development Manager, introduced Alice Madsen and David Johnson.

Alice Madsen, Highline Community College Dean of Instruction for Professional Technical Education, shared her Wellness Cluster experience noting the benefit of the collaboration of resources.

David Johnson, Navos CEO, noted the accomplishments achieved due to the integration of various health care, educational and governmental organizations.

CONSENT AGENDA

- a. Approval of Vouchers: Numbers 22970 - 23121 in the Amount of \$1,548,559.89. 33
- b. Approval of Council Meeting Minutes: August 17, 2009, and August 24, 2009. 55

Direction/Action

Motion was made by Councilmember Nelson, seconded by Councilmember Krakowiak, and passed unanimously to approve the September 14, 2009, Consent Agenda.

BUSINESS AGENDA

City Manager's Report

City Manager Mike Martin noted the following:

Visit by Congressional staff, August 28

Burien Wellness hosts Community Wellness Fair, September 19

Burien applies for Urban Vitality Grant

New Planning Commission officers

Airplane Noise Community meeting, Criminal Justice Center, September 29, 7 p.m.

City hosts Blood Drive

Burien requests meeting with Comcast to discuss Channel 21 broadcast coverage

City receives thank you for donation to Highline Schools Foundation

Highline Head Start moves into Burien Community Center

Sales tax update

Motion to Adopt Proposed Resolution No. 303, Entering Findings of Fact and Conclusions of Law and Regarding Preliminary Approval of the Walker Creek Ridge Subdivision (NW corner of Des Moines Memorial Drive & South 176th Street)

Direction/Action

Motion was made by Councilmember Nelson, seconded by Councilmember Krakowiak, and passed unanimously to adopt Resolution No. 303, Granting Preliminary Plat Approval of the Walker Creek Ridge Subdivision, and Adopting Findings of Fact, Conclusions and Conditions as Set Forth by the Hearing Examiner.

Discussion on and Possible Approval of 2010 SKCEDI Legislative Positions Proposed

Direction/Action

Motion was made by Councilmember Nelson, seconded by Councilmember Krakowiak, and passed unanimously to authorize Councilmember Shaw to vote to approve the draft SKCEDI 2010 Legislative Priorities on behalf of Burien.

Discussion of Draft 2010 Key Legislative Policies and Draft 2010 Legislative Priorities

Direction/Action

Councilmembers requested that the draft 2010 Key Legislative Policies and draft 2010 Legislative Priorities be placed on the September 28, 2009, Business Agenda for consideration.

Discussion on Resolution No. 304, Authorizing an Amendment to the SCORE Interlocal Agreement

Direction/Action

Councilmembers requested placing Resolution No. 304 on the September 28, 2009, Consent Agenda for approval.

Discussion on SW 153rd Street Path Forward

Follow-up

Staff will seek community participation, contact the university on a possible project on engaging the community, include the Ambaum corridor, explore volunteer tree planting, focus on cross sections in the short term by adding trees and hanging baskets, ask Sustainable Burien and the Parks and Recreation Board to create a planting scheme, and encourage businesses to improve their frontage.

Continued Discussion on Proposed Ordinance No. 517, Amending the Burien Municipal Code (BMC) Relating to the Disclosure of Public Records

Direction/Action

Councilmembers requested placing Ordinance No. 517 on the September 28, 2009, Business Agenda for consideration.

COUNCIL REPORTS

Councilmember Nelson attended the Public Safety Crime Prevention Committee meeting and she noted that the committee is highlighted in National League of Cities' Nations' Cities Weekly.

Councilmember Shaw attended the Joint Subarea Transportation Board meeting at which Metro's proposed transit cuts were discussed.

Councilmember Krakowiak encouraged the Council to attend the Suburban Cities Association's dinner meeting on September 16, 2009, that will feature a forum for the King County Executive candidates.

ADJOURNMENT

Direction/Action

MOTION was made by Councilmember Nelson, seconded by Councilmember Krakowiak, and passed unanimously to adjourn the meeting at 9:19 p.m.

Joan McGilton, Mayor

Monica Lusk, City Clerk

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Resolution No. 304, Authorizing an Amendment to the SCORE Interlocal Agreement		Meeting Date: September 28, 2009
Department: Finance	Draft Attachments: 1. <u>Resolution 304</u> 2. <u>Amended SCORE Interlocal Agreement</u>	Fund Source: General Fund
Contact: Tabatha Miller		Activity Cost: N/A
Telephone: (206) 439-3150		Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Adopted Work Plan Priority: Yes X No	Work Plan Item Description: 5 year plan for jail bed space	
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the Council to adopt Resolution No. 304 authorizing the execution of an amended and restated interlocal agreement relating to SCORE (South Correctional Entity).		
BACKGROUND (Include prior Council action & discussion): On January 12, 2009 the Council adopted Ordinance No. 504 authorizing execution of an interlocal agreement relating to formation of the SCORE Facility Public Development Authority. Ordinance No. 504 approved the Interlocal Agreement with Renton, Auburn, Federal Way, Des Moines, Tukwila and SeaTac for creation of SCORE; approved formation of the SCORE Facility Public Development Authority (PDA); authorized Burien's 4% contribution to the up to \$100 million bond issuance; and authorized up to \$100 million in expenditures on the new facility funded by the bonds. The Interlocal Agreement was signed by the above mentioned cities and created SCORE on February 25, 2009. SCORE and the construction of a 668+ bed misdemeanor jail facility in Des Moines, resolves the shortage of available jail beds in south King County at a reasonable cost. The purpose of the amendment to the Interlocal Agreement is to authorize an increase in the proportional share of debt service and ownership for Renton, Auburn and Federal Way and to change Des Moines from an "owner city" to a "host city." These changes do not alter Burien's ownership percentage in the project (4%) or its obligation to the same percentage of debt. The amendments are in response to a change in Des Moines' bond rating that would have resulted in the SCORE project and all member cities paying higher interest rates on the up to \$100 million in bond financing. Renton, Auburn and Federal Way agreed to assume a proportional share of the ownership and debt originally allocated to Des Moines (5%). The amendment does not remove Des Moines' participation in SCORE or the facility. As a "host city" Des Moines will still be a voting "member city" with the same access to jail beds as the other "member cities." The Council discussed this item at the September 14, 2009 meeting and agreed it was appropriate to place it on the Consent Agenda for the September 28 th meeting.		
OPTIONS (Including fiscal impacts): N/A.		
Administrative Recommendation: Adopt Resolution No. 304.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: A motion to adopt the Consent Agenda will adopt Resolution No. 304.		
Submitted by: Administration 	City Manager 	
Today's Date: September 18, 2009	File Code: R:\CC\Agenda Bill 2009\092809ad-1 SCORE amendment.docx	

CITY OF BURIEN, WASHINGTON**RESOLUTION NO. 304**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURIEN,
WASHINGTON, AUTHORIZING THE EXECUTION OF AN AMENDED
AND RESTATED INTERLOCAL AGREEMENT RELATING TO THE
SOUTH CORRECTIONAL ENTITY FACILITY

WHEREAS, the City of Burien, Washington (the "City") is authorized by chapter 70.48 RCW to contract for, establish and maintain correctional facilities in furtherance of public safety and welfare; and

WHEREAS, pursuant to Ordinance No. 504 adopted by the City on January 12, 2009, and chapter 39.34 RCW, the Interlocal Cooperation Act, the City entered into a SCORE Interlocal Agreement with Auburn, Federal Way, SeaTac, Des Moines, Renton and Tukwila, Washington (the "Member Cities"), dated February 25, 2009 (the "Original Interlocal Agreement"), to form a governmental administrative agency known as the South Correctional Entity ("SCORE"); and

WHEREAS, the purpose of SCORE is to establish and maintain a consolidated correctional facility to be located in Des Moines (the "SCORE Facility") to serve the Member Cities and federal and state agencies and other local governments that may contract with SCORE in the future to provide correctional services essential to the preservation of the public health, safety and welfare; and

WHEREAS, the Member Cities have determined that the SCORE Facility will provide improved correctional facilities within the boundaries of the consolidated service areas at a lower total cost to the participating Member Cities than currently available alternatives or than the participating Member Cities could individually provide; and

WHEREAS, financing for the acquisition, construction, equipping, and improvement of the SCORE Facility will be provided by bonds issued by the South Correctional Entity Facility Public Development Authority (the "Authority"), a public development authority chartered by Renton pursuant to RCW 35.21.730 through 35.21.755; and

WHEREAS, the Member Cities now desire to amend the Original Interlocal Agreement pursuant to the terms of an Amended and Restated SCORE Interlocal Agreement (the "SCORE Formation Interlocal Agreement" or "Interlocal Agreement") to increase the proportional share of debt service due from Renton, Auburn, and Federal Way on bonds issued by the Authority and to designate Des Moines as the "host city", as further provided therein;

NOW, THEREFORE, BE IT RESOLVED BY the City of Burien, Washington, as follows:

Section 1. Approval of Amended and Restated SCORE Interlocal Agreement. The City Council hereby approves the Amended and Restated SCORE Interlocal Agreement with Renton, Auburn, Federal Way, Des Moines, Burien, and Tukwila, Washington, substantially in the form as attached hereto as Exhibit A and incorporated herein by this reference (the "SCORE Formation Interlocal Agreement" or "Interlocal Agreement"). The City Manager is hereby authorized and directed to execute the SCORE Formation Interlocal Agreement, substantially in the form attached hereto with only those modifications as shall have been approved by him. The City Manager and other appropriate officers of the City are authorized and directed to take any and all such additional actions as may be necessary or desirable to accomplish the terms therein. The SCORE Formation Interlocal Agreement may be further amended from time to time as provided therein.

Section 2. Approval Contingent. If the Amended and Restated SCORE Interlocal Agreement has not be executed by all parties thereto by October 1, 2009, the authority granted under this resolution shall expire unless this resolution shall have been amended to provide for a later expiration date.

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 ___ DAY OF _____, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher Bacha, Interim, City Attorney
Kenyon Disend, PLLC

Filed with the City Clerk:
Passed by the City Council:
Resolution No. 304

EXHIBIT A

**Form of Amended and Restated SCORE Interlocal Agreement
(attached)**

AMENDED AND RESTATED SCORE INTERLOCAL AGREEMENT

among

CITY OF AUBURN,

CITY OF DES MOINES,

CITY OF FEDERAL WAY,

CITY OF RENTON,

CITY OF TUKWILA,

CITY OF BURIEN,

AND

CITY OF SEATAC, WASHINGTON

Dated as of _____, 2009

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AMENDED AND RESTATED SCORE INTERLOCAL AGREEMENT

THIS AMENDED AND RESTATED SCORE INTERLOCAL AGREEMENT amends and restates the SCORE Interlocal Agreement, dated as of February 25, 2009 (the “Original Interlocal Agreement” and as amended and restated hereby, the “SCORE Formation Interlocal Agreement”), and is entered into this _____, 2009 among the Cities of Auburn, Des Moines, Federal Way, Renton, Tukwila, Burien and SeaTac, Washington (the “Member Cities”), all of which are municipal corporations under the laws and statutes of the State of Washington:

RECITALS:

WHEREAS, the Member Cities are authorized by chapter 70.48 RCW to contract for, establish and maintain correctional facilities in furtherance of public safety and welfare; and

WHEREAS, the Member Cities currently contract with other local governments within the State of Washington for correctional services at a great expense to the City; and

WHEREAS, chapter 39.34 RCW, the Interlocal Cooperation Act, authorizes municipalities in Washington to enter into agreements for the joint undertaking of certain projects as provided therein; and

WHEREAS, the Member Cities entered into a SCORE Interlocal Agreement, effective February 25, 2009 (the “Original Interlocal Agreement”), to form a governmental administrative agency pursuant to RCW 39.34.030(3) known as the South Correctional Entity (“SCORE”) to establish and maintain a consolidated correctional facility to be located in the City of Des Moines (the “SCORE Facility”) to serve the Member Cities and federal and state agencies and other local governments that may contract with SCORE in the future to provide correctional services essential to the preservation of the public health, safety and welfare; and

WHEREAS, the Member Cities have determined that the SCORE Facility will provide improved correctional facilities within the boundaries of the consolidated service areas at a lower total cost to the participating Member Cities than currently available alternatives or than the participating Member Cities could individually provide; and

WHEREAS, financing for the acquisition, construction, equipping, and improvement of the SCORE Facility will be provided by bonds issued by the South Correctional Entity Facility Public Development Authority (the “SCORE Facility Public Development Authority”), a public development authority chartered by the City of Renton pursuant to RCW 35.21.730 through 35.21.755 and secured by the full faith and credit of the Cities of Renton, Auburn, Federal Way, SeaTac, Tukwila, and Burien (the “Owner Cities”); and

WHEREAS, the Member Cities now desire to amend the Original Interlocal Agreement to allocate the proportion of debt service on bonds issued by the SCORE Facility Public Development Authority to each of the Owner Cities and to designate the City of Des Moines as the host city; and

WHEREAS, the establishment and maintenance of the SCORE Facility will be of substantial benefit to the Member Cities and the public in general;

NOW THEREFORE, it is hereby agreed and covenanted among the undersigned as follows:

Section 1. Definitions. Capitalized terms used in this SCORE Formation Interlocal Agreement shall have the following meanings:

“Administrative Board” means the governing board of SCORE created pursuant to Section 5 of this SCORE Formation Interlocal Agreement.

“Bonds” mean, collectively, bonds, notes or other evidences of borrowing issued by the SCORE Facility Public Development Authority to provide interim and permanent financing for the SCORE Facility and thereafter, to finance or refinance equipment, completion, expansion and other capital improvements essential to maintain the SCORE Facility’s functionality.

“Budget” means the budget prepared by the Facility Director in consultation with the Operations Board, and submitted to the Administration Board for its approval in accordance with Section 5 and Section 9 of this SCORE Formation Interlocal Agreement, which budget shall set forth (a) an estimate of the costs of capital improvements required to be made to the SCORE Facility within the applicable year, (b) on a line item basis, all anticipated revenues and expenses for the operation and maintenance of the SCORE Facility for the applicable year, and (c) any information required by policies adopted by the Administrative Board pursuant to Section 9(b) of this SCORE Formation Interlocal Agreement.

“Capital Contribution” means, for each Owner City, that Owner City’s Owner Percentage multiplied by the principal of and interest on Bonds as the same shall become due and payable.

“Costs of Maintenance and Operation” means all reasonable expenses incurred by SCORE in causing the SCORE Facility to be operated and maintained in good repair, working order and condition, and all costs of administering SCORE.

“Designated Representative” means the Mayor or the City Manager, as selected by each Member City, or his or her designee.

“Facility Director” means the director of the SCORE Facility selected by the Administrative Board pursuant to Section 7 of this SCORE Formation Interlocal Agreement.

“Host City” means the City of Des Moines, Washington.

“Member Cities” mean the Owner Cities and the Host City.

“Operations Board” means the board formed pursuant to Section 6 of this SCORE Formation Interlocal Agreement.

“Owner Cities” mean the Cities of Auburn, Renton, Federal Way, Tukwila, Burien and SeaTac, Washington.

“Owner Percentage” means the percentage assigned to each Owner City, as follows:

- (a) Auburn – thirty-one (31%)
- (b) Federal Way – eighteen (18%)
- (c) Renton - thirty-six (36%)
- (d) Tukwila – eight (8%)
- (e) Burien – four (4%)
- (f) SeaTac – three (3%)

“Presiding Officer” means the member of the Administrative Board selected pursuant to Section 5 of this SCORE Formation Interlocal Agreement.

“SCORE” means the governmental administrative agency established pursuant to RCW 39.34.030(3) by the Member Cities.

“SCORE Facility” means the consolidated correctional facility acquired, constructed, improved, equipped, maintained and operated by SCORE.

“SCORE Facility Public Development Authority” means the South Correctional Entity Facility Public Development Authority chartered by the City of Renton, Washington.

“SCORE Formation Interlocal Agreement” means this Amended and Restated SCORE Interlocal Agreement among the Member Cities, as amended from time to time.

“Subscribing Agencies” mean the federal and state agencies, municipal corporations, and other local governments, other than the Member Cities, that contract with SCORE for correctional services at the SCORE Facility pursuant to the terms of this SCORE Formation Interlocal Agreement.

Section 2. SCORE Facility; Authority.

(a) Administrative Agency. There is hereby established a governmental administrative agency pursuant to RCW 39.34.030(3) to be known as the South Correctional Entity (“SCORE”). SCORE shall initially consist of the Member Cities.

(b) Powers of SCORE. SCORE shall have the power to acquire, construct, own, operate, maintain, equip, and improve a correctional facility known as the “SCORE Facility” and to provide correctional services and functions incidental thereto, for the purpose of detaining arrestees and sentenced offenders in the furtherance of public safety and emergencies within the jurisdiction of the Member Cities. The SCORE Facility may serve the Member Cities and Subscribing Agencies which are in need of correctional facilities. Any agreement with a Subscribing Agency shall be in writing and approved by SCORE as provided herein.

(c) Administrative Board. The affairs of SCORE shall be governed by the Administrative Board formed pursuant to Section 5 of this SCORE Formation Interlocal Agreement. The Administrative Board shall have the authority to:

1. Recommend action to the legislative bodies of the Member Cities;
2. Approve the Budget, adopt financial policies and approve expenditures;
3. Establish policies for investing funds and incurring expenditures of Budget items for the SCORE Facility;
4. Review and adopt a personnel policy for the SCORE Facility;
5. Establish a fund, or special funds, as authorized by chapter 39.34 RCW for the operation of the SCORE Facility;
6. Conduct regular meetings as may be designated by the Administrative Board;
7. Determine what services shall be offered at the SCORE Facility pursuant to the powers of SCORE and under what terms they shall be offered;
8. Enter into agreements with third parties for goods and services necessary to fully implement the purposes of this SCORE Formation Interlocal Agreement;
9. Establish rates for services provided to members, subscribers or participating agencies;
10. Direct and supervise the activities of the Operations Board and the Facility Director;
11. Enter into an agreement with a public corporation or otherwise to incur debt;
12. Make purchases or contract for services necessary to fully implement the purposes of this SCORE Formation Interlocal Agreement;
13. Enter into agreements with and receive and distribute funds from any federal, state or local agencies;
14. Receive and account for all funds allocated to the SCORE Facility from its members;
15. Purchase, take, receive, lease, take by gift, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or any interest therein, in the name of the SCORE Facility;

16. Sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of property and assets;
17. Sue and be sued, complain and defend, in all courts of competent jurisdiction in its name;
18. Make and alter bylaws for the administration and regulation of its affairs;
19. Enter into contracts with Subscribing Agencies to provide correctional services;
20. Employ employees as necessary to accomplish the terms of this SCORE Formation Interlocal Agreement;
21. Establish policies and procedures for adding new cities as parties to this SCORE Formation Interlocal Agreement; and
22. Engage in any and all other acts necessary to further the goals of this SCORE Formation Interlocal Agreement.

Section 3. Duration of Agreement.

The initial duration of this SCORE Formation Interlocal Agreement shall be for a period of ten (10) years from its effective date and, thereafter, shall automatically extend for additional five (5) year periods unless terminated as provided in this SCORE Formation Interlocal Agreement. Notwithstanding the foregoing, this SCORE Formation Interlocal Agreement shall not terminate until all Bonds issued by the SCORE Facility Public Development Authority as provide in Section 15 of this SCORE Formation Interlocal Agreement are no longer outstanding.

Section 4. Withdrawal and Termination.

(a) Subject to Section 4(g) below, any Member City may withdraw its membership and terminate its participation in this SCORE Formation Interlocal Agreement by providing written notice and serving that notice on the other Member Cities on or before December 31 in any one-year. After providing appropriate notice as provided in this Section, that Member City's membership withdrawal shall become effective on the last day of the year following delivery and service of appropriate notice to all other Member Cities.

(b) Subject to Section 3 above, four (4) or more Member Cities may, at any one time, by written notice provided to all Member Cities, call for a termination of SCORE and this SCORE Formation Interlocal Agreement. Upon an affirmative supermajority vote (majority plus one) by the Administrative Board, SCORE shall be directed to terminate business, and a date will be set for final termination, which shall be at least one (1) year from the date of the vote to terminate this SCORE Formation Interlocal Agreement. Upon the final termination date, this SCORE Formation Interlocal Agreement shall be fully terminated.

(c) Subject to Section 4(g) below, in the event any Owner City or the Host City fails to budget for or provide its applicable annual funding requirements for SCORE as provided in Section 15 hereof, the remaining Member Cities may, by majority vote, immediately declare the underfunding City to be terminated from this SCORE Formation Interlocal Agreement and to have forfeited all its rights under this SCORE Formation Interlocal Agreement as provided in Section 4(e). The remaining Member Cities may, at their option, withdraw SCORE's correctional services from that City, or alternatively, enter into a Subscribing Agency agreement with that City under terms and conditions as the remaining Member Cities deem appropriate.

(d) Time is of the essence in giving any termination notice.

(e) If an individual Owner City withdraws its membership in SCORE, the withdrawing City will forfeit any and all rights it may have to SCORE's real or personal property, or any other ownership in SCORE, unless otherwise provided by the Administrative Board.

(f) Upon termination of this SCORE Formation Interlocal Agreement, all property acquired during the life of this SCORE Formation Interlocal Agreement shall be disposed of in the following manner:

1. All real and personal property acquired pursuant to this SCORE Formation Interlocal Agreement shall be distributed to the Owner Cities based on the Owner Percentages; and
2. All unexpected funds or reserve funds shall be distributed based on the percentage of average daily population at the SCORE Facility for the last three (3) years prior to the termination date of those Member Cities still existing on the day prior to the termination date.

(g) Notwithstanding any of the other rights, duties or obligations of any Member City under this Section 4, the withdrawal of any Owner City from this SCORE Formation Interlocal Agreement shall not discharge or relieve the Owner City that has withdrawn pursuant to Section 4(a) or been terminated pursuant to Section 4(c) of its obligation to pay debt service on Bonds issued by the SCORE Facility Public Development Authority. An Owner City may be relieved of its obligation under this SCORE Formation Interlocal Agreement to make payments with respect to its Capital Contribution if the Administrative Board, by supermajority vote (majority plus one), authorizes such relief based on a finding that such payments are not required to pay debt service on Bonds issued by the SCORE Facility Public Development Authority.

Section 5. Administrative Board.

(a) Formation. An Administrative Board composed of the Designated Representative from each Member City shall govern the affairs of SCORE.

(b) Allocation of Votes. Each Board member shall have an equal vote and voice in all Board decisions.

(c) Voting Requirements. Votes regarding (1) debt; (2) approval of the Budget; (3) employment of the Facilities Director; (4) cost allocations made prior to the issuance of Bonds pursuant to Section 16 of this SCORE Formation Interlocal Agreement; and (5) approval of labor contracts, shall require an affirmative vote of a supermajority (majority plus one) of the Member Cities, two (2) of which shall have the highest and the second highest average daily population in the SCORE Facility for the 12-month period ending June 30 of the preceding year. Votes regarding (1) the conveyance of real property; (2) the addition of additional services pursuant to Section 11 of this SCORE Formation Interlocal Agreement not directly incidental to correctional services (such as providing court services); and (3) matters addressed in Sections 4(b) and (g) of this SCORE Formation Interlocal Agreement, shall require an affirmative vote of a supermajority (majority plus one) of the Member Cities.

(d) Parliamentary Authority. Unless otherwise provided, Robert's Revised Rules of Order (newly revised) shall govern all procedural matters relating to the business of the Administrative Board.

(e) Officers of the Administrative Board. Members of the Administrative Board shall select a Presiding Officer from its members, together with such other officers as a majority of the Administrative Board may determine. Subject to the control of the Administrative Board, the Presiding Officer shall have general supervision, direction and control of the business and affairs of SCORE. On matters decided by the Administrative Board, the signature of the Presiding Officer alone is sufficient to bind SCORE.

(f) Meetings of the Administrative Board. There shall be a minimum of two (2) meetings each year, and not less than fifteen (15) days notice shall be given to all members prior to any such meeting. Unless otherwise designated by the Presiding Officer, the first meeting shall be held on the second Tuesday of February of each year to review the prior year's service. The second meeting shall be on the second Tuesday of September of each year to consider and adopt a Budget for the following fiscal year. Other meetings may be held upon request of the Presiding Officer or any two members. All meetings shall be open to the public to the extent required by chapter 42.30 RCW.

Five (5) members of the Administrative Board must be present at any meeting of the Administrative Board to comprise a quorum, and for the Administrative Board to transact any business. Proxy voting shall not be allowed. Members of the Administrative Board may participate in a meeting through the use of any means of communication by which all members and members of the public participating in such meeting can hear each other during the meeting. Any members of the Administrative Board participating in a meeting by such means is deemed to be present in person at the meeting for all purposes including, but not limited to, establishing a quorum.

(g) Bylaws. The Administrative Board shall be authorized to establish bylaws that govern procedures of that Board and the SCORE Facility's general operations.

(h) Administrative Board Review. A general or particular authorization or review and concurrence of the Administrative Board by majority vote shall be necessary for all capital expenditures or contracts in excess of \$50,000.

Section 6. Operations Board.

(a) Formation. There is further established an Operations Board which shall consist of up to nine (9) members selected as provided in this paragraph. One (1) member shall be designated by each of the Member Cities, and up to two (2) at-large members shall be selected, by majority vote, by the Subscribing Agencies to represent the police departments of the Subscribing Agencies. At the time set for election of the at-large members, only the representatives of the Subscribing Agencies, then in attendance, will participate in the election. The Member Cities' Operations Board representatives shall not participate in the at-large member elections. The at-large members shall serve one-year terms, unless otherwise determined by majority vote of the Operations Board. The purpose and duties of the Operations Board shall be established by the Administrative Board.

(b) Voting and Meetings of the Operations Board. Each member of the Operations Board shall have an equal vote in all Operations Board decisions. The Operations Board shall be authorized to establish bylaws that govern its procedures. Unless otherwise provided, Robert's Revised Rules of Order shall govern all procedural matters relating to the business of the Operations Board. The Operations Board shall elect a presiding officer from its members and shall likewise determine the time and place of its meetings; at least one (1) regular meeting shall be held each month at a time and place designated by the presiding officer or a majority of its members. Special meetings may be called by the presiding officer or any two (2) members upon giving all other members not less than 24 hours prior written notice (electronic or facsimile notice acceptable). In an emergency, the Operations Board may dispense with written notice requirements for special meetings, but must, in good faith, implement best efforts to provide fair and reasonable notice to all of the members of the Operations Board. All meetings shall be open to the public to the extent required by chapter 42.30 RCW.

A majority of the members of the Operations Board must be present at any meeting of the Operations Board to comprise a quorum, and for the Operations Board to transact any business. Proxy voting shall not be allowed. Members of the Operations Board may participate in a meeting through the use of any means of communication by which all members and members of the public participating in such meeting can hear each other during the meeting. Any members of the Operations Board participating in a meeting by such means is deemed to be present in person at the meeting for all purposes including, but not limited to, establishing a quorum.

Section 7. Facility Director.

Not later than one hundred eighty (180) days prior to the completion of the SCORE Facility, the Operations Board shall recommend to the Administrative Board a person to act as the Facility Director. The Administrative Board may accept or reject the Operations Board recommendation. Such Facility Director shall be responsible to the Administrative Board, shall develop the Budget in consultation with the Operations Board and other appropriate means in

order to fully implement the purposes of this SCORE Formation Interlocal Agreement. The Facility Director shall administer the program in its day-to-day operations consistent with the policies adopted by the Administrative Board. Such Facility Director shall have experience in technical, financial and administrative fields, and such appointment shall be on the basis of merit only.

Section 8. Personnel Policy.

(a) The Operations Board shall submit to the Administrative Board within one hundred eighty (180) days prior to the completion of the SCORE Facility, a proposed personnel policy for the SCORE Facility for its approval, rejection or modification. All of such modifications or revisions shall be subject to the final approval of the Administrative Board.

(b) Such personnel policy shall provide for the initial appointment to the SCORE Facility's staff from the personnel presently, permanently appointed or assigned as corrections officers in the Member Cities. Additional employees shall be appointed by the Facility Director upon meeting the qualifications established by the Operations Board and adopted by the Administrative Board. None of such employees shall be commissioned members of any emergency service, but may be eligible for membership under the Public Employees Retirement Systems (PERS), or Public Safety Employees Retirement System (PSERS), as provided by law.

Section 9. Budget, Policies and Operations.

(a) The Facility Director shall distribute a proposed Budget to the Operations Board on or before August 1 of each year, which Budget shall then be provided to the Administrative Board no later than September 1 of such year. Thereafter, the Member Cities shall be advised of the programs and objectives as contained in said proposed Budget, and of the required financial participation for the ensuing year.

(b) The Administrative Board shall develop financial policies for SCORE as part of the budgetary process. Such policies may include, but are not limited to, (1) items to be provided for in the Budget, (2) a minimum contribution amount for each Member City to pay for Costs of Maintenance and Operation, (3) the process for allocating unexpended amounts paid by the Member Cities for Costs of Maintenance and Operation and assessing the Member Cities in the event of cost overruns, (4) establishing and maintaining reserve accounts, if any, and (5) the process for adding a new party to this SCORE Formation Interlocal Agreement.

(c) The allocation of prorated financial participation among the Member Cities shall be calculated as provided in Section 15 hereof. Each Member City shall be unconditionally obligated to provide its allocable share of costs as provided in this SCORE Formation Interlocal Agreement.

Section 10. Contracts and Support Services.

(a) The Administrative Board (or the Operations Board or the Facility Director, if so designated by the Administrative Board) shall, as necessary, contract with local governments for

the use of space for its operations, auxiliary services including but not limited to records, payroll, accounting, purchasing, and data processing, and for staff prior to the selection of a Facility Director for the SCORE Facility.

(b) The Member Cities hereby agree to furnish legal assistance, from time to time, as approved by the Administrative Board. The Administrative Board may contract with the City Attorney of a Member City, other local government, or independent legal counsel as necessary.

Section 11. Policy and System Evaluation.

The Facility Director shall actively and continually consider and evaluate all means and opportunities toward the enhancement of operations effectiveness for correctional services so as to provide maximum and ultimate benefits to the members of the general public. The Facility Director shall present his or her recommendations to the Operations Board from time to time. Any substantive change or deviation from established policy shall be subject to the prior approval of the Administrative Board.

Section 12. Additional Services Authorized.

The Administrative Board shall evaluate and determine the propriety of including additional correctional services for local governments, whenever so required, and shall determine the means of providing such services, together with its costs and effects. These additional services may include, but shall not be limited to the following: alternatives to incarceration, inmate transportation systems, and consolidated court services.

Section 13. Inventory and Property.

(a) Equipment and furnishings for the operation of the SCORE Facility shall be acquired by SCORE as provided by law. If any Member City furnishes equipment or furnishings for SCORE's use, title to the same shall remain with the respective local entity unless that equipment is acquired by SCORE.

(b) The Facility Director shall, at the time of preparing the proposed Budget for the ensuing year, submit to the Operations Board a complete inventory together with current valuations of all equipment and furnishings owned by, leased or temporarily assigned to SCORE. In case of dissolution of SCORE, such assigned or loaned items shall be returned to the lending governmental entity and all other items, including real property, or funds derived from the sale thereof, shall be distributed in accordance with Section 4(f) above.

(c) Title to real property purchased or otherwise acquired shall be held in the name of SCORE; provided however, that for valuable consideration received, SCORE may convey ownership of any real property as may be approved by supermajority vote (majority plus one) of the Administrative Board.

Section 14. Local Control.

Each Member City and Subscribing Agency shall retain the responsibility and authority for the operation of its police departments, and for such equipment and services as are required at its place of operation to utilize the SCORE Facility.

Section 15. SCORE Facility Financing and Construction; SCORE Facility Public Development Authority.

(a) SCORE Facility. In order to provide necessary services for the Member Cities and the Subscribing Agencies, SCORE shall acquire, construct, improve, equip, maintain and operate the SCORE Facility. The SCORE Facility is expected to be located in the City of Des Moines, Washington.

(b) Contracts for the SCORE Facility. The Administrative Board shall authorize, and the Presiding Officer of the Administrative Board, or his or her approved designee, will execute contracts for the development of the SCORE Facility. These contracts shall include, without limitation, contracts for architectural design and engineering, project management services; real estate acquisition, and construction.

(c) SCORE Facility Public Development Authority. In order to finance costs of acquiring, constructing, improving and equipping the SCORE Facility, the City of Renton has chartered the SCORE Facility Public Development Authority. The purpose of the SCORE Facility Public Development Authority is to issue Bonds to finance and refinance the acquisition, construction, improvement and equipping of the SCORE Facility. The Administrative Board shall serve *ex officio* as the Board of Directors of the SCORE Facility Public Development Authority as further provided in the Authority's organizational charter. Upon issuance of Bonds by the SCORE Facility Public Development Authority, Bond proceeds shall be deposited on behalf of SCORE and used for the purposes set forth herein. SCORE shall be obligated to make payments to the SCORE Facility Public Development Authority at the time and in the amounts required to pay principal of and interest on the Bonds and any administrative costs of the SCORE Facility Public Development Authority.

(d) SCORE Facility Financing.

(1) *Capital Contributions.* Each Owner City shall be obligated to pay an amount equal to its Capital Contribution without regard to the payment or lack thereof by any other Owner City. No Owner City shall be obligated to pay the Capital Contribution of any other Owner City, and each Owner City shall be obligated to budget for and pay its Capital Contribution. The obligation of each Owner City to pay its Capital Contribution shall be an irrevocable full faith and credit obligation of such Owner City, payable from property taxes levied within the constitutional and statutory authority provided without a vote of the electors of the Owner City on all of the taxable property within the Owner City and other sources of revenues available therefor. Each Owner City has or will set aside and include in its calculation of outstanding nonvoted general obligation indebtedness an amount equal to the principal component of its Capital

Contribution for so long as Bonds remain outstanding, unless relieved of such payment in accordance with Section 4(g). Each Owner City's obligation to pay the Capital Contribution shall not be contingent on the receipt of any revenues from other sources, including but not limited to Subscribing Agencies or the Host City.

An Owner City may prepay its Capital Contribution in a manner that is consistent with the authorizing documents for the Bonds; provided, however, that any such prepayment of one or more Owner Cities shall not affect the Capital Contribution of the remaining Owner Cities. Any Owner City that elects to prepay its Capital Contribution shall be responsible for paying all costs associated with such prepayment.

(2) *Costs of Maintenance and Operation.* Subject to the terms of the financial policies established by the Administrative Board pursuant to Section 9(b) of this SCORE Formation Interlocal Agreement, each Member City shall be obligated to pay its allocable portion of Costs of Maintenance and Operation of the SCORE Facility, including any debt issued to finance such costs, as determined in this subsection.

(i) Until the end of the first calendar year of operations of the SCORE Facility (estimated to be December 31, 2012), the allocable portion that each Member City shall be obligated to pay of Costs of Maintenance and Operation in such year shall be equal to the Member City's 2007 average daily population in all correctional facilities (as provided in the SCORE financial policies) multiplied by the Costs of Maintenance and Operation.

(ii) Commencing with the calendar year following the first calendar year of operations, the allocable portion that each Member City shall be obligated to pay of Costs of Maintenance and Operation shall be based on the Member City's average daily population in the SCORE Facility, as supplemented as necessary with the average daily population allocable to the Member Cities in all correctional facilities, for the 12-month period ending June 30 of the preceding year.

(iii) Commencing with the third calendar year of operations, the allocable portion that each Owner City shall be obligated to pay of Costs of Maintenance and Operation shall be based on the Member City's average daily population in the SCORE Facility for the 12-month period ending June 30 of the preceding year.

(e) Billing and Allocation of Revenues. Each Member City shall be billed for its Capital Contribution and its portion of Costs of Maintenance and Operation, as applicable, on a semiannual basis, or more frequently as determined by the Administrative Board, calculated as provided for in Section 15(d) above. Revenues received in a calendar year from Subscribing Agencies or from sources other than the contributions described in Section 15(d) above shall be allocated among the Member Cities as follows: (i) each Member City shall receive a credit against its obligation to pay Costs of Maintenance and Operation based on that Member City's proportional average daily population as calculated in Section 15(d)(2) above, and (ii) each

Owner City shall receive a credit against its Capital Contribution based on that Owner City's proportional Owner Percentage.

(f) Host City. Pursuant to RCW 35.21.740, the City of Des Moines, as the Host City, hereby authorizes the City of Renton to operate the SCORE Facility Public Development Authority within the corporate limits of the City of Des Moines in a manner consistent with the terms of this SCORE Formation Interlocal Agreement. The Host City shall enter into a written agreement with SCORE and any of the Owner Cities, as applicable, to establish a host city fee to be paid in exchange for the availability of the SCORE Facility.

(g) Tax-Exemption. The Member Cities shall not (1) make any use of the proceeds from the sale of Bonds or any other money or obligations of the SCORE Facility Public Development Authority or the Member Cities that may be deemed to be proceeds of the Bonds pursuant to Section 148(a) of the Code that will cause the Bonds to be "arbitrage bonds" within the meaning of said Section and said regulations, or (2) act or fail to act in a manner that will cause the Bonds to be considered obligations not described in Section 103(a) of the Code.

(h) Additional Financing. Notwithstanding anything to the contrary in this SCORE Formation Interlocal Agreement, bonds, notes or other evidences of borrowing may be issued from time to time by the SCORE Facility Public Development Authority or another issuer pursuant a separate agreement between one or more Member Cities and other entities to provide additional financing for the SCORE Facility on terms as agreed upon by the parties thereto.

(i) Special Facility Designation. The SCORE Facility, including all equipment, furnishings, and fixtures is critical to the ability of the Member Cities and the Subscribing Agencies to provide necessary and secure correctional services and assure public safety. Consequently, the SCORE Facility is essential to the preservation of the public health, safety, and welfare. As a result, the SCORE Facility's equipment, furnishings, and fixtures are special facilities subject to unique standards. Accordingly, based on the facts presented in this subsection, it is hereby resolved that the established policy of the Member Cities is that the SCORE Facility constitutes a "special facility" under RCW 39.04.280(1)(b), and all purchases of any kind or nature for the SCORE Facility shall be exempt from competitive bidding requirements as prescribed by Washington State statute but shall be governed by the procurement policy established by the Administrative Board as amended from time to time.

Section 16. Preliminary Costs of the SCORE Facility; Bellevue Property

The Administrative Board shall allocate costs associated with the design, acquisition, construction, improvement and equipping of the SCORE Facility prior to the issuance of the Bonds by the SCORE Facility Public Development Authority among the Member Cities by an affirmative vote of a supermajority (majority plus one) of the of the Member Cities, two (2) of which shall have the highest and the second highest average daily population in the SCORE Facility for the 12-month period ending June 30 of the preceding year. Any costs of the SCORE Facility paid by a Member City pursuant to this section may be reimbursed out of proceeds of Bonds to the extent permitted by law.

The Member Cities hereby agree that any net proceeds received from the sale of the property located at 1440 116th Avenue NE, Bellevue, Washington and 1412 116th Avenue NE, Bellevue, Washington (estimated to be approximately \$3,180,000) shall be deposited with SCORE and used to finance costs associated with the design, acquisition, construction, improvement and equipping of the SCORE Facility.

Section 17. Compliance with Continuing Disclosure Requirements

To the extent necessary to meet the conditions of paragraph (d)(2) of United States Securities and Exchange Commission Rule 15c2-12 (the “Rule”), as applicable to a participating underwriter or remarketing agent for Bonds, each Owner City will enter into an undertaking in a form acceptable at the time to the participating underwriter or remarketing agent, as the case may be.

Section 18. Filing of Agreement

Upon execution, this SCORE Formation Interlocal Agreement shall be filed as required in RCW 39.34.040.

Section 19. Severability

If any part, paragraph, section or provision of this SCORE Formation Interlocal Agreement is adjudged to be invalid by any court of competent jurisdiction such adjudication shall not affect the validity of any remaining section, part or provision of this SCORE Formation Interlocal Agreement.

Section 20. Execution and Amendment

This SCORE Formation Interlocal Agreement shall be executed on behalf of each Member City by its Designated Representative, or other authorized officer of the Member City, and pursuant to an appropriate motion, resolution or ordinance of each Member City. This SCORE Formation Interlocal Agreement shall be deemed adopted upon the date of execution by the last so Designated Representative or other authorized officer.

This SCORE Formation Interlocal Agreement may not be effectively amended, changed, modified or altered, except by an instrument in writing duly executed by the Designated Representative, or other authorized officer, of each Member City and pursuant to an appropriate motion, resolution or ordinance of each Member City, so long as such amendment does not materially adversely affect the owners of the Bonds or affect the tax-exempt status of the interest paid on the Bonds. If the Bonds issued by the SCORE Facility Public Development Authority are rated by a rating agency, then no amendment that adds or removes an Owner City from this SCORE Formation Interlocal Agreement or revises Section 15 of this SCORE Formation Interlocal Agreement shall be permitted unless the SCORE Facility Public Development Authority has received written confirmation from the rating agency that such amendment will not result in a reduction or withdrawal of the rating on the Bonds. If the Bonds are not rated by a rating agency, then no such amendment as described in the preceding sentence will be permitted

unless in the opinion of the SCORE Facility Public Development Authority such amendment will not materially adversely affect the owners of the Bonds.

Section 21. Third Party Beneficiaries

The SCORE Facility Public Development Authority and the holders from time to time of the Bonds shall be third party beneficiaries hereof and the commitments made herein shall be for their further benefit.

Section 22. Hold Harmless

The parties to this SCORE Formation Interlocal Agreement shall defend, indemnify and save one another harmless from any and all claims arising out of the performance of this SCORE Formation Interlocal Agreement, except to the extent that the harm complained of arises from the sole negligence of one of the participating members. Any loss or liability resulting from the negligent acts errors or omissions of the Administrative Board, Operations Board, Facility Director and or staff, while acting within the scope of their authority under this SCORE Formation Interlocal Agreement shall be borne by SCORE exclusively.

Section 23. Counterparts

This SCORE Formation Interlocal Agreement may be executed in any number of counterparts, each of whom shall be an original, but those counterparts will constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this SCORE Formation Interlocal Agreement as of the day and year first written above.

CITY OF AUBURN

CITY OF RENTON

By: _____

By: _____

CITY OF DES MOINES

CITY OF TUKWILA

By: _____

By: _____

CITY OF FEDERAL WAY

CITY OF BURIEN

By: _____

By: _____

CITY OF SEATAC

By: _____



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: September 28, 2009
SUBJECT: City Manager's Report

I. INTERNAL CITY INFORMATION

A. Staff Sustainability Update

City staff has set up a committee to explore how we can be more sustainable in city facilities and practices. The committee is working on several items:

- A web page to highlight sustainability efforts in the new Library/City Hall as well as related items.
- Testing the use of biodegradable forks, knives, spoons, and plates to replace the traditional plastic and paper items used for meetings and events at City Hall.
- Replacing disposable cups with regular glassware and mugs for employee and meeting use.
- Exploring having a Zipcar available in Burien.

B. Puget Sound Regional Council (PSRC) Transportation Policy Board – September 10

The public has the opportunity to comment on transportation and transit projects in Burien and around the four-county region that are proposed to receive federal funding over the next two years. The PSRC Transportation Policy Board has acted to seek public comment on the proposed list of projects to improve highways, local roads and transit. Funding for Burien's 1st Avenue South project (Phase 2) is on the list, as is funding for King County Metro's Transit Oriented Development Park-and-Ride garage. The public comment period lasts until October 22, 2009.

C. WCIA Planning & Land Use Audit (Pg. 65)

This year the City's insurance carrier—Washington Cities Insurance Authority (WCIA)—focused its member audits on Land Use exposures. The audit was very positive and resulted in only one mandatory requirement relating to the signature block on our SEPA checklist. This correction has already been made. There were two informational recommendations—adding disclaimer language as part of our pre-application meeting forms (already added) and separating the Comprehensive Plan and rezone processes (to be addressed in 2010). The audit letter is attached.

D. Spanish Information Line 206-436-5556, ext. #556

Spanish speaking residents can now access City and community information by calling the Spanish Information line. The number will soon be published in our newsletter and directories. Residents can access the recorded information by dialing the number directly, calling the main City Hall number anytime or staff can transfer citizens to extension #556.

City of Burien information – Option 1, provides information on Business Licensing, Construction Permits, Reduced Cable TV Rates and Citizen Action Requests.

Community Information – Option 2, provides information on 3 Days-3 Ways, Free Burien Shuttle, English-Spanish Conversational Group, Block Watch, Citizenship/Naturalization Prep and Pet Information.

The City information includes directions on accessing our website, My Building Permit.com, our address, phone numbers and suggestions for when an interpreter may be necessary.

E. The World of GIS

There is a lot of news to catch up on in the GIS realm. We are undergoing major geographic data updates from wetlands and streams to catch basins and street signs. These updates affect all the map products we create and integration with City systems. The purpose of these updates is to provide the most up-to-date and pertinent information to City departments and citizens. An example is enabling Public Works maintenance activities to be mobile using laptops and a computerized maintenance management system linked to our GIS, and our upcoming Critical Areas map. Stay tuned for an update to this map product and many others in our Map Collection found in the City website under the IS/GIS department page found at <http://burienwa.gov/index.aspx?nid=717>.

F. Burien Projects in Draft Regional Transportation Plan

Cities, counties and other members of the Puget Sound Regional Council (PSRC) are working on an update of the Regional Transportation Plan for the four-county region (King, Pierce, Snohomish and Kitsap counties). The updated draft Plan, known as "Transportation 2040," includes several lists of transportation projects which might be eligible for future federal funding. The draft Plan will be reviewed, revised and provided to the public for comment before it receives final approval by the PSRC membership, possibly in May 2010.

Several projects affecting Burien are on the draft lists of Arterials, State Highways, Regional Trails and Transit. Some are already nearly completely funded while others may receive future funding:

- The 1st Avenue South Phase 2 (expected to be funded) and Phase 3 (not yet funded);
- A study of the Ambaum Boulevard SW Corridor (not yet funded);
- The proposed southbound SR 509 to eastbound SR 518 flyover ramp (not yet funded);

- The “Lake to Sound” Regional Trail project proposed between Renton and the Sound, with the “Westside Trail” segment going through Burien between SeaTac and Des Moines (expected to be funded);
- The regional growth centers located in Burien and several other cities are proposed to have new bike trails in the future (a “concept” and not yet funded);
- The Burien Transit Oriented Development (TOD) park-and-ride facility (expected to be funded), and
- A “High Capacity Transit” (HCT) corridor between the Burien Transit Center and Lynnwood (long-term future Sound Transit project, not yet funded).

In addition, the Washington State Department of Transportation (WSDOT) staff anticipates being able to include a project related to the SR 518/Des Moines Memorial Drive interchange, after a proposed project is better defined.

G. Parks, Recreation & Cultural Services (PaRCS) Department Solicits Customer Feedback (Pg. 68)

Recently a customer service comment form was made available to the public at the City Hall front counter. It is largely focused on the most common customer interaction there, i.e. permitting or other issues related to planning and community development. Another venue for intensive customer interaction is at the PaRCS Department's front counter at the Burien Community Center. The Department has also developed a comment card (see attached) and these are now available to the Department's customers and Burien citizens.

H. PaRCS Department Takes Advantage of PSE Rebate Program

Department employee Myron Clinton recently learned that Puget Sound Energy has a “Gas Boiler Tune Up Rebate” program, paying up to \$600 towards servicing. On September 1, 2009 the Department received a \$600 check from Puget Sound Energy for tuning up the Burien Community Center's 59-year-old boiler, which was 100% of the Department's costs.

I. New Seniors Registering for Fitness Classes

The City succeeded in recruiting additional senior adults to Burien Community Center's upcoming fall exercise programs, many registering as a result of attending the PaRCS Department's first co-sponsored “ShapeUp! Senior Fitness and Health Fair” on September 9. The event was co-sponsored by King County Emergency Services (KCES). To date, 27 brand-new seniors have registered for the new Low Impact Yoga program in addition to Fit 'n Fun, Early Bird Exercise, and Zumba Gold classes. KCES spearheaded the fitness promotional initiative as a preventative effort to reduce the number of accidental falls that senior citizens experience throughout King County on an annual basis. Approximately 60 seniors attended the Fair, which included exercise class demos, speakers, free health screenings/5-minute massages, fitness bags and \$10 discounts off new class registrations. An event video is available at the Dept's YouTube channel, www.youtube.com/burienparks.

J. New Seahurst Picnic Areas Heavily Used

The addition of the beautifully-renovated south picnic shelter area to Seahurst Park resulted in 188 total picnic shelter reservations this year, with 155 at the south shelter and 35 at the north shelter. The new south shelter significantly expanded the previous site lay-out, and also offers a number of new rental options. To date, \$7,903 has been collected in picnic shelter revenue, which represents a 74% increase over 2008, when the south shelter was under construction.

K. Public Commends Arts Aglow

Following this unique community lantern festival on September 12, the City received numerous compliments from both residents and visitors on this wonderful event. Both Town Square Park and the adjacent B/IAS site were transformed into a magical setting with the installation of artist-created temporary art sculptures that were lit-up at dusk. The event included a strong participatory element with a "lantern-making" booth on-site in addition to a lantern creation table at the Burien "Kids Day" hosted by the Burien-Normandy Park Fire District. All event participants who created lanterns walked in a procession with their lit lanterns following the "Yellow Hat Brass Band" once it was dark. Event coordinators included the PaRCS Department's Cultural Arts Supervisor, Gina Kallman, and artists Denise Hendrickson and Leslie Zenz, who originally created the event as a result of their City of Burien Arts and Culture grant and 4Culture funding. Other supporters included Burien Arts, Elliott Bay Brewing and the B-Town Scoop. The event also showcased Town Square Park as a perfect venue for the many celebratory community gatherings to come.

II. COUNCIL UPDATES/REPORTS

A. King County Regional Dialogue over Possible Metro Transit Cuts – September 9

Councilmember Shaw, the Council's representative on the South County Area Transportation Board (SCATBd), joined members of SCATBd and the two other King County subarea transportation boards to receive an update on plans to address the budget shortfall for Metro Transit. Due to the economic slowdown and the resulting shortfall in sales tax revenues for Metro, the County Executive has developed a 9-point plan to reduce Metro expenses. The Executive is proposing transit service reductions that would affect all routes somewhat; he would rather not eliminate low-ridership routes that some people depend on to get to their jobs.

One positive piece for Burien in the Executive's proposal is the idea of new "Rapid Ride" bus service between Burien and Renton, along the current Route 140, with stops at the Link light rail station at South 154th in Tukwila and the Sounder commuter rail station in Tukwila. This service would be in addition to the Rapid Ride routes included in the "Transit Now" program that the voters approved in 2007; the Executive wants to implement that service to keep faith with the voters and phase in the remainder of the Transit Now service as revenues increase. If the County Council agrees with the Executive's approach this new Rapid Ride service could begin in 2013.

B. Suburban Cities Association (SCA) Public Issues Committee – September 9

Several issues came before the SCA Public Issues Committee (PIC) at their September meeting, which Councilmember Keene attended. The PIC voted to support changes to Metro Transit Financial policies, and to support efforts in the region's Transportation Plan update to reduce congestion and greenhouse gas emissions, to develop sustainable funding for transportation, and to consolidate all transit agencies in the region into one agency. Councilmember Keene expressed concern about the possible governance and management of a large four-county transit agency.

After a discussion of the anticipated impacts of Initiative 1033, which is on the November ballot, the PIC acted to recommended to the SCA Board of Directors that SCA oppose the initiative.

C. South County Area Transportation Board (SCATBd) Meeting – September 15

Councilmember Shaw participated in the September 15 meeting of the South County Area Transportation Board (SCATBd). The Board discussed a proposed list of local transportation needs that is being developed to illustrate to the Legislature the significant funding shortfall for local government transportation projects. The Board also received a report on the status of the Transportation 2040 Plan and held a discussion on issues ranging from the connection between transportation and land use (population growth) to how to address greenhouse gas emissions and transportation funding challenges. Another topic of discussion concerned the potential flooding of the Green River Valley this upcoming winter; it was noted that all South King County communities should prepare for the impacts of such an event, as food distribution centers and major freight corridors will be badly affected.

D. Significant Metro Transit Issues at Regional Transit Committee – September 16 (Pg. 69)

Mayor McGilton and other members of the King County Council's Regional Transit Committee (RTC) received a report at the September 16 RTC meeting, detailing the Executive's proposal to address the Metro Transit budget shortfall. The primary reason for the shortfall is reduced sales tax revenue for the County; the projections for 2009-2013 appear in the attached chart.

Among the potential policy changes which the Executive is expected to recommend to the County Council would put off implementing parts of the new "Transit Now" program approved by the voters, in order to avoid deeper cuts in existing service. The RTC was provided a chart (attached) showing how "Rapid Ride" and service partnerships with some cities and companies would continue while other service additions would be delayed. The attached map also shows the five originally planned Rapid Ride routes, plus a proposed new route between the Burien Transit Center and Renton, known as "Route F."

The Executive has also proposed a policy change so that the across-the-board transit service reductions would be "suspensions" rather than cuts. Currently 62% of service is in the Seattle/Shoreline/Lake Forest Park ("West") subarea, 17% on the Eastside and 21% in South County; the existing service would be "suspended" proportionally, and the service would be restored to the same subareas from which it was suspended. If instead the service were to be restored as "new" service then suburban communities would gain service, because the formula that is supposed to be used when Metro adds "new" service would allocate 40% of new service to South County, 40% to the East and 20% to the West.

The Executive's budget proposal is expected to go to the Council on September 28 and the Regional Transit Committee will meet again on October 21. The budget proposal is also expected to incorporate recommendations from the recently-completed audit of the Transit Division. More information on the audit findings can be obtained from Lisa Clausen or online at www.kingcounty.gov.

E. King County Department of Community and Human Services (DCHS) 2008 Annual Report

The City has received a copy of King County Department of Community and Human Services 2008 Annual Report. It will be on file in the City Manager Office should any councilmember wish to review the report.

F. Updated Economic Indicator Graphs (Pg. 73)

Staff has provided Council with updated economic indicator graphs on Sales Tax (percentage change from prior year same month), Real Estate Excise Tax (percentage change from prior year same month), and Unemployment Rate change over time.

G. Advisory Board Meeting Minutes (Pg. 77)

Copies of approved minutes from the following Advisory Boards are attached:

- June 23, 2009 Arts Commission
- August 12, 2009 Parks and Recreation

H. Notices (Pg. 83)

- Notice of 2010 Arts and Culture Funding Applications Available



Insurance Authority

P.O. Box 88030

Tukwila, WA 98138

Phone: 206-575-6046

Fax: 206-575-7426

September 2, 2009

Cynthia Schaff
City of Burien
400 SW 152nd Street, Suite 300
Burien, WA 98166

RECEIVED

SEP 08 2008

CITY ATTORNEY
CITY OF BURIEN

RE: 2009 Annual Review & Audit

Dear Cindy:

It was a pleasure to meet with you, Tabatha and Scott yesterday to perform the Annual Review and Audit, in accordance with the terms of the WCIA Membership COMPACT. I want to thank all of you for setting aside a portion of your day to meet with me.

2008 AUDIT RESULTS (In Compliance)

I was happy to verify that the City had no mandatory requirements generated from the 2008 Public Works Audit. Therefore the City is considered to be in compliance with the terms of the WCIA COMPACT.

2009 AUDIT RESULTS

As you know, this year's Audit focused on Land Use exposures. The Audit resulted in one mandatory requirement being generated, which will be monitored for compliance in 2009. Please be aware that failure to comply with the mandatory requirements may result in a financial penalty. I have also included a couple of informational recommendations for your consideration.

MANDATORY REQUIREMENT:

4.4 Does the City's SEPA checklist require the applicant to swear under penalty of perjury that all information provided is true and correct?

Although the SEPA guidelines do not require it, WCIA is requiring that its Member Cities require that checklists submitted by applicants be accompanied by a sworn statement under penalty of perjury that all information provided in the checklist is true and correct. Our defense attorney has had at least three cases dismissed on summary judgment because of the penalty of perjury law. In addition, at trial, he has blown up the SEPA checklist and was able to use the fact that the applicant lied in misrepresentation cases. It can also be used as leverage for settlement in mediation. Defense counsel calls

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City of Burien
September 2, 2009

the penalty of perjury language the "gold standard". You can comply with this mandatory by adding the words Under penalty of perjury to the signature statement on the SEPA checklist so that it reads "I certify under penalty of perjury under the laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision." I have also provided a sample of the language to you via email.

INFORMATIONAL RECOMMENDATIONS:

3.5 Do forms or letters have disclaimer language?

This question was asked in reference to the City's pre-application process and you indicated that the City does send out correspondence prior to as well as a follow up to the pre-application meeting, but that it does not contain any disclaimer language. WCIA recommends the City incorporate some type of disclaimer language into its follow up correspondence for the pre-application process similar to the sample language that was provided to you during our meeting.

6.5 Does the City keep the comprehensive plan amendment process separate from the process for site-specific rezones?

As we discussed, the City's current procedures allows both the processes for a site-specific rezone, which is a quasi-judicial decision and the process for an amendment to the comprehensive plan, which is a legislative decision, to be handled at the same time and both are being decided by the planning commission. WCIA strongly recommends that the City change its procedure and code if necessary, so that there is a separate and distinct procedure for site-specific rezones and another for amendments to the comprehensive plan so that your quasi-judicial procedures and decisions are separate from your legislative procedures and decisions.

PROPERTY & AUTO PHYSICAL DAMAGE PROGRAMS

I provided current copies of your property and auto schedules for review. Please let WCIA Administrative Assistant Tiffany Woods know if there are any changes you wish to make or the changes can be made "on line" at the WCIA Web Site. As we discussed, I have forwarded to you a copy of our Building Survey Form that you can complete and send back to us for any building to you wish to obtain an updated appraisal for.

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City of Burien
September 2, 2009

RISK PROFILE

I was pleased to discuss the Risk Profile which shows the City's losses compared to the Actuarial Group Averages. Hopefully the material presented was of interest. Again, it is our hope that this information may assist Members in looking at their specific areas of loss. If you have any questions regarding this documentation, please be sure to call.

COMPACT STATUS & TRAINING REQUIREMENTS

To date you have complied with all portions of the COMPACT Requirements. Congratulations!

Member Services Manager Patti Crane will be sending out announcements periodically for all of the various trainings that will be scheduled throughout the year. Please feel free to call her if you have any questions or wish to schedule additional training.

SUMMARY

This completes the findings of my recent visit. I appreciated the hospitality shown me while I was there. Please let me know if you have any other risk management concerns or if I can be of further service.

Sincerely,



Debbi Sellers, RPLU
Senior Risk Management Representative
Washington Cities Insurance Authority
206-575-6046

cc: City File

Dear Citizen:

Since we work for you, we are committed to making your visit a pleasant one, and that begins with offering you service that is fast, friendly, and responsive. So let us know how we are doing by taking a few moments to complete this comment card. We welcome any suggestions you may have for how we can improve the service we give you.

Again, thank you for visiting the Burien Parks, Recreation & Cultural Services Department!

Date of Visit: _____ Approximate Time : _____

- How long did you have to wait for service from a staff member?
 Immediate service Less than 1 minute 1 to 3 minutes More than 3 mins
- How would you generally rate our programs and activities?
 Consistent high quality Generally good Quality varies Poor quality
- How would you generally rate our building, facilities, classrooms or meeting rooms?
 Consistent high quality Generally good Quality varies Poor quality

Please tell us how much you agree or disagree with the following statements:

	<u>Strongly Disagree</u>	<u>Disagree</u>	<u>Neutral</u>	<u>Agree</u>	<u>Strongly Agree</u>
• The staff person who assisted me was pleasant, courteous and helpful.	<input type="checkbox"/>				
• The staff person was patient and listened carefully.	<input type="checkbox"/>				
• The staff person was knowledgeable and able to assist me with my request, registration or concern.	<input type="checkbox"/>				
• The staff person offered information about other programs and I learned something new.	<input type="checkbox"/>				

Other comments or suggestions: _____

OPTIONAL: If you wish, I can contact you about your comments. Yes, I would like to be contacted.

Your Name: _____

How would you like to be contacted? PHONE E-MAIL MAIL

Phone: _____ E-Mail: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

We enjoyed your visit!
 How about you?
 Please tell us how we are doing.
Burien 
 Parks, Recreation & Cultural Services

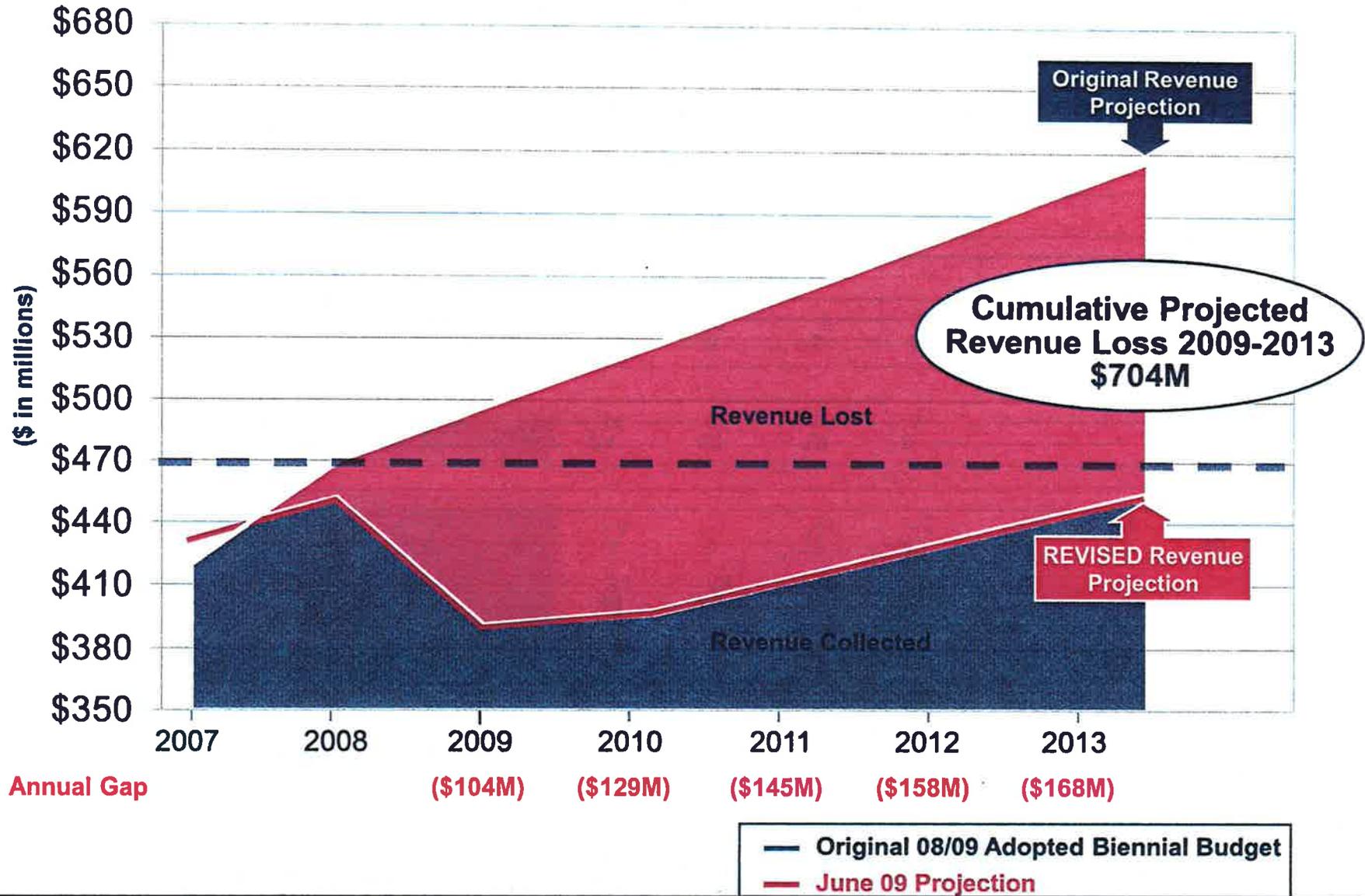


SEND TO

ATTN: Department Director
 Burien Parks, Recreation & Cultural Services
 425 SW 144th Street
 Burien, WA 98166-1545



King County Metro - Sales Tax Shortfall



Transit Now Phasing Plan Comparison

Targeted Increases in Annual Service Hours by Program by 2016

Annual Hours Categories	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	Total
Developing Areas		13	8	4	5	7	13				
RapidRide				34	42	19	5				
High Ridership/Core	45	9	8	4	9	38	43	68	86	40	
Total 40-40-20 Adds	45	22	16	34	42	19	5				
Service Partnerships	5	22	12	35	6	5	5				
TOTAL	50	45	28	69	48	24	10				

 Investments completed as planned

Transit Now Deferrals

- **Developing Areas 2010 - 2012** 29,000 annual hours
- **Ridership/Core 2010 – 2013** 94,000 annual hours
- **High Ridership/Core 2014 – 2016** 194,000 annual hours

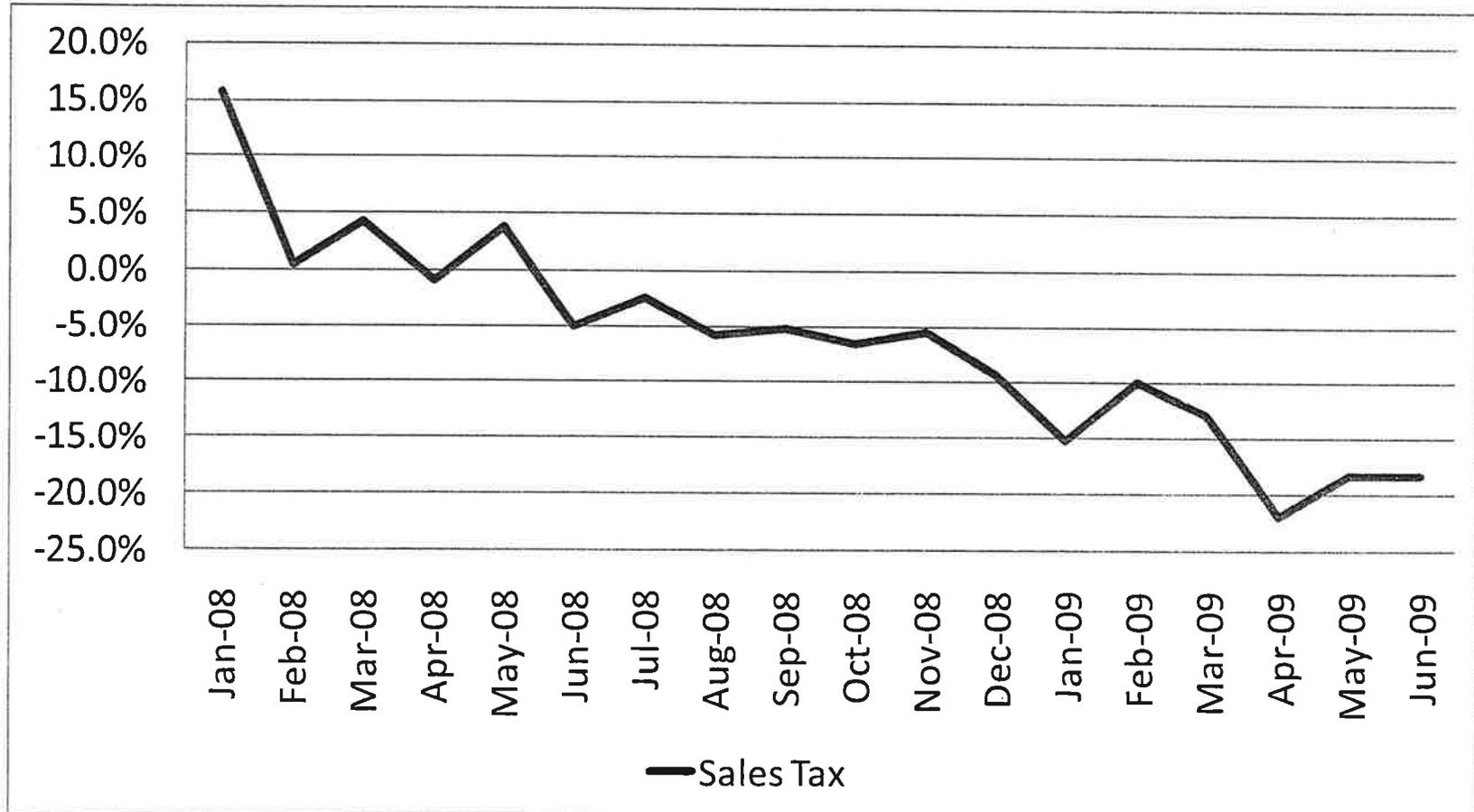
* Chart shows hours in thousands

Property Tax for Transit

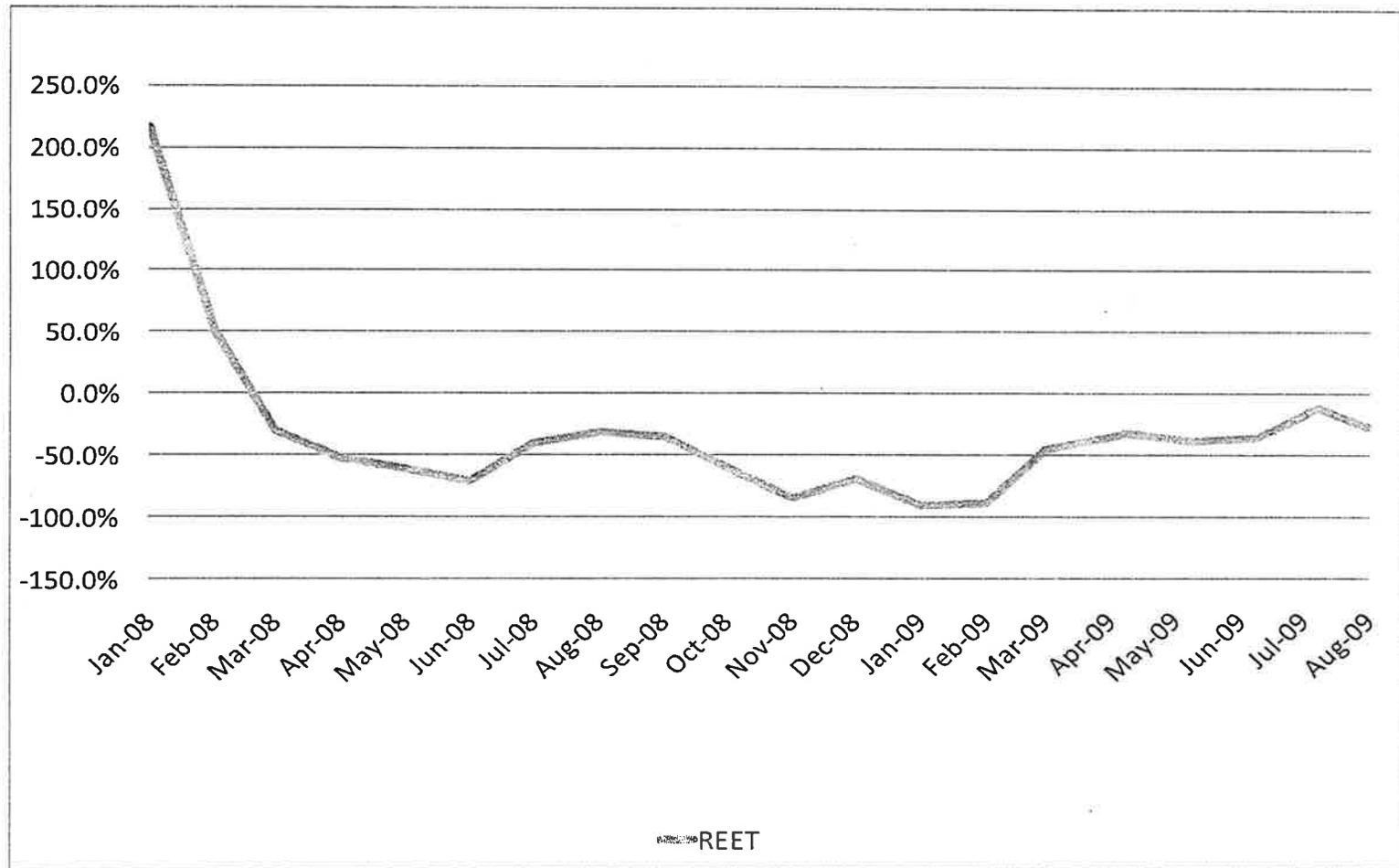
5.5 cent Property Tax preserves *RapidRide* including new south county corridor, and adds new *SR520* service under the Urban Partnership Agreement



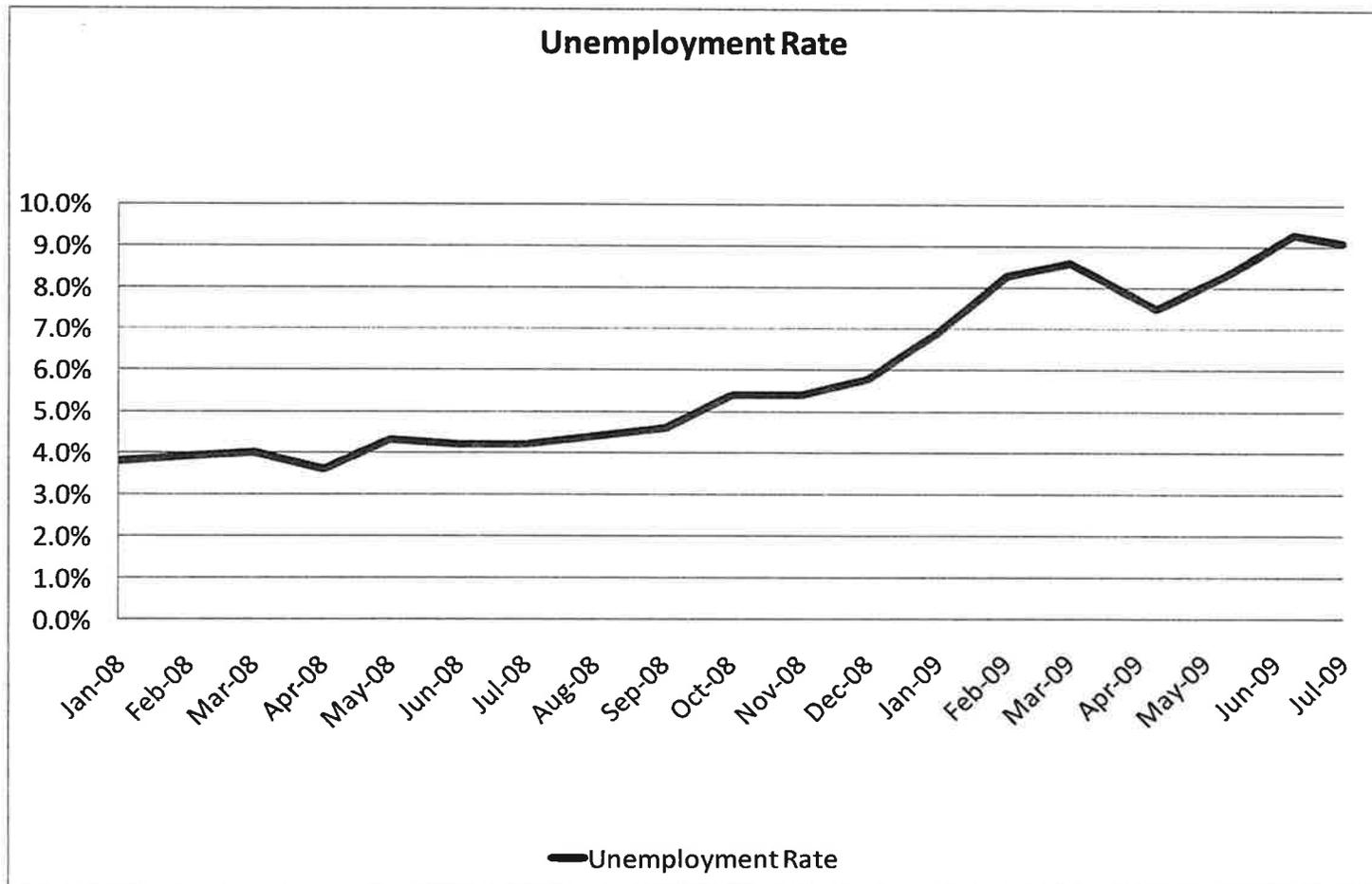
SALES TAX PERCENTAGE CHANGE FROM PRIOR YEAR SAME MONTH



REAL ESTATE EXCISE TAX PERCENTAGE CHANGE FROM PRIOR YEAR SAME MONTH



CITY OF BURIEN UNEMPLOYMENT RATE



CITY OF BURIEN, WASHINGTON

**Art Commission
MEETING MINUTES**

Date: June 23, 2009

Time: 6:30 p.m.

Arts Commission Members Present:

<input checked="" type="checkbox"/> Shelley Brittingham	<input checked="" type="checkbox"/> Virginia Wright
<input checked="" type="checkbox"/> Donna DiFore	<input checked="" type="checkbox"/> Robbie Howell
<input type="checkbox"/> Rochelle Flynn	<input checked="" type="checkbox"/> Dane Johnson
<input type="checkbox"/> Victoria Hall	<input checked="" type="checkbox"/> Kathy Justin

Staff Present:

Gina Kallman, Cultural Arts Supervisor
Debbie Zemke, Recreation Manager

Guests:

Randi Lacey, Past Arts Commissioner and Burien Resident
Laurie Haslund, Burien Arts Board and Past Arts Commissioner
John Ubehend, Burien Arts Board

Minutes

Meeting called to order.

Minutes approved. Robbie motions, Donna seconds

Guest Presentation

Burien Arts board members Laurie Haslund and John Ubehend reported on upcoming Burien Arts events. 20/20 will be happening again in November and this time will have a preview. The artwork may be used for the Empty Storefront project. The event may again be held at Karuna Yoga or possibly in an empty retail space. The pARTy Bus is planned for Sept 19 and will go to the Tacoma Glass Museums. At the Strawberry Festival the BA was thrilled to have a 25% increase in shortcake sales from 2008, they liked the vendor improvements, and the BAG had \$800 in sales.

July 2nd Where We Live Now

Kathy gave a short overview of the July 2nd event coming to Burien. The event is being sponsored by Suddenly.org and will be a discussion of our cities and how we live. Suddenly.org is run by Portland writer Matthew Stadler. The event will center around a visit by German Urban Planner and architect Thomas Stadler. The organizers of the event are excited about the recent development in Burien, and have added the destination to his trip to Seattle.

Thomas Sieverts writing is focused on the space in-between the city and the rural spaces: the suburban spaces; and how can community, artists, etc make those places their own. Thomas Sieverts brings up that in the near future half the population will live in these in-between spaces and that they will not often leave these spaces, so it is important to bring culture to these spaces. This is a move away from the centralization of arts and culture. Sieverts encourages people to look at where they live and make an investment.

The event will encompass meetings with visionaries and council members, a walk around the city, and a conversation and nosh at the B/ IAS site on July 2nd.

AREAS OF FOCUS REPORTS

Arts Education— Victoria organized a project with Cedarhurst Elementary 3-4th graders. The students have created flowers made from recycled water bottles that have been installed at the B/ IAS site, and more pieces are coming from Gregory Heights. A shrub was also created from recycled plastic tablecloths.

Public Art/ B/IAS— Here are updates on the B/ IAS: Mike McGrath's sculpture "Paradigm Shift" has been installed at B/ IAS after its display at the Henry Art Gallery. Movie night has been tested and went well, three to four more movie nights are being planned, more information at www.interim-art-space.com. Pieces of Eight event will be Aug 15 and 16. Sustainable Burien will be installing a demo p-patch this summer. Signage is being made for the artwork at the site and will hopefully be installed soon.

Performing and Literary Arts: no report

Burien Aesthetic Master Plan & Cultural Identity: Donna hopes to move the banner project forward. She will be talking to different cities to gather information on different options for the project.

Special Projects

Americans for the Arts Conference: Shelley and Dane attended the national conference held in June in Seattle. Shelley reported on the amazing opportunity to network, talk about similar issues about economy, sustainability, etc. Dane reported that the idea of growing cities through investing in culture is taking off as developers and city governments realize that the arts are a way to develop and sustain a city. One point of interest discussed was that cities need light industrial space for artists to thrive, for living and work spaces. Many cities are encouraging artists to move into empty storefronts to revitalize business areas...and then encouraging them to stay. A question asked during the conference was "How can a city through zoning and policy create a positive environment for creative businesses."

BEDP Comprehensive Plan Presentation: Shelley went to the BEDP meeting to present the Arts Commission advice on the Comprehensive Plan and had good conversation on each element, such as cultural districts, cultural institutions, artist flight issues and how to keep the arts/artists in the city. Input will hopefully be utilized in the future.

STAFF REPORT

City Budget: Debbie reported that the city has hit some difficult financial time, and will be reducing funding for the next few years. Many options are being looked at to subsidize funding shortages. Only \$20,000 will be available for arts and culture granting for 2010, and this amount will include funding for heritage. Debbie will talk to the Highline Historical Society to make sure they understand the new policy for 2010. The city will also not have funding for Arts Corps programming, but granting will be looked for to keep the program alive in Burien. Donna asked about the funding model for the city, Debbie will bring more information to the next meeting.

Public Art Plan: The hope is to develop a plan in the next year to expend existing public art funds. One idea would be to use that money to accomplish the banner plan. This can either be discussed by the Public Art Committee or by the Arts Commission as a whole. At this time there is \$40,000 in the public art fund. There is limited opportunity for growth in the fund at this time or in the near future due to the way the current ordinance is written. Dane suggested stepping down from Public Art Chair to give someone else the opportunity to take the chair and move the project forward. This item will need more discussion.

Concerts in the Park: The Concert series started Thursday July 2nd and will go through August 6th. The lineup of entertainment is: July 2nd-Total Experience Gospel Choir, July 9-BottleRockit, July 16-Family Fiesta with Evolucion Latina, July 23-Manooghi Hi, July 30-Deadwood Revival, Aug 6-The Staxx Brothers. Also scheduled are Movie nights on Friday Aug 14 (Journey to the Center of the Earth) and Aug 21 (Freaky Friday and The Day My parents Became Cool). All events are free and are at Lake Burien School Park. Arts Commissioners have volunteered to introduce bands at the concerts.

LAA Meeting: On Thursday, July 23rd, Burien will be hosting the 4-Culture Local Arts Agency meeting at the new Library meeting room. The meeting will focus on B/ IAS with Kathy and Dane discussing the creation on the space. The meeting will be 9:30am-1:00pm.

Meeting adjourned

CITY OF BURIEN, WASHINGTON
Parks and Recreation Advisory Board
MEETING MINUTES
Date – August 12, 2009
Time - 7:00 PM

BOARD MEMBERS PRESENT

Chris Ndifon Jean Spohn Larry Moormeier

Ted Fosberg Ed Dacy Sheryl Knowles

BOARD MEMBERS ABSENT

None

STAFF PRESENT

Steve Roemer, Parks Development and Operations Manager

GUESTS PRESENT

Barbara Williams and other Environmental Science Center members

Chris Ndifon called the meeting to order at approximately 7:00 PM.

CITIZEN COMMENT

Members of Sustainable Burien spoke on the topic of supporting community gardens.

Specific comments included:

- Desire to have gardens in summer 2010
- They have established a garden at the BIAS site and are coordinating its maintenance
- Would like to be involved and assist with the establishment of gardens in Burien
- Can provide volunteer support
- Community gardens help individuals grow their own produce, reducing the need to travel outside of local area, thus reducing driving and our carbon footprint

ADDITIONS TO AGENDA & AGENDA REVIEW

No changes.

MEETING MINUTES

The minutes from the June 10, 2009 meeting were approved 6/0/0.

AGENDA AND ACTION ITEMS

PRESENTATION

- Barbara Williams provided an update on the Environmental Science Center
 - ✓ The ESC provides programs to over 10,000 children and adults per year, or 15,400 hours of education on environmental topics.
 - ✓ Programming includes; school programs meeting current school curriculums, citizen beach monitoring, Summer Science Blast (8 day camp), No Child Left Inside environmental science club, Moonlight Beach Walks.
 - ✓ The ESC building is currently being constructed and will provide a world class, state of the art education center. The total project cost is \$1.2 million and to date the ESC has raised \$950,000.

POLICY DISCUSSION

- Community Gardens: The Board and staff discussed community garden program development focusing on the topics of Location and Site Amenities.

Location

- ✓ Permanent, not temporary, unless very overriding, contributing site conditions.
- ✓ Don't create in existing, programmed park sites
- ✓ Look into the Navos Burien Heights Residence site, as a possible future location.
- ✓ Accessibility to gardens important both related to ADA and public transportation.
- ✓ Consider areas of high population densities.
- ✓ Potentially start with two pilot sites to evaluate proper siting, user demand and program success.
- ✓ Potentially site on location that is highly visible to generate interest/ awareness.
- ✓ Don't ignore the northern and southern areas of Burien as potential locations.
- ✓ Investigate vacant parcels, rights of ways, un-programmed park space

Site Amenities

- ✓ Fencing for security
- ✓ Storage for tools and supplies
- ✓ Water for irrigation
- ✓ Some raised beds for elderly and ADA
- ✓ Composting space
- ✓ Compacted gravel surfacing where needed for accessibility, outlying areas woodchips
- ✓ Shelter for sun and rain, with table and seating
- ✓ Bulletin Board
- ✓ Good quality bedding soil

FUTURE AGENDA ITEMS AND/OR QUESTIONS

- Community Garden topics
- Seahurst Park North Shore restoration project update
- 2010 Parks budget reductions
- Annexation as related to the parks
- Update on the Department's move to the old Library
- Recreation program updates

FOR THE GOOD OF THE ORDER

- Ed Dacy provided a recap of the Adult softball tournament held at Moshier fields on August 8th.
- The meeting was adjourned at 9:00PM.

Respectfully submitted by Steve Roemer, Parks Manager , Parks, Recreation & Cultural Services



Burien

Washington, USA

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Phone: (206) 241-4647 • FAX (206) 248-5539
www.burienwa.gov

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DATE: September 3, 2009
FOR RELEASE: September 18, 2009
CONTACT: Debbie Zemke, Recreation Manager, 206/988-3704

CITY OF BURIEN PUBLIC NOTICE

2010 ARTS AND CULTURE FUNDING APPLICATIONS AVAILABLE

The City of Burien is holding an application cycle for its year 2010 Arts & Culture grant funding. Total funding available is estimated at \$20,000. Arts & Culture grant funding is available to groups or organizations that provide arts and cultural enrichment to Burien and its residents. Applications for 2010 Arts & Culture funding are due by 5:00 pm, Wednesday, September 30 to Burien Parks, Recreation and Cultural Arts, 425 SW 144th Street. Applications are available on the City website at www.burienwa.gov or by contacting Debbie Zemke at 206/988--3704.

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cc: Burien City Council
Burien Staff
B-Town Blog
Discover Burien
Highline Times

King County/Burien Public Library
Seahurst Post Office
Web site: www.burienwa.gov
White Center Now

Published in the Highline Times: September 18, 2009

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Review of Council Proposed Agenda Schedule		Meeting Date: September 28, 2009
Department: City Manager	Attachments: <u>Proposed Meeting Schedule</u>	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Monica Lusk, City Clerk		
Telephone: (206) 248-5517		
Adopted Work Plan Priority: Yes No <input checked="" type="checkbox"/>	Work Plan Item Description: N/A	
PURPOSE/REQUIRED ACTION:		
The purpose of this agenda item is for Council to review the proposed City Council meeting schedule. New items or items that have been rescheduled are in bold.		
BACKGROUND (Include prior Council action & discussion):		
According to City Council policies, the proposed meeting schedule is reviewed during the last meeting of each month.		
OPTIONS (Including fiscal impacts):		
<ol style="list-style-type: none"> 1. Review the schedule, and add, delete, or move items. 2. Review the schedule and make no modifications. 		
Administrative Recommendation: Review the schedule.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None required.		
Submitted by: Monica Lusk Administration 	City Manager	Mike Martin 
Today's Date: September 18, 2009	File Code: R:/CC/AgendaBill2009/092809cm-3 proposedagendareview.doc	

CITY OF BURIEN
PROPOSED COUNCIL AGENDA SCHEDULE
2009

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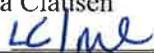
1. Motion to Adopt Proposed Ordinance No. 520, Amending Hearing Examiner Duties to Include Building and Construction Codes.
(TENTATIVE - Scheduled on 10/5 – Community Development)
2. Motion to Adopt Proposed Ordinance No. 521, Adopting National Electrical Code as Amended by Washington Cities Electrical Code and the City of Burien.
(TENTATIVE - Scheduled on 10/5 – Community Development)
3. Motion to Adopt Proposed Resolution No. 305, Relating to Initiative 1033 Concerns State, County and City Revenue.
(TENTATIVE - Rescheduled from 9/14 to 10/5 – City Manager)
4. Motion to Adopt Proposed Resolution No. 302, Approving Fee Schedule for Public Records Requests.
(TENTATIVE - Scheduled on 10/5 - City Manager)
5. Discussion on Proposed Zoning Code Amendments.
(Scheduled on 10/5 – Community Development)
6. 10/12 Council Meeting
7. Motion to Adopt Proposed Zoning Code Amendments.
(TENTATIVE - Scheduled on 10/26 – Community Development)
8. Discussion on Business License Code Revisions.
(Scheduled on 10/26 - Finance)
9. Discussion on Potential Financial Long-Term Solutions.
(Rescheduled from 8/17 to 10/26 - Finance)
10. Discussion on Revenue Resolution for 2010.
(Scheduled on 11/2 – Finance)
11. Discussion on Biennial Budget Modification, 2010.
(Scheduled on 11/2 – Finance)
12. Discussion on 2010 Property Tax Levy.
(Scheduled on 11/2 – Finance)
13. Discussion on 2009 Comprehensive Plan Text and Map Amendments.
(Scheduled on 11/9 – Community Development)
14. **Motion to Adopt Ordinance No. xxx, Amending the 2010 Biennial Budget.**
(TENTATIVE – Scheduled on 11/9 – Finance)
15. **Motion to Adopt Ordinance No. xxx, 2010 Property Tax Levy.**
(TENTATIVE – Scheduled on 11/9 – Finance)
16. Discussion on Proposed NE Redevelopment Area Comprehensive Plan and Zoning Amendments.
(Scheduled on 11/23 – Community Development)
17. Motion to Approve Ordinance No. xxx, Adopting the Stormwater Manual.
(TENTATIVE - Scheduled on 12/7 - Public Works)
18. Continued Discussion on Proposed NE Redevelopment Area Comprehensive Plan and Zoning Amendments.
(TENTATIVE - Scheduled on 12/7 - Community Development)

**CITY OF BURIEN
PROPOSED COUNCIL AGENDA SCHEDULE
2009**

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19. Motion to Adopt Ordinance No. xxx, Relating to 2009 Comprehensive Plan Text and Map Amendments.
(TENTATIVE - Scheduled on 12/14 – Community Development)
20. 12/28 Council Meeting

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Approve 2010 Key Legislative Policies and 2010 Legislative Priorities		Meeting Date: September 28, 2009
Department: City Manager	Attachments: 1. <u>Proposed 2010 Key Legislative Policies</u> 2. <u>Proposed 2010 Legislative Priorities</u>	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Lisa Clausen, Government Relations Specialist		
Telephone: (206) 248-5515		
Adopted Work Plan Priority: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Work Plan Item Description: Develop and advance state and federal legislative agendas	
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the City Council to take action on the proposed 2010 Key Legislative Policies and the proposed 2010 Legislative Priorities. BACKGROUND (Include prior Council action & discussion): At the September 14 City Council meeting, staff presented the "Draft 2010 Key Legislative Policies" document and the "Draft 2010 Legislative Priorities" for Council's review and discussion. Councilmembers asked questions and offered suggestions about the draft Priorities. As a result of that input, staff has incorporated additional detail into the draft Priority concerning infrastructure funding and local revenues. The revised text is found in Attachment 2 to this Agenda Bill. (The Council requested no changes to the draft 2010 Key Legislative Policies document.) Following Council's approval of the 2010 Legislative Policies and the 2010 Priorities, staff will develop a list of proposed State legislative priorities, to discuss at meetings being scheduled for the Mayor and Councilmembers with members of the City's legislative delegation in October. A set of the 2010 Federal priorities will also be communicated to staff for members of the City's Congressional delegation in the fall. The final "Priorities" approved by the Council will also form the basis for the scopes of work for the City's advocates at the Legislature and the Congress in 2010. OPTIONS (Including fiscal impacts): 1. Approve the proposed 2010 Key Legislative Policies and 2010 Legislative Priorities. 2. Request that staff revise the proposed 2010 Legislative Policies and/or the proposed 2010 Legislative Priorities for Council action at a subsequent Council meeting.		
Administrative Recommendation: Approve the 2010 Key Legislative Policies and the 2010 Legislative Priorities.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to approve the 2010 Key Legislative Policies and the 2010 Legislative Priorities.		
Submitted by: Lisa Clausen Administration 		
City Manager 		
Today's Date: September 18, 2009	File Code: R:\CC\Agenda Bill 2009\092809cm-4 2010LegPriorities.docx	

DRAFT - DRAFT
CITY OF BURIEN

2010 Key Legislative Policies

- The City of Burien will maintain its longstanding efforts to secure economic development, particularly in the Northeast Redevelopment Area (NERA) adjacent to Sea-Tac Airport.
- The City will continue to advocate for funding assistance for vital transportation improvements and for other infrastructure needs.
- The City will monitor environmental legislation, guard against unfunded mandates, and seek resources to enhance local salmon habitat.
- The City will maintain efforts to strengthen local public safety, including emergency preparedness.
- The City will continue to monitor legislation related to annexation issues, particularly which may concern the North Highline area.
- The City will continue to seek assistance to maintain and expand the parks and recreation system and will support efforts to strengthen the education of our children, to enhance the quality of life of our community.

Purpose

The City's "Key Legislative Policies" document is updated annually to guide the City's leadership in advocating a set of priorities to bring before the State Legislature and the U.S. Congress, working closely with the members of the City's legislative and Congressional delegations.



REVISED DRAFT City of Burien

2010 Legislative Priorities

- Advocate for \$4 million in funding from the reauthorization of the federal SAFETEA-LU transportation program, to improve access at SR 518 and Des Moines Memorial Drive (DMMD) to serve the Northeast Redevelopment Area (NERA). (Federal 2010; State 2011)
- Pursue Congressional appropriation of \$5 million for Pilot Program to carry out joint City/Port planning and pre-construction activities, to facilitate the development of airport-affected areas such as the NERA, and pursue State assistance with any additional required local matching funds. (Federal 2010; State 2011)
- Seek support for projects to improve Puget Sound, particularly \$200,000 to complete Phase 1 of the Seahurst Park North Shoreline Restoration Project. (State 2010)
- Advocate for future financial assistance for a new Community Center, including design and a mechanism to generate support for a facility needed to accommodate the anticipated additional demand caused by increasing population from annexation and closure of a King County pool in the North Highline annexation area. (State)
- Pursue City's ability to improve services for potential future annexation area in North Highline, through modification of existing legislation. (State)
- Continue efforts with other local jurisdictions to seek expansion of infrastructure financing tools such as LRF (Local Revitalization Funding) and LIFT (Local Infrastructure Financing Tool), increased flexibility for existing revenues, and new local revenue options, needed to increase economic development and to maintain and improve city infrastructure and services. (State)
- Join other jurisdictions in pursuing full funding for implementation of NPDES (National Pollutant Discharge Elimination System) standards, required to attain cleaner storm water. (State)
- Continue to support efforts by Navos to relocate its Burien mental health facility from the NERA to a more appropriate location in the community. (Federal and State)

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Adopt Proposed Ordinance No. 517, Amending the Burien Municipal Code (BMC) Relating to the Disclosure of Public Records		Meeting Date: September 28, 2009
Department: City Manager	Attachments: <u>Proposed Ordinance</u> No. 517	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Monica Lusk, City Clerk		
Telephone: (206) 248-5517		
Adopted Initiative: Yes No <input checked="" type="checkbox"/>	Initiative Description:	
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to consider proposed Ordinance No. 517, amending the City's municipal code relating to the disclosure of public records.		
BACKGROUND (Include prior Council action & discussion): The proposed changes will amend the City's code to more closely resemble the model rules drafted and adopted by the Attorney General in 2007 at the direction of the State Legislature. At the August 17 meeting, Council discussed the proposed ordinance and requested that the BMC be more user friendly, name the designated Public Records Officer, and add the five (5) day response to requests to the procedures. The attached ordinance reflects these requests. At the September 14 meeting, Council requested placing the proposed ordinance on the September 28 agenda for consideration.		
OPTIONS (Including fiscal impacts): 1. Approve proposed Ordinance No. 517. 2. Modify proposed Ordinance No. 517, and approve as amended. 3. Do not approve proposed Ordinance No. 517, resulting in noncompliance with State law.		
Administrative Recommendation: Adopt proposed Ordinance No. 517, amending the BMC relating to the disclosure of public records.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to adopt Ordinance No. 517, Amending the Burien Municipal Code Relating to the Disclosure of Public Records.		
Submitted by: Monica Lusk Administration 		City Manager 
Today's Date: September 22, 2009		File Code: R:/CC/AgendaBill2009/092809cm-6 public records

DRAFT

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 517

**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON,
RELATING TO PUBLIC RECORDS; AMENDING CHAPTER 2.40 OF
THE BURIEN MUNICIPAL CODE, PROVIDING FOR
SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the State public disclosure laws require the City to adopt and enforce reasonable rules and regulations to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the City while ensuring that the rules and regulations provide for the fullest assistance to inquirers and the most timely possible action on requests for information; and

WHEREAS, the City desires now to update rules and regulations relating to disclosure of public records previously adopted by the City and codified at Chapter 2.40 of the Burien Municipal Code;

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

Section 1. Adoption of New Section 2.40.080 BMC (Relationship to Public Records Act). Chapter 2.40 of the Burien Municipal Code is hereby amended by the addition of a new Section 2.40.080 BMC to read as follows:

2.40.080 Relationship to Public Records Act.

This chapter constitutes the City's rules and regulations to carry out and implement the Public Records Act, Chapter 42.56 RCW. Except as otherwise provided in this chapter, Chapter 42.56 RCW, as now or hereafter amended, shall apply to disclosure of all City public records. In the event of a conflict between any section, provision, phrase, or term of Chapter 42.56 RCW and any section, provision, phrase, or term of this Chapter, such section, provision, phrase, or term of Chapter 42.56 RCW shall control to the extent of the conflict.

Section 2. Adoption of New Section 2.40.090 BMC (Definitions). Chapter 2.40 of the Burien Municipal Code is hereby amended by the addition of a new Section 2.40.090 to read as follows:

2.35.030 Definitions.

The following terms, phrases, words and their derivations shall have the meanings given herein.

A. "Public record" means any writing, maps or drawings containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the city regardless of physical form or characteristics.

B. "Public records officer" means the city clerk or designee.

C. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion pictures, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

Section 3. Amendment of Section 2.40.100 BMC (Provision of Public Access.) Section 2.40.100 of the Burien Municipal Code is hereby amended (amendments shown in legislative revisions marks) to read as follows:

2.40.100 Provision of Public Access.

(1) Requests for access to public records shall be addressed to and accepted by the public records officer, during City hours of business, by phone, fax, mail, electronic mail or in person. Upon the public records officer receiving a request to inspect a copy of public record, the ~~department~~ public records officer shall grant the request unless ~~it~~ the public records officer determines that the record requested is or may be exempt from disclosure in whole or in part or that uncertainty exists as to whether the record is exempt from disclosure in whole or in part, in which case the ~~department~~ public records officer shall ask that a written request (or written request form) for public records be submitted by the requester.

(2) Any completed written request for public record shall immediately, upon receipt by ~~the department, a City employee,~~ be delivered by or on behalf of the department City employee to ~~the city clerk~~ public records officer.

(3) Upon the public records officer receiving a completed ~~written~~ request for a public record ~~records~~ (or written request form) ~~the city clerk~~ public records officer shall determine whether the public record requested is exempt by law from inspection and copying in whole or in part. The ~~city clerk~~ public records officer shall consult with the city attorney in making such determination.

(4) Within five business days of receiving a public record request, the city must respond by:

(a) Either providing the record;

(b) Acknowledging that the city has received the request and providing a reasonable estimate of

the time the city will require to respond to the request; or

(c) Denying the public record request.

(5) If the ~~city clerk~~ public records officer determines that the document is exempt in part but can be made available after deletion of exempt portions, the request shall be granted; provided, that such exempt portions shall first be deleted.

(6) In acknowledging receipt of a public record request that is unclear, the city may ask the requester to clarify what information the requester is seeking. If the requester fails to clarify the request, the agency need not respond to it.

(7) If the ~~city clerk~~ public records officer determines to deny the request, in whole or in part, a written statement of the specific reasons for the denial shall be provided the requester.

Section 4. Repeal and Re-enactment of Section 2.40.110 BMC (Exemptions). Section 2.40.110 of the Burien Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

2.40.110 Exemptions.

A. The following public records, or applicable portions thereof, are exempt from public disclosure pursuant to the Provisions of Ch. 42.56 RCW:

1. Personal information in files maintained for employees, appointees, or elected officials, to the extent that disclosure would violate their right to privacy, as defined in RCW 42.56.050.
2. Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would be prohibited to such persons by RCW 82.32.330 or violate the taxpayer's right to privacy, as defined in RCW 42.56.050, or result in unfair competitive disadvantage to the taxpayer.
3. Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy, as defined in RCW 42.56.050.
4. Credit card numbers, debit card numbers, electronic check numbers, card expiration dates or bank or other financial account numbers except when disclosure is expressly required by or governed by other law.
5. Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property;

provided, that if at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern.

6. Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

7. Except as provided by Chapter 8.26 RCW, the contents of real estate appraisals made for or by any agency including the city relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

8. Valuable formulae, designs, drawings, and research data obtained by the city within five years of the request for disclosure when disclosure would produce private gain and public loss.

9. Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the city in connection with any city action.

10. Records which are relevant to a controversy to which the city is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

11. Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

12. Financial and commercial information and records supplied by businesses during application for loans or program services provided by Chapters 43.160, 43.163, 43.168 and 43.330 RCW.

13. All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

14. The residential addresses and residential telephone numbers of employees or volunteers of the city which are held by the city in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

15. The residential addresses and residential telephone numbers of the customers of a city utility contained in the records or lists held by the city utility of which they are customers.

16. Client records maintained by the city under any domestic violence program as defined in RCW 70.123.020 or 70.123.075 or rape crisis center as defined in RCW 70.125.030.

17. Information that identifies a person who, while a city employee:

a. Seeks advice, under an informal process established by the city, in order to ascertain his or her rights in connection with a possible unfair practice under Chapter 49.60 RCW against the person; and

b. Requests that his or her identity or any identifying information not be disclosed.

18. License applications under RCW 9.41.070.

19. Information revealing the identity of child victims of sexual assault who are under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

20. A law enforcement authority may not request inspection or copying of records of any person, which belong to a city electrical utility, unless the authority provides the city electrical utility with a written statement in which the authority states that it suspects that the particular person to whom the records pertain has committed a crime and the authority has a reasonable belief that the records could determine or help determine whether the suspicion might be true.

21. Names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program; however, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

22. Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

23. Attorney-client privileged communications under RCW 5.60.060.

24. Abstracts of driving records under RCW 46.52.130(2).

25. Any other record which is exempt from disclosure under any state law.

B. The exemptions from public disclosure set forth in this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

C. Inspection or copying of any specific records exempt under this section may be permitted if the

King County superior court finds, after a hearing with notice thereof to every person interested and to the city, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

D. Nothing in this section shall affect a positive duty of the city to disclose or a positive duty to withhold information, which duty to disclose or withhold is contained in any other law.

Section 5. 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 6. 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 _____ DAY OF _____, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS _____ DAY OF _____, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, Public records officer

Approved as to form:

Christopher D. Bacha, Interim City Attorney
Kenyon Disend, PLLC

Filed with the City Clerk: September 3, 2009

Passed by the City Council:

Ordinance No. 517

Date of Publication:

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion on Proposed Resolution No. 302, Approving the Fee Schedule for Public Records Requests	Meeting Date: September 28, 2009
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Department: City Manager	Attachments: <u>Proposed Resolution</u> No. 302	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Monica Lusk, City Clerk		
Telephone: (206) 248-5517		

Adopted Initiative: Yes No <input checked="" type="checkbox"/>	Initiative Description:
---	--------------------------------

PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to discuss proposed Resolution No. 302, approving the fee schedule for public records requests.

BACKGROUND (Include prior Council action & discussion): The City is dedicated to open government and compliance with the requirements of the State Public Records Act to make records open and accessible to the public. The Act authorizes cities to recoup the costs of providing copies of public records. The fee schedule below shows the fees currently being charged and those being proposed. So far this year, staff has spent 84 hours processing 92 requests of which half were submitted through the City's website.

PUBLIC RECORDS REQUESTS FEE SCHEDULE		
ITEM	CURRENT FEE	PROPOSED FEE
CD / DVD	\$2.00	\$2.00
Certified Copy	-0-	\$5.00
Conversion of Paper to Electronic Format	-0-	\$.15 / page (after first 10 pages)
Copies (Black and White)	After first 10 pages:	After first 10 pages:
• 8 ½ x 11	\$.15 / page	\$.15 / page
• 8 ½ x 14	\$.15/ page	\$.15 / page
• 11 x 17	\$.15/ page	\$.20 / page
• Large Format	Vendor Invoice	Vendor Invoice
Copies (Color)		
• 8 ½ x 11	Vendor Invoice	\$.20
• 8 ½ x 14	Vendor Invoice	\$.20
• 11 x 17	Vendor Invoice	\$.35
• Large Format	Vendor Invoice	Vendor Invoice
Postage	Actual Rate	Actual Rate

OPTIONS (Including fiscal impacts):
N/A

Administrative Recommendation: Hold discussion and consider placing proposed Resolution No. 302 on the October 5, 2009, Consent Agenda for approval.

Committee Recommendation: N/A

Advisory Board Recommendation: N/A

Suggested Motion: None required.

Submitted by: Monica Lusk Administration 	Mike Martin City Manager 
--	---

Today's Date: September 17, 2009	File Code: R:/CC/AgendaBill2009/092809cm-1 fees publ recds reqs
---	--

CITY OF BURIEN, WASHINGTON



RESOLUTION NO. 302

**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON,
APPROVING THE FEE SCHEDULE FOR PUBLIC RECORDS
REQUESTS.**

WHEREAS, the City of Burien is dedicated to open government and compliance with the requirements of the State Public Records Act to make public records open and accessible to the public; and

WHEREAS, the Public Records Act authorizes cities to recoup the costs of preparing copies of public records in response to request for public records; and

WHEREAS, the City desires to adopt a fee schedule that will apply to public records requests;

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

Section 1. Adoption of Fee Schedule. The City of Burien hereby adopts the public records fee schedule attached hereto as Exhibit "A".

Section 2. 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 ___ DAY OF _____, 2009.

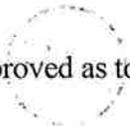
CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:



Christopher Bacha, Interim, City Attorney
Kenyon Disend, PLLC

Filed with the City Clerk: September 17, 2009
Passed by the City Council:
Resolution No. 302

EXHIBIT A

Fee Schedule for Public Records Requests Fees

Effective October 5, 2009

PUBLIC RECORDS REQUESTS FEE SCHEDULE	
Item	Fees
CD / DVD	\$2.00
Certified Copy	\$5.00
Conversion of Paper to Electronic Format	\$.15 / page (after first 10 pages)
Copies (Black and White)	After first 10 pages
• 8 ½ x 11	\$.15 / page
• 8 ½ x 14	\$.15 / page
• 11 x 17	\$.20 / page
• Large Format	Vendor Invoice
Copies (Color)	After first 10 pages
• 8 ½ x 11	\$.20 / page
• 8 ½ x 14	\$.20 / page
• 11 x 17	\$.35 / page
• Large Format	Vendor Invoice
Postage	Actual Rate

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion on proposed Ordinance 520, amending Section 2.15.070 BMC (Duties of the Hearings Examiner).		Meeting Date: September 28, 2009
Department: Community Development	Attachments: 1. <u>Proposed Ord. 520</u>	Fund Source: N/A
Contact: Jan Vogee		Activity Cost: N/A
Telephone: (206) 248-5523		Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Adopted Work Plan Priority: Yes X No	Work Plan Item Description: Review Development Codes	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the Council to discuss proposed Ordinance 520, amending Section 2.15.070 BMC (Duties of the Hearings Examiner) to include acting as the board of appeals for the purposes of the Building and Construction Codes adopted in Title 15 of the Burien Municipal Code;</p> <p>BACKGROUND (Include prior Council action & discussion): Section 2.15.070 of the Burien Municipal Code designates the Hearings Examiner to to act as the board of appeals for the purposes of the Uniform Building Code, however, the Uniform Building Code has not been published since 1997 and was replaced with the International Building, Residential, Mechanical, and other construction codes. In addition to the International Codes, the city also adopts and administers the Uniform Plumbing Code and National Electrical Code.</p> <p>This ordinance would update the Municipal code by authorizing the Hearings Examiner to act as the board of appeals for all Building and Construction Codes adopted in Title 15.</p>		
<p>OPTIONS (Including fiscal impacts): N/A</p>		
Administrative Recommendation: Hold discussion and place proposed Ordinance No. 520 on October 5, 2009 consent agenda for consideration.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None required		
Submitted by: Jan Vogee, Building Official Administration 		
		City Manager 
Today's Date: September 21, 2009	File Code: R:\CC\Agenda Bill 2009\092809cd-1 Amend BMC 2.15.070 Duties of the Hearings Examiner.docx	

CITY OF BURIEN, WASHINGTON**ORDINANCE NO. 520**

**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON,
RELATING TO THE DUTIES OF THE HEARING EXAMINER TO
INCLUDE ACTING AS THE BOARD OF APPEALS FOR THE
BUILDING AND CONSTRUCTION CODES ADOPTED IN TITLE 15 ;
AMENDING SECTION 2.15.070 OF THE BURIEN MUNICIPAL
CODE, PROVIDING FOR SEVERABILITY, AND ESTABLISHING
AN EFFECTIVE DATE**

WHEREAS, Section 2.15.070 of the Burien Municipal Code provides for the duties of the Hearing examiner; and

WHEREAS, the foregoing section includes provisions for the Hearing Examiner to act as the board of appeals for the purposes of the Uniform Building Code; and

WHEREAS, the Uniform Building Code is no longer in effect in the state of Washington; and

WHEREAS, the City Council of the City of Burien finds that it would be in the best interests of the City to amend Section 2.15.070 to establish and clarify the Hearing Examiners duties to include acting as the board of appeals for the purposes of the Building and Construction Codes adopted in Title 15 of the Burien Municipal Code;

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

Section 1. Amending Section 2.15.070 BMC (Duties of the examiner). Section 2.15.070(3) of the Burien Municipal Code is hereby amended (amendments shown in legislative revisions marks) to read as follows:

2.15.070 Duties of the examiner.

The examiner shall consider the matters set forth below.

(1) Applications and Appeals – Final Decision. The examiner shall receive and examine available information, conduct public hearings, prepare a record thereof, and enter findings of fact and conclusions based upon those facts, which conclusions shall represent the final action on the application, unless appealed, as specified herein, for the following type of applications and appeals.

(a) Applications.

- (i) Applications for residential condominium binding site plan;
 - (ii) Applications for shoreline substantial development permits when combined with other land use applications pursuant to KCC 25.32.080.
- (b) Appeals.
- (i) Appeals from the decision of the director regarding short subdivisions;
 - (ii) Appeal of administrative decision on building permits, grading permits and temporary use permit pursuant to review of the zoning code;
 - (iii) Appeals from notices and orders issued pursuant to KCC Title 23 as adopted by reference;
 - (iv) Appeal from decisions of the director on requests for rate adjustments to surface and storm water management rates and charges.

(2) Applications – Recommendation to Council. Until such time as the planning commission is created and its duties and procedures are adopted, the examiner shall receive and examine available information, conduct public hearings, prepare a record thereof and enter findings of fact and conclusions, based upon those facts, together with a recommendation to the city council, for the following applications:

- (a) Applications for preliminary plats;
- (b) Applications for shoreline environment redesignation.

(3) The examiner shall act as the board of appeals for the purposes of the ~~Uniform Building Code~~. Building and Construction Codes adopted in BMC Title 15.

(4) Other applications or appeals which the council may prescribe by ordinance.

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 ____ DAY OF _____, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ____ DAY OF _____, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher Bacha, Interim City Attorney
Kenyon Disend, PLLC

Filed with the City Clerk: September 21, 2009

Passed by the City Council:

Ordinance No.: 520

Date of Publication:

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion on proposed Ordinance 521, amending Chapter 15.05.032 BMC (Electrical code Adoption) and Chapter 15.30 (Electrical Code)		Meeting Date: September 28, 2009
Department: Community Development	Attachments: 1. <u>Proposed Ord. 521</u> 2. <u>The Washington Cities Electrical Code</u>	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Jan Vogee		
Telephone: (206) 248-5523		
Adopted Work Plan Priority: Yes X No	Work Plan Item Description: Review Development Codes	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the Council to discuss proposed Ordinance 521, amending Chapter 15.05.032 BMC (Electrical Code Adoption) and Chapter 15.30 (Electrical Code).</p> <p>BACKGROUND (Include prior Council action & discussion): Every three years the National Electrical Code is updated and a new edition is published by the National Fire Protection Association (NFPA), which is amended and adopted by the State of Washington. RCW 19.28 requires cities that enforce the electrical code to adopt a code the is equal, higher or better than the state electrical code. The Burien Municipal Code establishes the adoption of the Burien Electrical Code.</p> <p>MyBuildingPermit.com and the Washington Association of Building Officials' formed a committee to review the changes in the 2008 National Electrical Code as well as the state amendments. The Electrical committee had participation for Bellevue, Bellingham, Burien, Des Moines, Kirkland, King County, Lacey, Longview, Marysville, Mercer Island, Olympia, Redmond, Renton, Sea Tac, Seattle and Vancouver. The committee compared the 2008 NEC to the most current State rules and to any regional concerns. Through this effort, "The Washington Cities Electrical Code" was created.</p> <p>This ordinance modifies the existing Burien Municipal Code to adopt "The Washington Cities Electrical Code" along with a couple of amendments to the administrative provisions so as to be consistent with other construction code administrative provisions currently adopted by the City.</p> <p>This code provides cities with a document that compies with RCW 19.28.010(3) and offers the following advantages over the current City Electrical Code:</p> <ul style="list-style-type: none"> • It adopts administrative and procedural rules that are compatible with other Construction Codes adopted by the City. • It is written in the same format as the National Electrical Code and clearly indicates which article of the National Electrical Code is amended eliminating any conflict between a State rule and the National Electrical Code. • The format will allow the creation of insert pages that can be inserted in the applicable pages of the National Electrical Code allowing the code official and the contractor to have a clear understanding of the code amendments. • The Washington Cities Code will provide consistency among the Cites who adopt it. <p>OPTIONS (Including fiscal impacts): N/A</p>		
Administrative Recommendation: Hold discussion and place proposed Ordinance No. 521 on October 5, 2009 consent agenda for consideration.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None required		
Submitted by: Jan Vogee, Building Official		
Administration 	City Manager 	
Today's Date: September 21, 2009	File Code: \\File01\records\CC\Agenda Bill 2009\092809cd-2 Amend BMC Title 15 to Adopt Electrical Code.docx	

CITY OF BURIEN, WASHINGTON



ORDINANCE NO. 521

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON AMENDING BURIEN MUNICIPAL CODE TITLE 15 (BUILDINGS AND CONSTRUCTION) RELATING TO THE ELECTRICAL CODE AND RELATED ADMINISTRATIVE PROVISIONS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Burien Municipal Code establishes the adoption of the Burien Electrical Code; and

WHEREAS, the state has adopted and amended the 2008 National Electrical Code (NEC); and

WHEREAS, RCW 19.28 requires cities that enforce the electrical code to adopt a code that is equal, higher or better than the state electrical code; and

WHEREAS, the MyBuildingPermit.com and the Washington Association of Building Officials' electrical committee has created the Washington Cities Electrical Code which adopts and amends the 2008 National Electrical Code in a manner consistent with Ch. 19.28 RCW; and

WHEREAS, it would be in the best interests of the public health, safety and welfare to amend Title 15 of the Burien Municipal Code to provide for the adoption of the Washington Cities Electrical Code, as amended herein, as the City of Burien Electrical Code, in conformance with Ch. 19.28 RCW;

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

Section 1. Amendment of Section 15.05.032 BMC (Electrical Code – Adoption).
Section 15.05.032 of the Burien Municipal Code is hereby amended (amendments shown in legislative revision marks) to read as follows:

15.05.032 Electrical Code – Adoption

The city of Burien adopts the following codes, as amended, added to, or excepted herein, together with all amendments and additions provided in this title:

(1) The June 22, 2009 edition of "The Washington Cities Electrical Code" as published and printed by the Washington Association of Building Officials and amended in BMC Chapter 15.30.~~The National Electrical Code and the Uniform Administrative Code Provisions as printed by the National Fire Protection~~

~~Association (NFPA) and adopted by the state of Washington in Chapter 296-46B WAC. References to the International Electrical Code within the codes adopted or referenced by this title shall be amended to read National Electrical Code.~~

~~(2) Laws, Rules and Regulations for Installing Electric Wiring and Equipment, issued pursuant to Chapter 19.28 RCW.~~

~~(3) National Electrical Code Article 80 (Administration and Enforcement) is specifically adopted by the city of Burien.~~

~~The city of Burien shall automatically adopt by reference these codes and their respective amendments as they are implemented and as they may be subsequently amended by the state of Washington. . [Ord. 408 § 1, 2004]~~

Section 2. Chapter 15.30 BMC (Electrical Code) Amended. Chapter 15.30 of the Burien Municipal Code is hereby amended (amendments shown in legislative revision marks) to read as follows:

Chapter 15.30

ELECTRICAL CODE

Sections:

- 15.30.010 Short title.
- 15.30.020 Adoption of ~~National~~ The Washington Cities Electrical Code..
- 15.30.030 ~~Article 80.15 not adopted~~ Electrical Board. Repealed
- 15.30.040 ~~Article 80.23 amended~~ Notice of Violations, Penalties ~~Article 85.25 Violations - Amended~~
- 15.30.050 ~~Appeals~~ Article 85.27 Means of Appeal - Amended
- 15.30.060 Fee schedule.

15.30.010 Short title.

This chapter is known as and may be referred to as the “city of Burien electrical code.” [Ord. 250 § 1, 1999]

15.30.020 Adoption of ~~National~~ The Washington Cities Electrical Code.
~~The terms “National Electrical Code” and “NEC” shall refer to the adoption of this code by reference in BMC 15.05.032.~~

The City of Burien adopts the June 22, 2009 edition of the Washington Cities Electrical Code, as published by the Washington Association of Building Official together with all amendments and additions provided in this title.

15.30.030 ~~Article 80.15 not adopted~~ Electrical Board. Article 80.15 of the National Electrical Code is not adopted. (Repealed)

15.30.040 ~~Article 80.23 amended~~ Notice of Violations, Penalties ~~Article~~

85.25 Violations - Amended

~~Article 80.23 of the National Electrical Code, as adopted by this chapter, is not adopted and is replaced with the following:~~

~~Article 80.23 Violations. Violations of this code shall be subject to BMC 15.05.110.~~

(1) Article 85.25 of The Washington Cities Electrical Code is amended and supplemented by amending Article 85.25 (A) Unlawful acts to read as follows:

Article 85.25 Violations.

(A) Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any system or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code, or fail to comply with a lawful order issued pursuant to this code.

(2) Article 85.25 of The Washington Cities Electrical Code is amended and supplemented by amending Article 85.25 (C) Penalties to read as follows:

85.25(C) Penalties. Any person who fails to comply with the provisions of this code or who fails to carry out an order made pursuant of this code or violates any condition attached to a permit, approval or certificate shall be subject to the penalties as prescribed ~~by law. in BMC 15.05.110(3) through (6).~~

The imposition of the penalties herein described shall not prevent the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

15.30.050 ~~Appeals.~~ Article 85.27 Means of Appeal - Amended
~~Appeals shall be heard by the Hearing Examiner pursuant to BMC 15.05.120.~~

Article 85.27 of The Washington Cities Electrical Code is amended to read as follows:

85.27 Means of Appeal.

A person shall have the right to appeal a decision of the code official. An application for appeal shall be based on a claim that

the true intent of this code or the rules legally adopted hereunder, have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed.

Appeals shall be heard by the hearing examiner pursuant to ~~the applicable chapters of the City's Municipal Code.~~ BMC 15.05.120.

15.30.060 Fee schedule.

Fees shall be in accordance with fee schedules adopted by resolution of the city council. [~~Ord. 335 § 4, 2001; Ord. 250 § 1, 1999~~]

Section 3. 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 4. 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 ____ DAY OF _____, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ____ DAY OF _____, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher Bacha, Interim City Attorney
Kenyon Disend, PLLC

Filed with the City Clerk: September 21, 2009

Passed by the City Council:

Ordinance No.: 521

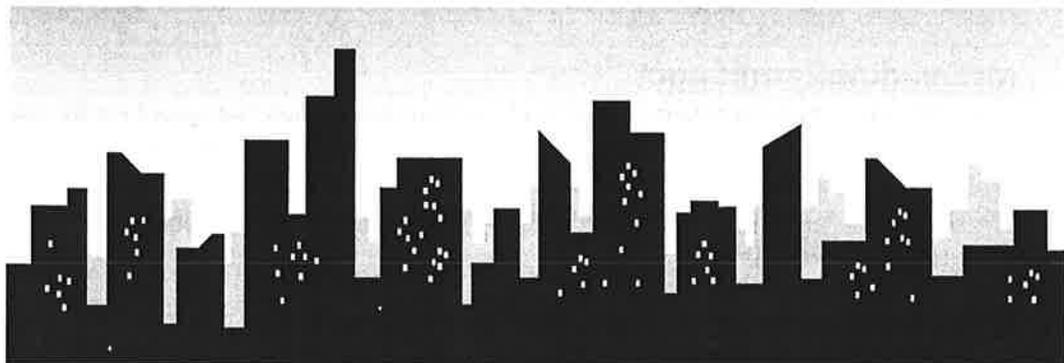
Date of Publication:



Washington Association
of Building Officials

The Washington Cities Electrical Code

June 22, 2009



PREFACE

Introduction

The Washington Cities Electrical Code is a joint effort between the MyBuildingPermit.com (MBP) EGov portal and the Washington Association of Building Officials (WABO). This Code was created to provide cities with a document that complies with RCW 19.28.010(3), which allows cities to enforce any Ordinance that is equal, higher or better than the State's rules, but offers the following advantages.

- This Code omits all administrative and procedural State rules that cities cannot or choose not to adopt.
- This Code is written in the same format as the NEC to eliminate any conflict between a State rule and the NEC. This format will also allow the creation of insert pages that can be inserted into the applicable pages of the NEC.
- This Code provides enforcement consistency among those cities that choose to adopt it.

Development

The partnership between MBP and WABO resulted in an Electrical Committee open to any Washington city and county wishing to participate. The Electrical Committee had participation from Bellevue, Bellingham, Burien, Des Moines, Kirkland, King County, Lacey, Longview, Marysville, Mercer Island, Olympia, Redmond, Renton, SeaTac, Seattle and Vancouver. The committee compared the 2008 NEC to the most current State rules and to any regional concerns and through consensus produced this Code. All Washington cities are encouraged to adopt this Code.

MyBuildingPermit.com

MyBuildingPermit.com (MBP) is an internet portal currently shared by 16 cities and one county. Through the MBP portal, homeowners and contractors can obtain over the counter types of electrical, plumbing, mechanical and reroof permits. Plans are under way to allow the submittal of plans electronically through the MBP site.

Other services provided through the MBP site include:

- Online inspection requests
- Current permit status

- Tip sheets for various construction issues
- Training opportunities

The member jurisdictions are dedicated to providing a consistent and efficient permitting experience to their customers. The current members of MBP are, Bellevue, Bothell, Burien, Duvall, Gig Harbor, Kenmore, Kirkland, Issaquah, Mercer Island, Mill Creek, Mukilteo, Renton, Sammamish, SeaTac, Snohomish County, Snoqualmie, Woodinville .

Washington Association of Building Officials

The Washington Association of Building Officials (WABO) was incorporated in 1977 to promote building codes and standards that safeguard the public health and safety; advise on legislative matters; assist in the development of national and state codes; provide educational opportunities for its members; and preserve local government control of code administration.

The WABO is a nonprofit, professional association of state, county, city and town officials in Washington State engaged in the development, enforcement and administration of building construction codes and ordinances. Members (both governmental and associate) are building officials and inspectors, planners, architects, structural engineers and others interested in providing safe buildings for our communities.

Format

This Code is divided into three parts to facilitate those cities that do not want to adopt the entire document. Part 1 adopts the 2008 NEC and other necessary codes and standards adopted by the State. Part 2 is an administrative chapter based on portions of the ICC Electrical Code, published by the International Code Council. It provides necessary rules for enforcing and administering the NEC. Part 3 amends the NEC through supplements, deletions or revisions to be equal, higher or better than the State's rules. Only those Sections of the NEC that have been amended are included in this Code.

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Part 1 - Adoption

80 National Electrical Code Article 80 created — Adoption.

The National Electrical Code is amended and supplemented by the addition of a new Article to be known as Article 80 – Adoption, to read as follows:

Article 80 Adoption

80.1 Short Title. These regulations shall be known as the City Electrical Code and shall be cited as such and will be referred to herein as "this code."

80.3 National Electrical Code and Standards Adopted. The 2008 Edition of the National Electrical Code (NFPA 70), including Annex A, B and C; the 2007 Edition of Standard for the Installation of Stationary Pumps for Fire Protection (NFPA 20-2007); the 2005 Edition of Standard for Emergency and Standby Power Systems (NFPA 110-2005); Commercial Building Telecommunications Cabling Standard (ANSI/TIA/EIA 568-B.1 June 2002 including Annex 1 through 5); Commercial Building Standard for Telecommunications Pathway and Spaces (ANSI/TIA/EIA 569-A-7 December 2001 including Annex 1 through 4); Commercial Building Grounding and Bonding Requirements for Telecommunications (ANSI/ TIA/EIA 607-A-2002); and the Residential Telecommunications Cable Standard (ANSI/TIA/EIA 570-B-2004) are adopted and shall be applicable within the city, as amended, added to and excepted in this code.

80.4 Conflicts. In accordance with RCW 19.28.010(3), where the State of Washington, Department of Labor and Industries adopts a more current edition of the National Electrical Code (NFPA 70) the Code Official may supplement use of this Code with newly adopted editions of the National Electrical Code.

Part 2 - Administration

85 National Electrical Code Article 85 created — Administration.

The National Electrical Code is amended and supplemented by the addition of a new Article to be known as Article 85 – Administration, to read as follows:

Article 85 Administration

85.1 Purpose. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of electrical systems and equipment.

85.3 Scope. This code covers the installation of electric conductors, electric equipment and additions, alterations, modifications, or repairs to existing electrical installations for the following:

- (A) Electric conductors, electric equipment, and electrical raceways installed within or on public and private buildings, property or other structures.
- (B) Signaling and communications conductors and equipment, telecommunications conductors and equipment, fiber optic cables, and raceways installed within or on public and private buildings, property or other structures.
- (C) Yards, lots, parking lots, and industrial substations.
- (D) Temporary electrical installations for use during the construction of buildings.
- (E) Temporary electrical installations for carnivals, conventions, festivals, fairs, traveling shows, the holding of religious services, temporary lighting of streets, or other approved uses.
- (F) Installations of conductors and equipment that connect to a supply of electricity.
- (G) All other outside electrical conductors on the premises.
- (H) Optional standby systems derived from portable generators.

Exception: Installations under the exclusive control of electric utilities for the purpose of communication, transmission, and distribution of electric

energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utilities or on public highways, streets, roads, etc., or outdoors by established rights on private property.

It is the intent of this section that this code covers all premises' wiring or wiring other than utility owned metering equipment, on the load side of the service point of buildings, structures, or any other premises not owned or leased by the utility. Also, it is the intent that this code covers installations in buildings used by the utility for purposes other than listed in above, such as offices buildings, warehouses, garages, machine shops, and recreational buildings which are not an integral part of a generating plant, substation, or control center.

85.5 Applicability

(A) New Installations. This code applies to new electrical installations. Exception: If an electrical permit application is received after this chapter has taken effect, but is associated with a building permit application received prior to the effective date of the ordinance codified in this chapter, all applicable codes adopted and in force at the time of a complete building permit application will apply.

(B) Existing installations. Lawfully installed existing electrical installations that do not comply with the provisions of this chapter shall be permitted to be continued without change, except as is specifically covered in this code, the International Fire Code or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public. Where changes are required for correction of hazards, a reasonable amount of time shall be given for compliance, depending on the degree of the hazard.

(C) Maintenance. Electrical systems, equipment, materials and appurtenances, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe, hazard-free condition. Devices or safeguards that are required by this code shall be maintained in compliance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of the electrical systems and equipment. To determine compliance with this provision, the code official shall have the authority to require that the electrical systems and equipment be re-inspected.

(D) Additions, alterations, modifications or repairs. Additions, alterations, modifications or repairs to the electrical system of any building, structure, or premises shall conform to the requirements of this code without requiring those portions of the existing building not being altered or modified to comply with all the requirements of this code. Installations, additions, alterations, modifications, or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as determined by the building official or designated representative. Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the code in force at the time the additions were made.

(E) Change in occupancy. It shall be unlawful to make a change in the occupancy of any structure that will subject the structure to any special provision of this code applicable to the new occupancy without approval. The code official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to public health, safety or welfare.

(F) Differences.

(1) Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(2) The requirements of this code will be observed where there is any conflict between this code and the National Electrical Code (NFPA 70), Centrifugal Fire Pumps (NFPA 20), the Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-B, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, or ANSI/TIA/EIA 570..

(3) The National Electrical Code will be followed where there is any conflict between standard for Installation of Stationary Pumps for Fire Protection (NFPA 20), standard for Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-B, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, ANSI/TIA/EIA 570-B, and the National Electrical Code (NFPA 70).

(G) Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

(H) Validity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions thereof, which are determined to be legal; and

it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

(I) Segregation of invalid provisions. Any invalid part of this code shall be segregated from the remainder of this code by the court holding such part invalid, and the remainder shall remain effective.

(J) Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapters, sections or provisions of this code.

(K) Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes or standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

(L) Annex Chapters Provisions in the annex chapters shall not apply unless specifically referenced in the adopting ordinance.

(M) Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of nationally recognized standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the code official to determine compliance with codes or standards for those activities or installations within the code official's jurisdiction or responsibility.

85.9 Moved buildings or structures.

(A) Buildings or structures intended to be relocated within or into the city must be inspected by the code official for compliance with the codes and standards adopted in this chapter prior to being relocated or moved. The owner of the building or structure must obtain a building permit and further must agree to correct all deficiencies identified by the inspection prior to moving the building. All deficiencies must be corrected before electric power is connected to the building.

(B) Nonresidential buildings or structures moved into the jurisdiction must be inspected to ensure compliance with current requirements of this Code.

(C) Residential buildings or structures wired in the U.S., to NEC requirements, and moved into the jurisdiction must be inspected to ensure

compliance with the NEC requirements in effect at the time and place the original wiring was made. The building or structure must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department if:

- (1) The original occupancy classification of the building or structure is changed as a result of the move; or
- (2) The building or structure has been substantially remodeled or rehabilitated as a result of the move.

(D) Residential buildings or structures wired in Canada to Canadian Electrical Code (CEC) standards and moved into the jurisdiction must be inspected to ensure compliance with the following minimum safety requirements:

- (1) Service, service grounding, and service bonding must comply with this Code.
- (2) Canadian Standards Association (CSA) listed Type NMD cable is allowed with the following qualifications:
 - (a) CSA listed Type NMD cable, American Wire Gauge #10 and smaller installed after 1964 utilizing an equipment grounding conductor smaller than the phase conductors, must be:
 - (i) Replaced with a cable utilizing a full-size equipment grounding conductor; or
 - (ii) Protected by a ground fault circuit interrupter protection device.
 - (b) CSA listed Type NMD cable, #8 AWG and larger, must:
 - (i) Utilize an equipment grounding conductor sized according to the requirements of the NEC in effect at the time of the installation;
 - (ii) Be protected by a ground fault circuit interrupter protection device; or
 - (iii) Be replaced.
- (3) Other types of wiring and cable must be:
 - (a) Replaced with wiring listed or field evaluated in accordance with U.S. standards by a laboratory approved by the department; or
 - (b) Protected by a ground fault circuit interrupter protection device and arc fault circuit protection device.
- (4) Equipment, other than wiring or panelboards, manufactured and installed prior to 1997 must be listed and identified by laboratory labels approved by the department or CSA labels.
- (5) All panelboards must be listed and identified by testing laboratory labels approved by the department with the following qualifications:
 - (a) CSA listed panelboards labeled "Suitable for Use as Service Equipment" will be considered to be approved as "Suitable for Use only as Service Equipment."

- (b) CSA listed panelboards must be limited to a maximum of 42 circuits.
- (c) CSA listed panelboards used as lighting and appliance panelboards as described in the NEC, must meet all current requirements of the NEC and this chapter.
- (6) Any wiring or panelboards replaced or changed as a result of the move must meet current requirements of chapter 19.28 RCW and this chapter.
- (7) The location, type, and ground fault circuit interrupter protection of receptacles and equipment in a bathroom, kitchen, basement, garage, or outdoor area must meet the Washington requirements in effect at the time the wiring was installed.
- (8) 4, 15-ampere, kitchen small appliance circuits will be accepted in lieu of 2, 20-ampere, kitchen small appliance circuits. Receptacles will not be required to be added on kitchen peninsular or island counters.
- (9) Spacing requirements for all other receptacles must meet the Washington requirements in effect at the time the wiring was installed.
- (10) Receptacles installed above baseboard or fixed wall space heaters must be removed and the outlet box covered with a blank cover. The receptacle is required to be relocated as closely as possible to the existing location.
- (11) Lighting outlet and switch locations must meet the Washington requirements in effect at the time the wiring was installed.
- (12) Dedicated 20-ampere small appliance circuits are not required in dining rooms.
- (13) Electric water heater branch circuits must be adequate for the load.
- (14) The location, type, and circuit protection of feeders must meet the Washington State requirements in effect at the time the wiring was installed.

85.11 Organization and Enforcement

(A) Creation of enforcement agency. The department of electrical inspection is hereby created and the official in charge thereof shall be known as the code official. The function of the department shall be to assist the code official in the administration and enforcement of the provisions of this code.

(B) Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction.

(C) Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, the related

technical officers, inspectors, plans examiners and other employees. Such employees shall have powers as delegated by the code official.

(D) Duties and powers of the code official. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

(1) Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

(2) Applications and permits. The code official is authorized to receive applications, review construction documents and issue permits for the installation of electrical systems and equipment, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code.

(3) Notices and orders. The code official is authorized to issue all necessary notices or orders in accordance with Section 85.25(B) as are required to effect compliance with this code.

(4) Inspections. The code official shall make all of the inspections necessary to determine compliance with the provisions of this code in accordance with Section 85.19.

(5) Identification. The code official shall carry proper identification as required by Section 85.19(G).

(6) Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code in accordance with Section 85.19(I).

(7) Department records. The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, notices and orders issued, and as required by this code, such records shall be retained in the official records for the period required for retention of public records.

(8) Approvals and modifications. A record of approvals and modifications granted shall be maintained by the code official and shall

be available for public inspection during business hours in accordance with applicable laws.

(9) Inspections. The code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

(10) Alternative methods or materials. The application for modification, alternative methods or materials and the final decision of the code official shall be in writing and shall be officially recorded in the permanent records of the code official.

(11) Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings.

The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any official, officer or employee, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

(E) Certificate of Occupancy. No building or structure shall be used or occupied until a certificate of occupancy has been provided in accordance with the *International Building Code*.

85.13 Permits and Fees.

(A) Permits required. Permits required by this code shall be obtained from the code official. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the code official.

(B) Types of permits. An owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace electrical systems or equipment, the installation of which is regulated by this code, or to cause such work to be

done, shall first make application to the code official and obtain the required permit for the work.

Exception: Where repair or replacement of electrical systems or equipment must be performed in an emergency situation, the permit application shall be submitted within the next working business day.

(C) Telecommunication Systems. An electrical permit is required for all installations of telecommunications systems on the customer side of the network demarcation point for projects greater than ten telecommunications outlets. All backbone installations regardless of size and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations require permits and inspections. For the purposes of determining the inspection threshold for telecommunications projects greater than ten outlets, the following will apply:

- (1) An outlet is the combination of jacks and mounting hardware for those jacks, along with the associated cable and telecommunications closet terminations that serve one workstation. In counting outlets to determine the inspection threshold, one outlet must not be associated with more than six standard four pair cables or more than one twenty-five-pair cable. Therefore, installations of greater than sixty standard four-pair cables or ten standard twenty-five-pair cables require permits and inspections. (It is not the intent of the statute to allow large masses of cables to be run to workstations or spaces serving telecommunications equipment without inspection. Proper cable support and proper loading of building structural elements are safety concerns. When considering total associated cables, the telecommunications availability at one workstation may count as more than one outlet.)
- (2) The installation of greater than ten outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous ninety-day period requires a permit and inspection.
- (3) All telecommunications installations within the residential dwelling units of single-family, duplex, and multifamily dwellings do not require permits or inspections. In residential multifamily dwellings, permits and inspections are required for all backbone installations, all fire barrier penetrations, and installations of greater than ten outlets in common areas.
- (4) No permits or inspections are required for installation or replacement of cord and plug connected telecommunications equipment or for patch cord and jumper cross-connected equipment.

(5) Definitions of telecommunications technical terms will come from chapter 19.28 RCW, this chapter, TIA/EIA standards, and NEC.

(D) Temporary Installations. For temporary electrical installations, the city will consider a permit applicant to be the owner per RCW 19.28.261 under the conditions below:

Any person firm, partnership, corporation, or other entity registered as a general contractor under chapter 18.27 RCW will be permitted to install a single electrical service per address for the purposes of temporary power during the construction phase of a project, when all of the following conditions are met:

- 1) The installation is limited to the mounting and bracing of a pre-assembled pole or pedestal mounted service, the installation of a ground rod or ground plate, and the connection of the grounding electrode conductor to the ground rod or plate;
- 2) The total service size does not exceed 200 amperes, 250 volts nominal;
- 3) The service supplies no feeders;
- 4) Branch circuits not exceeding 50 amperes each are permitted, provided such branch circuits supply only receptacles that are either part of the service equipment or are mounted on the same pole;
- 5) The general contractor owns the electrical equipment;
- 6) The general contractor has been hired by the property owner as the general contractor for the project;
- 7) The general contractor must purchase an electrical work permit for the temporary service, request inspection, and obtain approval prior to energizing the service.

(E) Work exempt from permit.

As required by chapter 19.28 RCW or this chapter, an electrical permit is required for the installation, alteration, or maintenance of all electrical systems or equipment except for:

- (1) Travel trailers;
- (2) Basic electrical work which includes:
 - a) The like-in-kind replacement of a: Contactor, relay, timer, starter, circuit board, or similar control component; household appliance; circuit breaker; fuse; residential luminaire; lamp; snap switch; dimmer; receptacle outlet; thermostat; heating element; luminaire ballast with an exact same ballast; component(s) of electric signs, outline lighting, skeleton neon tubing when replaced on-site by an appropriate electrical contractor and when the sign, outline lighting or skeleton neon tubing electrical system is not modified; ten horsepower or smaller motor;

- b) Induction detection loops described in WAC 296-46B-300(2) and used to control gate access devices; and
- c) Heat cable repair

Unless specifically noted, the exemptions listed do not include: The replacement of an equipment unit, assembly, or enclosure that contains an exempted component or combination of components. (i.e., electrical furnace/heat pumps, industrial milling machine, etc.)

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction.

(F) Application. Application for a permit required by this code shall be made to the code official in such form and detail as prescribed by the code official. Applications for permits shall be accompanied by such plans as prescribed by the code official.

(1) Action on application. The code official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the code official shall reject such application in writing, stating the reasons therefore. If the code official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the code official shall issue a permit as soon as practicable.

(2) Inspection required. Before a permit is issued, the code official is authorized to inspect and approve the systems, equipment, buildings, devices, premises and spaces or areas to be used.

(3) Time limitation of application. An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one extension of time for an additional period not exceeding 90 days. The extension shall be requested in writing and justifiable cause demonstrated.

(G) Conditions of a permit. A permit shall constitute permission to conduct work as set forth in this code in accordance with the provisions of this code. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code or other applicable regulations or laws of the jurisdiction.

(H) Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after

its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The code official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(I) Extensions. The code official is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than 90 days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

(J) Posting the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the code official.

(K) Validity. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the code official from requiring the correction of errors in the construction documents and other data. The code official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

(L) Information on the permit. The code official shall issue all permits required by this code on an approved form furnished for that purpose. The permit shall contain a general description of the operation or occupancy and its location and any other information required by the code official. Issued permits shall bear the signature of the code official, except when issued through a City authorized online permitting system.

(M) Suspension or revocation. The code official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error, on the basis of incorrect, inaccurate or incomplete information; in violation of any ordinance, regulation or any of the provisions of this code; or if any one of the following conditions exists:

- (a) The permit is used for a location or establishment other than that for which it was issued.
- (b) The permit is used for a condition or activity other than that listed in the permit.
- (c) Conditions and limitations set forth in the permit have been violated.
- (d) There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
- (e) The permit is used by a different person or firm than the name for which it was issued.

(f) The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.

(g) The permit was issued in error or in violation of an ordinance, regulation or this code.

(N) FEES.

1) Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

2) Schedule of permit fees. A fee for each permit shall be paid as required, in accordance with the schedule as established by the City.

3) Work commencing before permit issuance. Except where authorized for emergencies by Section 85.13(B) exception, any person who commences any work before obtaining the necessary permits shall be subject to an additional fee established by the code official, which shall be in addition to the required permit fees.

4) Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection with, or concurrently with, the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

5) Refunds. The code official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code provided the request is made in writing and file by the original permittee not later than 180 days after the date of permit issuance. The code official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is done provided the request is made in writing and filed by the original applicant not later than 180 days after the date of application.

6) Use of Consultants. Whenever review of an application requires retention by the city for professional consulting services for other than normal plan review, the applicant shall reimburse the city the cost of such professional consulting services. This fee may be in addition to the normal plan review and permit fees. The city may require the applicant to deposit an amount with the city to be sufficient to cover anticipated costs to retain professional consultant services and to ensure reimbursement for such costs.

85.15 Construction Documents

(A) Submittal documents. Construction documents, special inspection and structural observation programs, and other data shall be submitted as required by the City in two or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the State of Washington. Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The code official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with this code.

(B) Electrical Engineer. Electrical plans for the following installations shall be prepared by, or under the direction of, a consulting electrical engineer registered under Chapter 18.43 RCW, and Chapters 180-29, 246B-320, and 388-97 WAC. All electrical plans must bear the engineer's stamp and signature.

- (1) All educational facilities, hospitals and nursing homes;
- (2) All services or feeders rated 1,600 amperes or larger;
- (3) All installations identified in the National Electrical Code requiring engineering supervision;
- (4) As required by the building official for installations which by their nature are complex, hazardous or pose unique design problems.

(C) Information on construction documents. Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted where approved by the code official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the code official.

Construction documents shall identify the name and classification of the facility and clearly show the electrical installation or alteration in floor plan view, include all switchboard and panelboard schedules and when a service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation, and interrupting rating of equipment.

(D) Penetrations. Construction documents shall indicate where penetrations will be made for electrical systems and shall indicate the

materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

(E) Load calculations. Where an addition or alteration is made to an existing electrical system, an electrical load calculation shall be prepared to determine if the existing electrical service has the capacity to serve the added load.

(F) Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The code official is permitted to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

(G) Plan review required. Electrical plan review is required for all new or altered electrical projects in the following occupancies and/or installations:

1) Educational, institutional, or health care facilities/buildings as follows:

- (a) Hospital
- (b) Nursing home unit or long-term care unit
- (c) Boarding home
- (d) Assisted living facility
- (e) Private alcoholism hospital
- (f) Alcoholism treatment facility
- (g) Private psychiatric hospital
- (h) Maternity home
- (i) Ambulatory surgery facility
- (j) Renal hemodialysis clinic
- (k) Residential treatment facility for psychiatrically impaired children and youth
- (l) Adult residential rehabilitation center
- (m) Educational facilities
- (n) Institutional facilities

Exception: Electrical Plan review is not required for the above educational, institutional, or health care facilities buildings where:

- 1. Lighting specific projects that result in an electrical load reduction on each feeder involved in the project;
- 2. Low voltage systems;

3. Modification to existing electrical installations where all of the following conditions are met:
 - a. Service or distribution equipment involved is rated 100 amperes or greater and does not exceed 250 volts;
 - b. Does not involve emergency systems other than listed unit equipment per NEC 700.12(F);
 - c. Does not involve branch circuits or feeders of an essential electrical system as defined in NEC 517.2; and
 - d. Service and feeder load calculations are increased by 5% or less.
 4. Stand-alone utility fed services that do not exceed 250 volts, 100 amperes where the project's distribution system does not include:
 - a. Emergency systems other than listed unit equipment per NEC 700.12(F);
 - b. Critical branch circuits or feeders as defined in NEC 517.2, or
 - c. A required fire pump system.
- 2) Alterations in non-residential occupancies 2,500 square feet and greater.
 - 3) Installations in occupancies, except one and two family dwellings, where a service or feeder rated 100 amperes or greater is installed or altered or if more than 100 amperes is added to the service or feeder.
 - 4) All work on electrical systems operating at/over 600 Volts
 - 5) All commercial generator installations or alterations
 - 6) All work in areas determined to be hazardous (classified) location by the NEC.
 - 7) If 60% or more of luminaires change.
 - 8) Installations of switches or circuit breakers rated four hundred amperes or over except for one and two family dwellings.
 - 9) Wind driven generators.
 - 10) Solar photovoltaic systems.
 - 11) Any proposed installation which cannot be adequately described in the application form.

(H) Examination of Documents. The code official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

(I) Approval of construction documents. When the code official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed By", "Approved", or other similar words. One set of

construction documents so reviewed shall be retained by the code official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the code official or the authorized representative.

(1) Previous approvals. This code shall not require changes in the construction documents, construction or installation of electrical systems or equipment for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

(2) Phased approval. The code official is authorized to issue a permit for the installation of part of an electrical system before the construction documents for the electrical system have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire system will be granted.

(J) Design Professional in Responsible Charge. When it is required that documents be prepared by a qualified registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required by IBC Chapter 17, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in IBC Chapter 17).

(K) Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge, or the applicant, if no design professional is required, shall list the deferred submittals on the

construction documents for review by the building official. Where a design professional is required, documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official. The building official is authorized to charge an additional plan review fee to evaluate the deferred submittal under.

(L) Amended construction documents (aka "Revisions"). Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents (aka: Revisions). The building official may authorize minor field changes subject to the approval of the field inspector.

(M) Retention of construction documents. One set of approved construction documents shall be retained by the City for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

85.17 APPROVAL

(A) Approved materials and equipment. All materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

(B) Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the department, the code official is authorized to require the owner or the person in possession or control of the building or premises to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or organization acceptable to the code official and shall analyze the properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The code official is authorized to require design submittals to be prepared by and bear the stamp of a registered design professional.

(C) Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, life and fire-safety requirements. The details of action granting modifications shall be recorded and entered in the permit file.

(D) Alternative materials, methods, equipment and appliances. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

(E) Material, equipment and appliance reuse. Materials, equipment, appliances and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

(F) Required testing. Wherever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

(G) Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

(H) Testing agency. All tests shall be performed by an approved agency.

(I) Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

(J) Alternate engineered design. The design, documentation, inspection, testing and approval of an alternative engineered design electrical system shall comply with this section.

1) Design criteria. An alternative engineered design shall conform to the intent of the provisions of this code and shall provide an equivalent level of quality, strength, effectiveness, fire resistance, durability and safety. Materials, equipment or components shall be designed and installed in accordance with the manufacturer's installation instructions.

2) Submittal. The registered design professional shall indicate on the permit application that the electrical system is an alternative engineered design. The permit and permanent permit records shall indicate that an alternative engineered design was part of the approved installation.

3) Technical data. The registered design professional shall submit sufficient technical data to substantiate the proposed alternative engineered design and to prove that the performance meets the intent of this code.

4) Construction documents. The registered design professional shall submit to the code official two complete sets of signed and sealed construction documents for the alternative engineered design. The construction documents shall include floor plans and a diagram of the work.

5) Design approval. Where the code official determines that the alternative engineered design conforms to the intent of this code, the electrical system shall be approved. If the alternative engineered design is not approved, the code official shall notify the registered design professional in writing, stating the reasons therefore.

6) Inspection and testing. The alternative engineered design shall be tested and inspected in accordance with the requirements of this code.

85.19 INSPECTIONS AND TESTING

(A) General. The code official is authorized to conduct inspections that are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body. Electrical wiring or equipment subject to this chapter must be sufficiently accessible, at the time of inspection, to allow the inspector to visually inspect the installation to verify conformance with the NEC and any other electrical requirements of this chapter. Cables or raceways, fished according to the NEC, do not require visual inspection.

(B) Required Inspections. The code official, upon notification, shall make the inspections set forth in this section:

(1) Underground. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping and conductors are installed, and before backfill is put in place. Where excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the raceway, cable or conductors, or where corrosive action will occur, protection shall be provided in the form of granular or selected material, approved running boards, sleeves or other means.

(2) Rough-in. Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and all wiring and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes. All required equipment grounding conductors installed in concealed cable or flexible conduit systems must be completely installed and made up at the time of the rough-in cover inspection.

(3) Other inspections. In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws, which are enforced by the department of electrical inspection.

(4) Final Inspection. The final inspection shall be made after all work required by the permit is completed.

(C) Concealed work. Work shall remain accessible and exposed for inspection purposes until approved. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Wherever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the code official shall have the authority to require that such work be exposed for inspection. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(D) Inspection record card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the code official to make conveniently the required entries thereon regarding inspection of the work. This card shall be maintained by the permit holder until final approval has been granted by the code official.

(E) Approval required. Work shall not be performed beyond the point indicated in each successive inspection and test without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and tests and shall either indicate the portion of

the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

(F) Preliminary inspection. Before issuing a permit, the code official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed. The code official shall be notified when the installation is ready for inspection and is authorized to conduct the inspection within a reasonable period of time.

(G) Identification. The code official shall carry proper identification issued by the governing authority where inspecting structures, premises or facilities in the performance of duties under this code and shall be identified by proper credentials issued by this governing authority.

(H) Impersonation prohibited. A person shall not impersonate the code official through the use of a uniform, identification card, badge or any other means.

(I) Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the code official has reasonable cause to believe that there exists in a structure or upon any premises a condition that is contrary to or in violation of this code, which makes the structure or premises unsafe, dangerous or hazardous, the code official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied, that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the code official is authorized to first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

(J) Inspection agencies. The code official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

(K) Inspection requests. It shall be the duty of the person doing the work authorized by a permit or the owner to notify the code official that such work is ready for inspection. It shall be the duty of the person

requesting any inspections required by this code to provide access to and means for inspection of such work.

(L) Assistance from other agencies. The assistance and cooperation of police, building, fire and health department officials and all other officials shall be available as required in the performance of duties.

(M) Contractors' responsibilities. It shall be the responsibility of every contractor who enters into contracts for the installation or repair of electrical systems for which a permit is required to comply with adopted state and local rules and regulations concerning licensing.

(N) Traffic management systems.

(1) The city will perform the electrical inspection and acceptance of traffic management systems within its jurisdiction. A traffic management system includes:

- (a) Traffic illumination systems;
- (b) Traffic signal systems;
- (c) Traffic monitoring systems;
- (d) The electrical service cabinet and all related components and equipment installed on the load side of the service cabinet supplying electrical power to the traffic management system; and
- (e) Signalization system(s) necessary for the operation of a light rail system. A traffic management system can provide signalization for controlling vehicular traffic, pedestrian traffic, or rolling stock.

(2) The city recognizes that traffic signal conductors, pole and bracket cables, signal displays, traffic signal controllers/cabinets, and associated components used in traffic management systems are acceptable for the purpose of meeting the requirements of chapter 19.28 RCW provided they conform with the following standards or are listed on the Washington state department of transportation (WSDOT) qualified products list.

- (a) WSDOT/APWA Standard Specifications and Plans;
- (b) WSDOT Design Manual;
- (c) International Municipal Signal Association (IMSA);
- (d) National Electrical Manufacturer's Association (NEMA);
- (e) Federal Standards 170/Controller Cabinets;
- (f) Manual for Uniform Road, Bridge, and Municipal Construction;
- (g) Institute of Transportation Engineers (ITE); or
- (h) Manual of Uniform Traffic Control Devices (MUTCD).

(3) *Associated induction* detection loop or similar circuits will be accepted by the department or city authorized to do electrical inspections without inspection.

(4) For the licensing requirements of chapter 19.28 RCW, jurisdictions will be considered owners of traffic management systems when doing electrical work for another jurisdiction(s) under a valid interlocal agreement, as permitted by chapter 39.34 RCW. Interlocal agreements for traffic management systems must be filed with the department or city authorized to do electrical inspections prior to work being performed for this provision to apply.

(5) Jurisdictions, with an established electrical inspection authority, and WSDOT may perform electrical inspection on their rights of way for each other by interlocal agreement. They may not perform electrical inspection on other rights of way except as allowed in chapter 19.28 or 39.34 RCW.

(6) Underground installations.

(a) In other than open trenching, raceways will be considered "fished" according to the NEC and do not require visual inspection.

(b) The department or city authorized to do electrical inspections will conduct inspections in open trenching within its jurisdiction upon request.

(7) Identification of traffic management system components. Local government jurisdictions or WSDOT may act as the certifying authority for the safety evaluation of all components.

(a) An electrical service cabinet must contain only listed components. The electrical service cabinet enclosure is not required to be listed but will conform to the standards in subsection (h) of this section.

(b) The local government jurisdiction must identify, as acceptable, the controller cabinet or system component(s) with an identification plate. The identification plate must be located inside the cabinet and may be attached with adhesive.

(8) Conductors of different circuits in same cable, enclosure, or raceway. All traffic management system circuits will be permitted to occupy the same cable, enclosure, or raceway without regard to voltage characteristics, provided all conductors are insulated for the maximum voltage of any conductor in the cable, enclosure, or raceway.

(0) Testing. Electrical work shall be tested as required in this code. Tests shall be performed by the permit holder and observed by the code official.

(1) **Apparatus, material and labor for tests.** Apparatus, material and labor required for testing an electrical system or part thereof shall be furnished by the permit holder.

(2) **Reinspection and testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

85.21 Service utilities

(A) Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until approved by the code official.

(B) Temporary connection. The code official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

(C) Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility services or energy sources to the building, structure or system regulated by this code in case of an emergency where it is necessary to eliminate an immediate hazard to life or property. The code official shall notify the serving utility and, wherever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

(D) Connection after order to disconnect. A person shall not make utility service or energy source connections to systems regulated by this code, which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such systems.

85.23 Unsafe systems and equipment

(A) Unsafe electrical systems. An electrical system that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by this code, is hereby declared as an unsafe electrical system. Use of an electrical system regulated by this code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe equipment and appliances are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

(B) Authority to condemn electrical systems. Wherever the code official determines that any electrical system, or portion thereof, regulated by this code has become hazardous to life, health or property, the code official shall order in writing that such electrical systems either be removed or restored to a safe condition. A time limit for compliance with such order

shall be specified in the written notice. A person shall not use or maintain a defective electrical system or equipment after receiving such notice.

Where such electrical system is to be disconnected, written notice as prescribed in this code shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

(C) Dangerous conditions. Wherever the code official shall find in any structure or upon any premises dangerous or hazardous conditions or materials, the code official is authorized to order such dangerous conditions or materials to be removed or remedied in accordance with the provisions of this code.

(D) Record. The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

(E) Notice. If an unsafe condition is found, the code official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe condition to be removed within a stipulated time.

(F) Method of service. Such notice shall be deemed properly served if a copy thereof is: (a) delivered to the owner personally; or (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

85.25 Violations

(A) Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any system or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

(B) Notice of Violation

Where the code official finds any building, premises, vehicle, system or equipment that is in violation of this code, the code official is authorized to issue corrective orders.

(1) **Notice.** Wherever the code official determines violations of this code or observes an apparent or actual violation of a provision of this code or other codes or ordinances under the code official's jurisdiction, the code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, where compliance is not immediate, specifying a time for re-inspection. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(2) **Service.** Any order or notice issued pursuant to this code shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such order or notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises, and the order or notice shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both.

(3) **Compliance with orders and notices.** Orders and notices issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the order or notice pertains.

(4) **Failure to correct violations.** If the notice of violation is not complied with, the code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of any order or direction made pursuant thereto.

(5) **Failure to comply.** Failure to comply with an abatement notice or other corrective notice issued by the code official shall result in each day that such violation continues being regarded as a new and separate offense.

(6) **Unauthorized tampering.** Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with or removed without authorization from the code official.

(C) Penalties. Any person who fails to comply with the provisions of this code or who fails to carry out an order made pursuant of this code or violates any condition attached to a permit, approval or certificate shall be subject to the penalties as prescribed by law.

The imposition of the penalties herein described shall not prevent the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to

prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

(D) Stop work order. Upon notice from the code official that any electrical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume.

(1) Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

(2) Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

85.27 Means of Appeal.

A person shall have the right to appeal a decision of the code official. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder, have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed.

Appeals shall be heard by the hearing examiner pursuant to the applicable Chapters of the City's Municipal Code.

85.29 Additional Electrical Provisions

(A) All identified electrical hazards shall be abated. All identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the code official responsible for enforcement of this code. Electrical wiring, devices, appliances and other equipment which is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.

(B) Electrical appliances and fixtures shall be tested and listed in published reports of inspected electrical equipment by an approved agency and installed in accordance with all instructions included as part of such listing.

(C) The cutting, notching and boring of wood and steel framing members, structural members and engineered wood products shall be in accordance with the International Building Code.

(D) Penetrations of walls, floors, ceilings and assemblies required to have a fire-resistance rating, shall be protected in accordance with the International Building Code. Where cables, conductors and raceways

penetrate fireblocking or draftstopping, such penetrations shall be protected by filling the annular space with an approved fireblocking material.

(E) Where appliances requiring access are installed in attics or underfloor spaces, a luminaire controlled by a switch located at the required passageway opening to such space and a receptacle outlet shall be provided at or near the appliance location.

(F) Fuel gas piping shall not be used as a grounding electrode.

(G) Emergency and standby power systems required by the International Building Code or International Fire Code shall be installed in accordance with the International Building Code, the International Fire Code, NFPA 110, NFPA 111 and this code.

(H) Smoke control systems required by the International Building Code or International Fire Code shall be supplied with two sources of power. Primary power shall be the normal building power systems. Secondary power shall be from an approved standby source complying with this code. The standby power source and its transfer switches shall be in a separate room from the normal power transformers and switch gear, and shall be enclosed in a room constructed of not less than 1-hour fire-resistance-rated fire barriers, ventilated directly to and from the exterior. Power distribution from the two sources shall be by independent routes. Transfer to full standby power shall be automatic and within 60 seconds of failure of the primary power.

(I) Elements of the smoke management system relying on volatile memories or the like shall be supplied with uninterruptable power sources of sufficient duration to span 15-minute primary power interruption. Elements of the smoke management system susceptible to power surges shall be suitably protected by conditioners, suppressors or other approved means.

(J) In addition to meeting the requirements of this code, all signal and control wiring for smoke control systems, regardless of voltage, shall be fully enclosed within continuous raceways.

(K) Combustible electrical or electronic wiring methods and materials, optical fiber cable, and optical fiber raceway exposed within plenums regulated by Section 602 of the International Mechanical Code shall have a peak optical density not greater than 0.50, an average optical density not greater than 0.15, and a flame spread not greater than 5 feet (1524 mm) when tested in accordance with NFPA 262. Only type OFNP (plenum-rated

non-conductive optical fiber cable) shall be installed in plenum-rated optical fiber raceways. Wiring, cable and raceways addressed in this section shall be listed and labeled as plenum rated and shall be installed in accordance with this code.

(L) Combustible electrical equipment exposed within plenums regulated by Section 602 of the International Mechanical Code shall have a peak rate of heat release not greater than 100 kilowatts (kW), a peak optical density not greater than 0.50, and an average optical density not greater than 0.15 when tested in accordance with UL 2043. Combustible electrical equipment shall be listed and labeled.

(M) Permanently installed equipment and appliances powered by internal combustion engines and turbines shall be installed in accordance with the manufacturer's installation instructions, the International Mechanical Code, International Fuel Gas Code and NFPA 37.

(N) Stationary fuel cell power systems having a power output not exceeding 10MW shall be tested in accordance with ANSI CSA America FC1 and shall be installed in accordance with the manufacturer's installation instructions and NFPA 853.

(O) The power supply to the electrical control system for boilers shall be from a two-wire branch circuit that has a grounded conductor or from an isolation transformer with a two-wire secondary. Where an isolation transformer is provided, one conductor of the secondary winding shall be grounded. Control voltage shall not exceed 150 volts nominal, line to line. Control and limit devices shall interrupt the ungrounded side of the circuit. A means of manually disconnecting the control circuit shall be provided, and controls shall be arranged so that when de-energized, the burner shall be inoperative. Such disconnecting means shall be capable of being locked in the off position and shall be provided with ready access.

(P) Doors into electrical control panel rooms shall be marked with a plainly visible and legible sign stating ELECTRICAL ROOM or similar approved wording. The disconnecting means for each service, feeder or branch circuit originating on a switchboard or panelboard shall be legibly and durably marked to indicate its purpose unless such purpose is clearly evident.

(Q) In new construction, required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be

permanent and without a disconnecting switch other than as required for overcurrent protection.

- *Exception: Smoke alarms are not required to be equipped with battery backup in Group R-1 where they are connected to an emergency electrical system.*

(R) Where more than one smoke alarm is required to be installed within an individual dwelling unit or sleeping unit in Group R-2, R-3 or R-4, or within an individual sleeping unit in Group R-1, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

(S) Existing buildings. This section shall apply to existing buildings and structures that are within the scope of an adopted property maintenance code, abatement of dangerous buildings code, existing building code and/or housing code. Every occupied building shall be provided with an electrical system in compliance with the following requirements:

(1) Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with this code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

(2) Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(3) Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(4) Receptacles. Every habitable space in a dwelling shall be provided with at least two separate and remote receptacle outlets. Every laundry area shall be provided with at least one grounding-type receptacle outlet or a receptacle outlet with ground fault circuit interrupter protection. Every bathroom shall contain at least one receptacle outlet. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

(5) Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall be provided with at least one electric luminaire.

Part 3 – NEC Amendments

90.7 Examination of equipment for safety

Article 90.7 of the National Electrical Code is amended to read as follows:

90.7 Examination of equipment for safety. For specific items of equipment and materials referred to in this Code, examinations for safety made under standard conditions, to a recognized United States or harmonized international standard, provide a basis for approval where the record is made generally available through promulgation by organizations properly equipped and qualified for experimental testing, inspections of the run of goods at factories, and service-value determination through field inspections. This avoids the necessity for repetition of examinations by different examiners, frequently with inadequate facilities for such work, and the confusion that would result from conflicting reports on the suitability of devices and materials examined for a given purpose.

It is the intent of this Code that factory-installed internal wiring or the construction of equipment need not be inspected at the time of installation of the equipment, except to detect alterations or damage, if the equipment has been listed by a qualified electrical testing laboratory that is recognized as having the facilities described in the preceding paragraph and that requires suitability for installation in accordance with this Code.

100 National Electrical Code Article 100 amended — Definitions.

Article 100 of the National Electrical Code is amended and supplemented by the addition of the following definitions to read as follows:

“Accessible (as applied to wiring methods)” means capable of being removed or exposed without damaging the building structure or finish or not permanently closed in by the structure or finish of the building including insulation.

“Accessible, Readily (Readily Accessible)” means capable of being reached quickly for operation, renewal, or inspections without requiring

those to who ready access is requisite to climb over or remove obstacles or to resort to portable ladders, and so forth. In addition, it means that except for keys, no tools or other devices are necessary to gain access (e.g. covers secured with screws, etc.)

"Adult residential rehabilitation center" means a residence, place, or facility designed or organized primarily to provide twenty-four-hour residential care, crisis and short-term care or long-term individualized active treatment and rehabilitation for clients diagnosed or evaluated as psychiatrically impaired or chronically mentally ill as defined herein or in chapter 71.24 RCW.

"Alcoholism treatment facility" means a private place or establishment, other than a licensed hospital, operated primarily for the treatment of alcoholism.

"Ambulatory surgical facility" means a facility, not a part of a hospital, providing surgical treatment to patients not requiring inpatient care in a hospital. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using such facility is not extended to physicians or dentists outside the individual or group practice.

"Amusement structure" means electrical or mechanical devices or combinations of devices operated for revenue and to provide amusement or entertainment to viewers or audiences at carnivals, fairs, or amusement parks. "Amusement structure" also means a bungee jumping device regardless of where located. "Amusement structure" does not include games in which a member of the public must perform an act, nor concessions at which customers may make purchases.

"Amusement ride" means any vehicle, boat, bungee jumping device, or other mechanical device moving upon or within a structure, along cables or rails, through the air by centrifugal force or otherwise, or across water, that is used to convey one or more individuals for amusement, entertainment, diversion, or recreation. "Amusement ride" includes, but is not limited to, devices commonly known as skyrides, ferris wheels, carousels, parachute towers, tunnels of love, bungee jumping devices, and roller coasters. "Amusement ride" does not include: (a) Conveyances for persons in recreational winter sports activities such as ski lifts, ski tows, j-bars, t-bars, and similar devices subject to regulation under chapter 70.88 RCW; (b) any single-passenger coin-operated ride that is manually, mechanically, or electrically operated and customarily placed in a public location and that does not normally require the supervision or services of an operator; (c)

non-mechanized playground equipment, including but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides, trampolines, and physical fitness devices; or (d) water slides.

"Approved Agency" means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, where the agency has been approved by the code official.

"Basement" means that portion of a building that is partly or completely below grade plane. A basement shall be considered as a story above grade plane and not a basement where the finished surface of the floor above the basement is:

- (1) More than 1829 mm (six feet) above grade plane.
- (2) More than 1829 mm (six feet) above the finished ground level for more than 50% of the total building perimeter; or
- (3) More than 3658 mm (twelve feet) above the finished ground level at any point.

"Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to seven or more aged persons not related by blood or marriage to the operator. It must not include any home, institution, or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution, or section thereof.

"Building" is a structure that stands alone or that is separated from adjoining structures by a minimum two hour rated fire walls, and protected openings complying with the provisions of Section 705 of the International Building Code. The extent and location of such fire walls shall provide a complete separation.

"Certified electrical product" means an electrical product to which a laboratory, accredited by the State of Washington, has the laboratory's certification mark attached.

"Certification mark" is a specified laboratory label, symbol, or other identifying mark that indicates the manufacturer produced the product in compliance with appropriate standards or that the product has been tested for specific end uses.

"City" means the City that adopts and enforces this code.

"Code official" means the person(s) or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

"Educational facility" refers to a building or portion of a building used primarily for educational purposes by six or more persons at one time for twelve hours per week or four hours in any one day. Educational facility includes: Schools (preschool through grade twelve), colleges, academies, universities, and trade schools.

"Electrical equipment" includes electrical conductors, conduit, raceway, apparatus, materials, components, and other electrical equipment not exempted by RCW 19.28.006(9). Any conduit/raceway of a type listed for electrical use is considered to be electrical equipment even if no wiring is installed in the conduit/raceway at the time of the conduit/raceway installation.

"Electrical products certification laboratory" is a laboratory or firm accredited by the state of Washington to perform certification of electrical products.

"Electrical products evaluation laboratory" is a laboratory or firm accredited by the state of Washington to perform on-site field evaluation of electrical products for safety.

"Family child day care home" means the same as "family child care home" and "a child day care facility" licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home. Electrical plan review is not required.

"Field evaluated" means an electrical product to which a field evaluation mark is attached. Field evaluation shall include job site inspection unless waived by the department, and may include component sampling and/or laboratory testing.

"Field evaluation mark" is a specified laboratory label, symbol, or other identifying mark indicating the manufacturer produced the product in essential compliance with appropriate standards or that the product has been evaluated for specific end uses.

"Fished wiring" is when cable or conduit is installed within the finished surfaces of an existing building or building structure (e.g., wall, floor or ceiling cavity).

"High-Rise Building" is a building having occupied floors located more than 75 feet above the lowest level of fire department vehicle access.

Exception: The following buildings and structures as defined in the International Building Code shall not be considered as a high-rise building:

- (1) Airport traffic control towers in accordance with IBC Section 412.
- (2) Open parking garages in accordance with IBC Section 406.3.
- (3) Buildings with an occupancy in Group A-5 in accordance with IBC Section 303.1
- (4) Low-Hazard special industrial occupancies in accordance with IBC Section 503.1.2.
- (5) Buildings with an occupancy in Group H-1, H-2 or H-3 in accordance with IBC Section 415.

"Hospital" means any institution, place, building, or agency providing accommodations, facilities, and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis.

"IBC" means the International Building Code.

"Identification plate" is a phenolic or metallic plate or other similar material engraved in block letters at least 1/4" (6 mm) high unless specifically required to be larger by this chapter, suitable for the environment and application. The letters and the background shall be in contrasting colors. Screws, rivets, or methods specifically described in this chapter shall be used to affix an identification plate to the equipment or enclosure.

"Industrial control panel" means a factory or user wired assembly of industrial control equipment such as motor controllers, switches, relays, power supplies, computers, cathode ray tubes, transducers, and auxiliary devices used in the manufacturing process to control industrial utilization equipment. The panel may include disconnecting means and motor branch circuit protective devices. Industrial control panels include only those used in a manufacturing process in a food processing or industrial plant.

"Installation" includes the act of installing, connecting, repairing, modifying, or otherwise performing work on an electrical system, component, equipment, or wire except as exempted by WAC 296-46B-925.

"Institutional facility" refers to a building or portion of a building used primarily for detention and correctional occupancies where some degree of restraint or security is required for a time period of twenty-four or more

hours. Such occupancies include, but are not restricted to: Penal institutions, reformatories, jails, detention centers, correctional centers, and residential-restrained care.

"Labeled" means an electrical product that bears a certification mark issued by a laboratory accredited by the state of Washington.

"Laboratory" may be either an electrical product(s) certification laboratory or an electrical product(s) evaluation laboratory.

"Like-in-kind" means having similar characteristics such as voltage requirement, current draw, circuit overcurrent and short circuit characteristics, and function within the system. Like-in-kind also includes any equipment component authorized by the manufacturer as a suitable component replacement part.

"Listed" means equipment has been listed and identified by a laboratory approved by the State of Washington for the appropriate equipment standard per this chapter.

"Low voltage" means:

- (1) NEC, Class 1 power limited circuits at 30 volts maximum.
- (2) NEC, Class 2 circuits powered by a Class 2 power supply as defined in NEC 725.121(A).
- (3) NEC, Class 3 circuits powered by a Class 3 power supply as defined in NEC 725.121(A).
- (4) Circuits of Telecommunications systems as defined in chapter 19.28 RCW.

"Maternity home" means any home, place, hospital, or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery: provided, however, that this definition will not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association or its successor.

"Mezzanine" is the intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located. Also see "basement" and "story."

"NEC" means National Electrical Code. Copies of the NEC are available from the National Fire Protection Association.

"NRTL" means Nationally Recognized Testing Laboratory accredited by the federal Occupational Safety and Health Administration (OSHA) after meeting the requirements of 29 CFR 1910.7.

"Nursing home," "nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

"Occupancy" means the purpose for which a building, or part thereof, is utilized or occupied as defined by the International Building Code.

"Point of contact" for utility work, means the point at which a customer's electrical system connects to the serving utility system.

"Private alcoholism hospital" means an institution, facility, building, or equivalent designed, organized, maintained, or operated to provide diagnosis, treatment, and care of individuals demonstrating signs or symptoms of alcoholism, including the complications of associated substance use and other medical diseases that can be appropriately treated and cared for in the facility and providing accommodations, medical services, or other necessary services over a continuous period of twenty-four hours or more for two or more individuals unrelated to the operator, provided that this chapter will not apply to any facility, agency, or other entity which is owned and operated by a public or governmental body.

"Private psychiatric hospital" means a privately owned and operated establishment or institution which: provides accommodations and services over a continuous period of twenty-four hours or more, and is expressly and exclusively for observing, diagnosing, or caring for two or more individuals with signs or symptoms of mental illness who are not related to the licensee.

"Renal hemodialysis clinic" means a facility in a building or part of a building which is approved to furnish the full spectrum of diagnostic, therapeutic, or rehabilitative services required for the care of renal dialysis patients (including inpatient dialysis furnished directly or under arrangement). (NEC; Ambulatory Health Care Center)

"Residential treatment facility for psychiatrically impaired children and youth" means a residence, place, or facility designed or organized to provide twenty-four-hour residential care or long-term individualized, active

treatment for clients who have been diagnosed or evaluated as psychiatrically impaired.

"Stand-alone amplified sound or public address system" is a system that has distinct wiring and equipment for audio signal generation, recording, processing, amplification, and reproduction. This definition does not apply to telecommunications installations.

"Story" is that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. Next above means vertically and not necessarily directly above. Also see "basement" and "mezzanine."

"Structure" for the purposes of this chapter and in addition to the definition in the NEC, means something constructed either in the field or factory that is used or intended for supporting or sheltering any use or occupancy as defined by the IBC.

"Telecommunications installations" is as described in RCW 19.28.400 for both regulated carriers and unregulated local service providers.

"Telecommunications local service provider" is a regulated or unregulated (e.g., by the Federal Communications Commission or the utilities and transportation commission as a telephone or telecommunications provider) firm providing telecommunications service ahead of the telecommunications network demarcation point to an end-user's facilities.

"Telecommunications network demarcation point" as defined in RCW 19.28.400 means the point or interconnection between the service provider's communications cabling, terminal equipment, and protective apparatus and the customer's premises telecommunications cabling system. The location of this point for regulated carriers is determined by federal and state regulations and is applicable for both regulated carriers and unregulated local service providers.. The carrier should be contacted to determine the location policies in effect in the area,

"Utility system" means electrical equipment owned by or under the control of a serving utility that is used for the transmission or distribution of electricity from the source of supply to the point of contact and is further defined as installations under the exclusive control of electric utilities for the purpose of communication, transmission, and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utilities or on public highways, streets, roads, etc., or outdoors by established rights on private property.

It is the intent that this chapter covers all premises' wiring or wiring other than utility owned metering equipment, on the load side of the service point of buildings, structures, or any other premises not owned or leased by the utility. Also, it is the intent that this chapter covers installations in buildings used by the utility for purposes other than listed in the previous paragraph, such as offices buildings, warehouses, garages, machine shops, and recreational buildings which are not an integral part of a generating plant, substation, or control center.

"Utilization voltage" means the voltage level employed by the utility's customer for connection to lighting fixtures, motors, heaters, or other electrically operated equipment other than power transformers.

110.2 National Electrical Code Article 110.2 amended — Approval.

Article 110.2 of the National Electrical Code is amended and supplemented by the addition of the following text to the end of Article 110.2:

All materials, devices, appliances, and equipment, not exempted in state law chapter 19.28. RCW, must conform to applicable standards recognized by the authority having jurisdiction, be listed, or field evaluated by an accredited electrical products testing laboratory. Equipment must not be energized until such standards are met, unless specific permission has been granted by the authority having jurisdiction.

110.3 National Electrical Code Article 110.3 amended — Examination, Identification, Installation, and Use of Equipment.

Article 110.3 of the National Electrical Code is amended and supplemented by the addition of a new subsection to be known as subsection 110.3(C), to read as follows:

(C) Industrial control panels and utilization equipment. Control panels and utilization equipment installed in industrial plants will be determined to meet the minimum electrical safety standards for installations by one of the following methods:

- (1) Listing and Labeling by an accredited electrical products testing laboratory.

(2) Field evaluation by an accredited electrical products testing laboratory;

- a) If the equipment usage is changed to other than industrial utilization equipment or electrical modifications are made to the equipment, the equipment must be successfully listed or field evaluated by an accredited electrical products testing laboratory.
- b) The equipment must be permanently installed at the owner's facility and inspected per the requirements of this Chapter.

Use of industrial control panel(s) or equipment before its evaluation or final inspection, must be authorized by the Code Official or designated representative prior to its being energized.

110.12 National Electrical Code Article 110.12 amended — Mechanical Execution of Work.

Article 110.12 of the National Electrical Code is amended and supplemented by the addition of new subsections to be known as 110.12(C), 110.12(D) and 110.12(E), to read as follows:

(C) Abandoned Conductors and Cables. Electrical conductors or cables shall not be abandoned in place. Unused electrical conductors, or cables, regardless of voltage, and communication cables not in use shall be removed from the building or structure back to the originating panel board unless otherwise authorized by the authority having jurisdiction.

(D) Old, Used or Damaged Material and Equipment. Old, used or damaged electrical equipment, conductors or materials shall not be reinstalled or used in any new work without prior approval of the authority having jurisdiction.

(E) Electrical Equipment submerged or exposed to water. Electrical equipment and wiring that has been submerged or exposed to water must comply with the following:

- (1) All wire or cable listed for dry locations, molded-case breakers, fuses, electronic/solid state controllers, receptacles, lighting switches/dimmers, electric heaters, and any sealed device/equipment (e.g. relays, contactors, and similar equipment listed in NEMA 2006 publication titled "Evaluating Water Damaged Equipment") must be replaced.
- (2) All other electrical equipment (e.g. wiring, breaker panelboards, disconnect enclosed switches, switchgear, motor control centers, boiler controls, HVAC/R equipment, electric motors, transformers, appliances, water heaters, and similar equipment listed in NEMA 2006 publication titled "Evaluating Water Damaged Equipment") may after consultation

with and approval of the manufacturer, be reconditioned by properly trained personnel. The potential to recondition the equipment may vary with the nature of the electrical function, the degree of flooding, the age of the equipment, and the length of time the equipment was exposed to water.

(3) Before any electrical equipment is reconditioned and placed back into service, documentation shall be provided to the code official that the original manufacturer has reviewed and approved the reconditioning method, and that any recommended tests have been performed.

110.16 National Electrical Code Article 110.16 amended — Flash Protection.

Article 110.16 of the National Electrical Code is amended and supplemented by the addition of the following text to the end of the first paragraph, to read as follows:

The flash protection marking shall be an identification plate or label meeting ANSI Standards Z535.4-1998 or be of a type approved by the Code Official or designated representative. The plate or label may be installed at the factory or in the field. The plate or label may be mounted using adhesive. The plate or label shall include all of the following:

- (1) The date of the flash hazard analysis.
- (2) The flash hazard category.
- (3) The incident energy level in cal/cm^2 at 18 inches from the flash hazard.
- (4) The flash hazard boundary.
- (5) The personal protective equipment that people within the Flash Hazard Boundary shall use.

The arc flash hazard shall be updated when a major modification, renovation or changes in the electrical distribution system that could affect the results of the arc flash hazard analysis takes place.

The arc flash hazard analysis shall take into consideration the design of the overcurrent protective device and its opening time, including its condition of maintenance.

Exception: An arc flash analysis shall not be required where all of the following exists:

- (1) *The circuit supplying the electrical equipment is 240 volts or less.*
- (2) *The electrical equipment is fed from only one transformer.*

(3) The transformer feeding the electrical equipment is rated less than 125 kVA.

110.22 National Electrical Code Article 110.22 amended — Identification of Disconnecting Means.

A. Article 110.22 of the National Electrical Code is amended and supplemented by the addition of the following text to subsection 110.22(A) to read as follows:

In other than dwelling units, an identification plate or label is required unless the disconnect is a circuit breaker or fused switch installed within a panelboard and its purpose is indicated by the panelboard schedule. The identification plate or label must include the identification designation of the circuit source panelboard that supplies the disconnect.

B. Article 110.22 of the National Electrical Code further is amended and supplemented by the addition of a new subsection to be known as subsection (D) to read as follows:

(D) The markings referenced in this section must be in the form of an identification plate or label in letters at least 13 mm (1/2") high.

200.6 National Electrical Code Article 200.6 amended – Means of Identifying Grounded Conductors

A. Article 200.6(A) of the National Electrical Code is amended and supplemented by the addition of the following exception, to read as follows:

Exception: the grounded service conductor is permitted to be identified with a yellow jacket or with one or more yellow stripes.

B. Article 200.6(B) of the National Electrical Code is amended and supplemented by the addition of the following exception, to read as follows:

Exception: the grounded service conductor is permitted to be identified with a yellow jacket or with one or more yellow stripes.

210.8 National Electrical Code 210.8 amended — Ground Fault Circuit-Interrupter Protection for Personnel.

A. Article 210.8 (A) of the National Electrical Code is amended and supplemented by the addition of the following text to read as follows:

Exception: In a garage or unfinished basement, a red receptacle, with a red cover plate, supplying a fire alarm system is not required to have ground-fault circuit-interrupter protection. The receptacle must be identified for use only with the fire alarm system by an identification plate or cover with letters at least ¼" high.

B. Article 210.8(B)(2) of the National Electrical Code is amended and supplemented to read as follows:

(2) Kitchens and food preparation areas

(a) For the purposes of NEC 210.8 (B), Kitchen means any area where utensils, dishes, etc. are cleaned or where food or beverages are prepared or cooked.

C. Article 210.8 (B) of the National Electrical Code is amended and supplemented by the addition of a new subsection 210.8 (B)(6) to read as follows:

(6) All 125-volt, 15- and 20-ampere receptacles installed in wet locations must have ground-fault circuit interrupter protection for personnel.

210.11 National Electrical Code 210.11 amended — Branch Circuits Required.

Article 210.11 of the National Electrical Code is amended and supplemented by the addition of a new subsection to be known as subsection 210.11(C)(4), to read as follows:

(4) Unfinished spaces. In addition to the number of branch circuits required by other parts of this section, an additional raceway system or one dedicated 15 ampere minimum, 120 volt branch circuit shall be provided for unfinished spaces areas adaptable to future dwelling unit living areas that are not readily accessible to the service or branch circuit panelboard. One circuit or raceway is required for each 480 square feet or less of unfinished space area. If the total adjacent unfinished space area is less than 480 square feet the circuit can be an extension of an existing circuit. The circuits must terminate in a suitable box(es). The box must contain an identification of the intended purpose of the circuit(s). The branch circuit

panelboard must have adequate space and capacity for the intended load(s).

210.12 National Electrical Code Article 210.12 amended - Arc-Fault Circuit-Interrupter Protection

Section 210.12 (B) of the National Electrical Code is amended and supplemented by the addition of a new exception to read as follows:

Exception #3: If an existing circuit is extended, arc-fault circuit interrupter protection is not required where approved by the code official.

215.10 National Electrical Code 215.10 amended — Ground-Fault Protection of Equipment.

Article 215.10 of the National Electrical Code is amended and supplemented by the addition of a new paragraph following the first paragraph of Article 215.10 to read as follows:

Equipment ground fault protection systems shall be performance tested prior to being placed into service to verify proper installation and operation of the system as determined by the manufacturer's published instructions. This test or a subsequent test shall include all system feeders. A firm having qualified personnel and proper equipment must perform the tests required. A copy of the manufacturer's performance testing instructions and a written performance acceptance test record signed by the person performing the test must be provided for the inspector's records at the time of inspection. The performance acceptance test record shall include test details including, but not limited to all trip settings and measurements taken during the test. The equipment being tested shall be labeled identifying the date of the test, the firm performing the test, and all settings for the equipment tested.

220.12 National Electrical Code 220.12 amended — Lighting Loads for Specified occupancies.

Article 220.12 of National Electrical Code is amended and supplemented by the addition of an exception to read as follows:

Exception: In determining feeder and service entrance conductor sizes and equipment ratings, the currently adopted Washington State Energy Code unit lighting power allowance table and footnotes may be used in lieu of NEC 220.12.

220.87 National Electrical Code 220.87 amended — Optional Calculations for Determining Existing Loads.

Article 220.87 of National Electrical Code is amended and supplemented by the addition of the following text to the end of Subsection (1), Exception, to read as follows:

In addition to the 30-day demand data, the following information must be provided:

- (1) The date of the measurements.
- (2) A statement attesting to the validity of the demand data, signed by a registered professional engineer or the electrical administrator of the electrical contractor performing the measurements.
- (3) A diagram of the electrical system identifying the point(s) of the measurements.

225.30 National Electrical Code Article 225.30 amended — Number of Supplies

Article 225.30 (A) of the National Electrical Code is amended and supplemented by the addition of a new paragraph at the end of subsection (A) to read as follows:

If a property has only a single building that is supplied from a remote service, the building may be supplied by no more than two feeders originating from the service equipment. The service equipment must contain over current protection appropriate to each feeder. The building disconnecting means required by NEC 225.32 must be located within sight and within 5' of each other.

225.32 National Electrical Code 225.32 amended — Location.

A. Article 225.32 of the National Electrical Code is amended and supplemented by the addition of a new paragraph following the first paragraph of Article 225.32 to read as follows:

Feeder disconnects, panelboards, subpanels, and similar electrical equipment must be installed so that they are readily accessible and may not be installed in bathrooms, clothes closets, or shower rooms. All indoor feeder disconnects, panelboards and subpanels and similar electrical equipment must have adequate working space and be adequately illuminated.

B. Article 225.32 of the National Electrical Code is further amended and supplemented by the addition of new subsections to be known as Subsection 225.32(1) and 225.32(2), to read as follows:

(1) Outside locations: Where the feeder disconnecting means is installed outside of a building or structure it must be on the building or structure supplied. The building disconnecting means may supply only 1 building or structure unless the secondary building(s) or structure(s) has a separate building disconnecting means meeting the requirements of this subsection. The disconnecting means must have an identification plate with at least 1/2" high letters identifying:

- a. The building or structure served; and
- b. Its function as the building or structure main disconnect(s).

(2) Inside location: Where the feeder disconnecting means is installed inside the building or structure, it must be located so that the feeder raceway or cable extends no more than 15' inside the building or structure.

230.28 Service Mast as Support

Article 230.28 of the National Electrical Code is amended and supplemented by the addition of new text and drawings to the end of the first paragraph to read as follows:

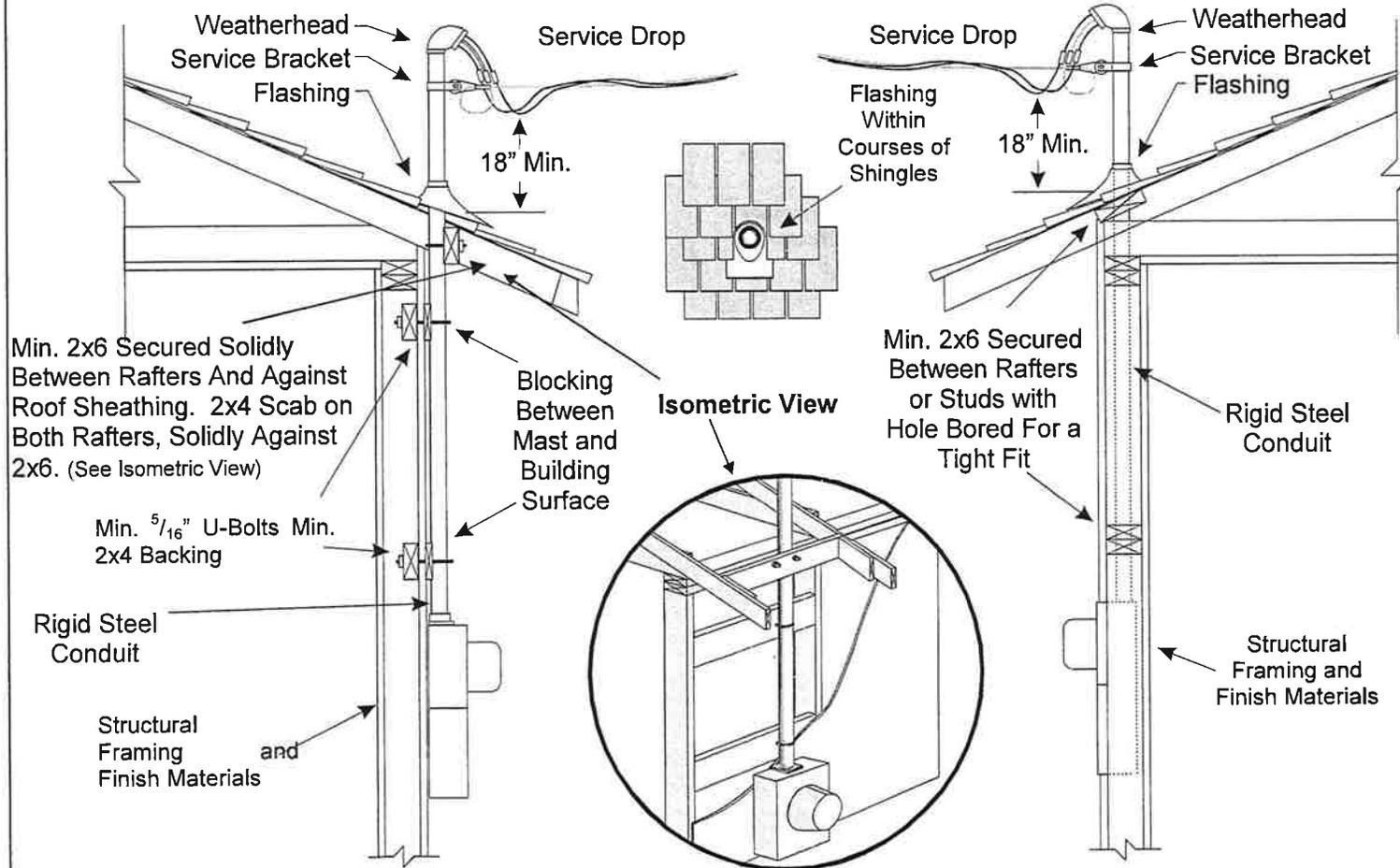
Where a raceway-type service mast is used as support for service-drop conductors, the following conditions must be met:

1. Raceway type service mast shall be a minimum of 2-inch rigid metal conduit.
2. An approved roof flashing shall be installed on each mast where it passes through a roof. Plastic, non-hardening mastic shall be placed between lead-type flashings and the conduit. Approved neoprene type roof flashings may be permitted.
3. Masts shall be braced, secured, and supported in such a manner that no pressure from the attached conductors will be exerted on a roof flashing, meter base, or other enclosures.

4. Utilization of couplings for a mast shall not be permitted above the point the mast is braced, secured, or supported. There must be a minimum of two means of support above any couplings used. A properly installed cable or stiff leg type support qualifies as one of the two required means of support.
5. Except as otherwise required by the serving utility, service mast support guys shall be installed if the service drop attaches to the mast more than 600 mm (24 in.) above the roof line or if the service drop is greater than 100' in length from the pole or support. Masts for support of other than service drops shall comply with this requirement as well.
6. Intermediate support masts shall be installed in an approved manner with methods identical or equal to those required for service masts.
7. For altered services, where it is impractical to install U bolt mast supports due to interior walls remaining closed, it may be permissible to use other alternate mast support methods such as heavy gauge, galvanized, electrical channel

Surface Mount Meter Base

Recessed Meter Base

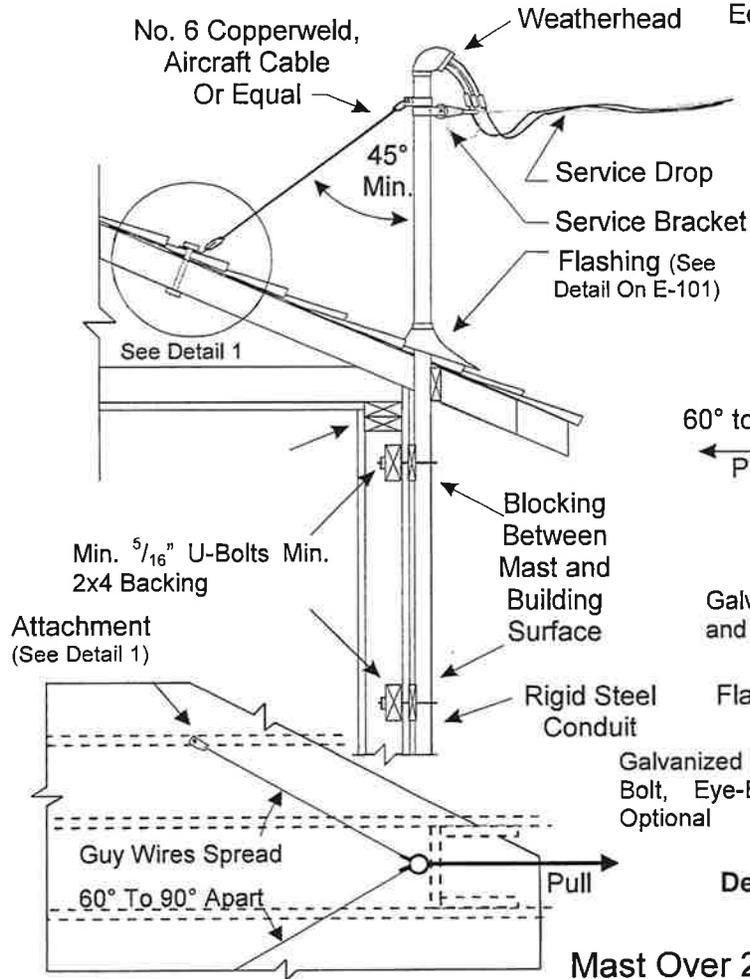


Mast Not Over 26" High - Service Bracket 24" Or Less Above Roof Surface

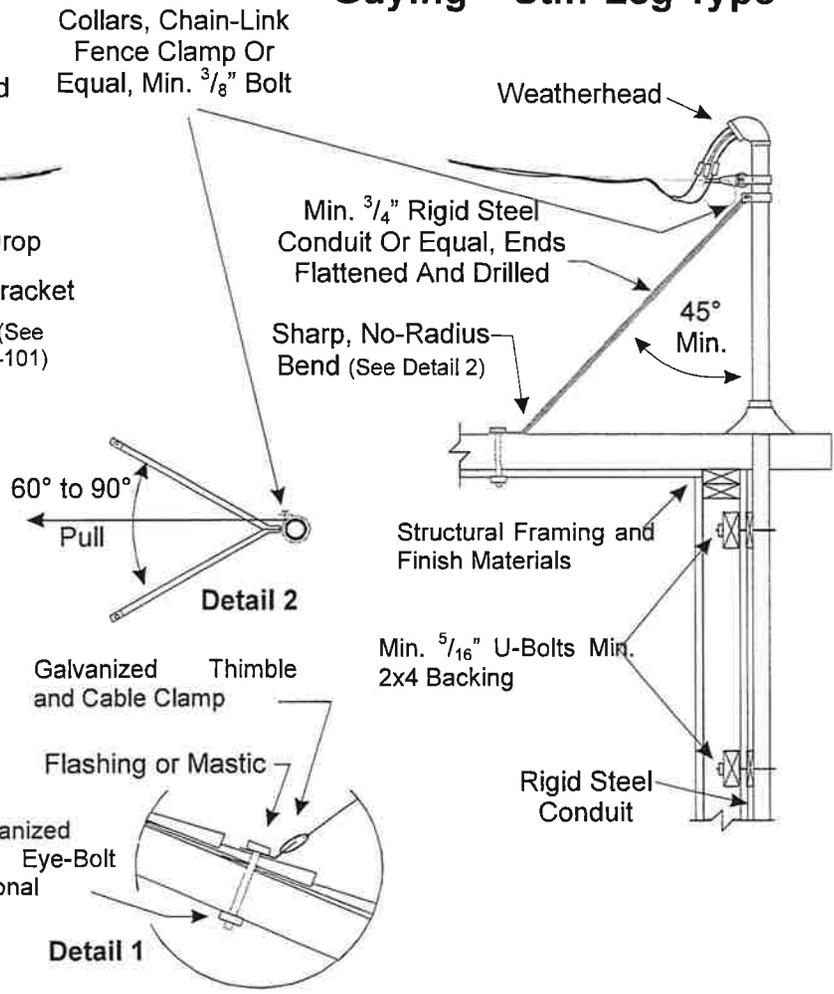
Service Mast Installation Details

Drawing E-101

Guying – Cable Type



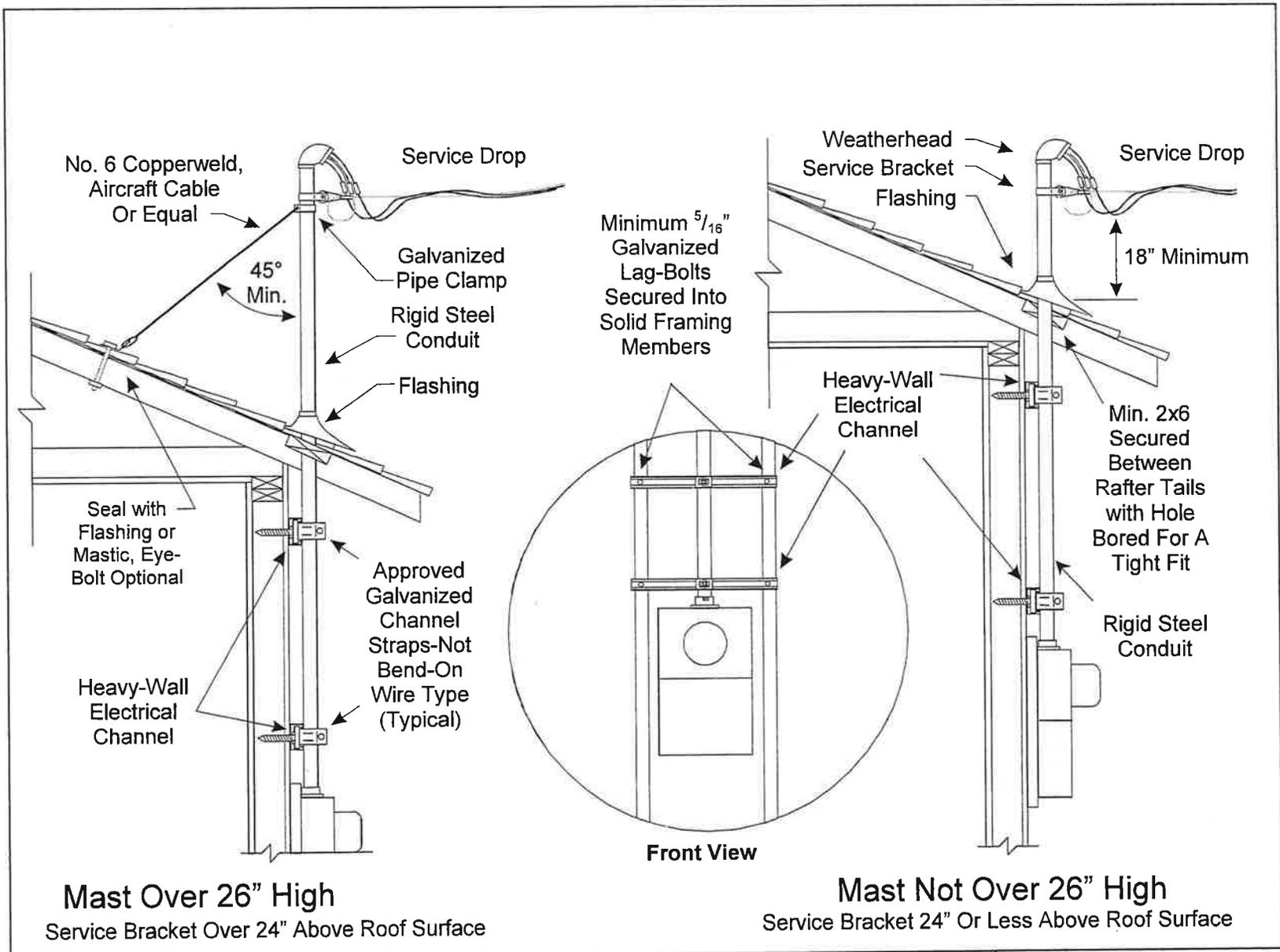
Guying – Stiff-Leg Type



Mast Over 26" High - Service Bracket Over 24" Above Roof Surface

Service Mast Installation Details

Drawing E-102



Service Mast Installation Details

Drawing E-103

230.43 Wiring Methods for 600 Volts, Nominal, or Less

Article 230.43 of the National Electrical Code is amended to read as follows:

230.43 Wiring Methods for 600 Volts, Nominal, or Less. Service-entrance conductors shall be installed in accordance with the applicable requirements of this code covering the type of wiring method used and shall be limited to the following methods:

- (1) Rigid metal conduit
- (2) Intermediate metal conduit
- (3) Wireways
- (4) Busways
- (5) Auxiliary gutters
- (6) Minimum schedule 40 Rigid polyvinyl chloride (PVC) conduit
- (7) Cablebus
- (8) Mineral-insulated, metal-sheathed cable (type MI).

Exception: With the approval of the authority having jurisdiction existing electrical metallic tubing used for service entrance conductors may be permitted to remain, provided it meets all of the following conditions:

- (1) It was installed prior to October 1984*
- (2) It is properly grounded*
- (3) The conduit is installed in a non-accessible location*
- (4) It is the proper size for the installed conductors*

230.70 VI. Service Equipment - Disconnecting Means – General

A. Subsection 230.70(A)(1) of the National Electrical Code is amended and supplemented by the addition of new Subsections (a) and (b) to read as follows:

(a) Outside Location. The service disconnect means shall be installed on the building or structure it serves. The service disconnection means shall be labeled with a plate with 1/2 inch letters providing the following information:

- (1) The building or structure served; and
- (2) Its function as the building or structure main service disconnect(s).

(b) Inside Location. Where the service disconnect is installed inside the building or structure, it shall be located so that the service raceway extends no more than 15 feet inside the building or structure served. Service disconnecting means, panel boards, subpanels and similar electrical equipment shall be adequately illuminated.

B. Subsection 230.70(A)(2) of the National Electrical Code is amended to read as follows:

(2) Bathrooms, clothes closets, toilet rooms and shower rooms.

Service disconnection means, panel boards, subpanels and similar electrical equipment shall not be installed in bathrooms, clothes closets, toilet rooms or shower rooms.

230.90 Service Equipment - Overcurrent Protection

Exception No. 3 to Article 230.90(A) of the National Electrical Code is amended to read as follows:

Exception No. 3: Two to six circuit breakers or sets of fuses shall be permitted as the overcurrent device to provide the overload protection. The sum of the ratings of the circuit breakers or fuses shall be permitted to exceed the ampacity of the service conductors, provided the calculated load does not exceed the ampacity of the service conductors. Where the service conductors have a lesser ampacity than the overcurrent protection or the equipment rating that they terminate in or on, an identification plate showing the ampacity of the conductors must be installed on the service equipment.

230.95 Ground-Fault Protection of Equipment

Article 230.95 of the National Electrical Code is amended and supplemented by the addition of a new paragraph following the first paragraph to read as follows:

Equipment ground fault protection systems shall be performance tested prior to being placed into service to verify proper installation and operation of the system as determined by the manufacturer's published instructions. This test or a subsequent test shall include all system feeders. A firm having qualified personnel and proper equipment must perform the tests required. A copy of the manufacturer's performance testing instructions and a written performance acceptance test record signed by the person performing the test must be provided for the inspector's records at the time of inspection. The performance acceptance test record shall include test details including, but not limited to all trip settings and measurements taken during the test. The equipment being tested shall be labeled identifying the date of the test, the firm performing the test, and all settings for the equipment tested.

230.202 VIII. Services Exceeding 600 Volts - Service-Entrance Conductors

Subsection 230.202(B) of the National Electrical Code is amended and supplemented by the addition of new text to the end of the Subsection to read as follows:

Wiring methods for service conductors exceeding 600 volts, nominal, within a building or structure are limited to the following methods:

- (1) Rigid metal conduit
- (2) Intermediate metal conduit
- (3) Busways
- (4) Minimum schedule 80 Rigid polyvinyl chloride (PVC) conduit
- (5) Cablebus; metal-clad cable that is exposed for its entire length

240.24 National Electrical Code Article 240.24 amended — Location on Premises – Not located over a step

Article 240.24 (F) of the National Electrical Code is amended and supplemented by the addition of an exception to Article 240.24 (F) to read as follows:

Exception – If the overcurrent device is a part of a panelboard that is being repaired or replaced in an existing location, the installation is allowed to be made above the stairs.

250.28 National Electrical Code Article 250.28 amended —Main Bonding Jumper and System Bonding Jumper – Separately Derived System with More than One Enclosure

Article 250.28 (D)(3) of the National Electrical Code is amended to read as follows:

(3) Separately Derived System with More than One Enclosure.

Where a separately derived system supplies more than a single enclosure, the system bonding jumper for each enclosure shall be sized in accordance with 250.28 (D) (1) based on the largest ungrounded feeder/tap conductor serving that enclosure, or a single system bonding jumper shall be installed at the source and sized in accordance with 250.28 (D) (1) based on the equivalent size of the largest supply conductor determined by the largest sum of the areas of the corresponding conductors of each set.

250.50 Grounding electrode system

Article 250.50 of the National Electrical Code is amended and supplemented by the addition of a new Subsection (1) to read as follows:

(1) At each new building or structure served, a concrete-encased grounding electrode complying with NEC 250.52(A)(3) shall be installed. All electrodes shall be inspected prior to covering, concealing or the placing of concrete.

Exception: New buildings or structures, job site construction trailers, mobile/manufactured homes where not installed on a permanent concrete foundation.

250.56 Resistance of rod, plate, and pipe electrodes

Article 250.56 of the National Electrical Code is amended and supplemented by the addition of new text to the end of the first paragraph of Article 250.56 to read as follows:

If a ground resistance test is not performed to ensure a resistance to ground of twenty-five ohms or less, two or more electrodes as specified in NEC 250.52 must be installed a minimum of six feet apart.

Exception: A temporary construction service is not required to have more than one rod or pipe electrode.

250.68 National Electrical Code Article 250.68 amended — Grounding electrode conductor and bonding Jumper connection to Grounding Electrodes.

Article 250.68 (A) of the National Electrical Code is amended to read as follows:

(A) Accessibility. All mechanical elements used to terminate a grounding electrode conductor or bonding jumper to grounding electrode or grounding electrode tap shall be accessible.

250-104(A) Bonding of Piping Systems and Exposed Structural Steel

Article 250.104(A) of the National Electrical Code is amended and supplemented by the addition of new Subsections (4) and (5) to read as follows:

(4) Bonding hot and cold plumbing pipes. The hot and cold plumbing pipes shall be bonded together. Hot and cold metallic plumbing lines are considered to be bonded together if, at the time of inspection, the inspector can determine that the lines are mechanically and electrically joined by one or more mixing valves.

(5) Metallic stubs or valves. Metallic stubs or valves used in nonmetallic plumbing systems are not required to be bonded to the electrical system unless required by the equipment manufacturer's instructions.

250.184(A) Solidly Grounded Neutral Systems

Article 250.184(A) of the National Electrical Code is amended and supplemented by the addition of new Subsections (3) and (4) to read as follows:

(3) Existing installations.

(a) The use of a concentric shield will be allowed for use as a neutral conductor for extension, replacement, or repair, if all of the following are complied with:

- (1) The existing system uses the concentric shield as a neutral conductor;
- (2) Each individual conductor contains a separate concentric shield sized to no less than 33 1/2% of the ampacity of the phase conductor for 3-phase systems or 100% of the ampacity of the phase conductor for single-phase systems;
- (3) The new or replacement cable's concentric shield is enclosed inside an outer insulating jacket; and
- (4) Existing cable (i.e. existing cable installed directly in the circuit between the work and the circuit's overcurrent device) successfully passes the following tests:
 - (i) A cable maintenance high potential dielectric test. The test must be performed in accordance with the cable manufacturer's instruction or the 2001 NETA maintenance test specifications.
 - (ii) A resistance test of the cable shield. Resistance must be based on the type, size, and length of the conductor used as the cable shield using the conductor properties described in NEC Table 8 Conductor Properties.
 - (iii) A registered professional engineer must provide a specific certification to the authority having jurisdiction or designated representative in writing that the test results of the

maintenance high potential dielectric test and the resistance test have been reviewed by the electrical engineer and that the cable shield is appropriate for the installation. The registered engineer must stamp the certification document with the engineer's stamp and signature. The document may be in the form of a letter or electrical plans. Testing results are valid for a period of seven years from the date of testing. Cable will not be required to be tested at a shorter interval.

(a) A concentric shield used as a neutral conductor in a multi-grounded system fulfills the requirements of an equipment grounding conductor.

(b) Where a separate conductor is used as the neutral for an extension, replacement, or repair, the conductor must pass a resistance test. Resistance must be based on the type, size, and length of the conductor used as the cable shield using the conductor properties described in NEC Table 8 Conductor Properties.

(4) New installations.

(a) New installations shall not include extensions of existing circuits.

(b) The use of the concentric shield will not be allowed for use as a neutral conductor for new installations. A listed separate neutral conductor meeting the requirements of NEC 250.184(A) must be installed.

300.11 National Electrical Code 300.11 amended — Securing and Supporting.

Section 300.11(A) of the National Electrical Code is amended to read as follows:

(A) **Secured in Place.** Raceways, cable assemblies, boxes, cabinets, and fittings shall be securely fastened in place. Where not restricted by the authority having jurisdiction or Article 300, raceways, cables, or boxes may be installed in suspended ceilings provided the installation complies with the following:

- 1) The support wires are independent of the ceiling support system.
- 2) The support wires are a minimum #12 AWG and securely fastened to the structural ceiling and to the ceiling grid system.
- 3) Cables and raceways shall not be supported by ceiling grids.
- 4) Raceways and/or cables are not larger than three-quarter-inch trade size;
- 5) No more than two raceways or cables are supported by a support wire.

- a) The two-cable limitation does not apply to telecommunications cables, Class 2 cables, or Class 3 cables on support wires installed exclusively for such cables provided:
 - i) The support wire must be adequate to carry the cable(s) weight and all attached cables must be secured with approved fittings; and
 - ii) The maximum number of cables shall not be more than a 2 inch diameter when bundled together.
- 6) Raceways and cables are secured to the support wires by fittings designed and manufactured for the purpose.
- 7) The raceways or cables serve equipment that is located within the ceiling cavity or is mounted on or supported by the ceiling grid system.
 - a) Telecommunications cables, Class 2 cables, or Class 3 cables supported as required by this section, may pass through ceiling cavities without serving equipment mounted on or supported by the ceiling grid system.
- 8) NEC power limited, Class 2, and Class 3 cables must be secured in compliance with Article 334.30 and must be secured to boxes in compliance with Article 314.17.
- 9) Telecommunications cables must be secured in a manner that will not cause damage to the cables and at intervals not exceeding five feet. Cables are considered adequately supported when run through holes in building structural elements or other supporting elements. Telecommunications cables may be fished into inaccessible hollow spaces of finished buildings. Clamps or fittings are not required where telecommunications cables enter boxes.
- 10) Optical fiber cables must be secured in a manner that will not cause damage to the cables and at intervals not exceeding five feet. Cables are considered adequately supported when run through holes in building structural elements or other supporting elements. Optical fiber cables may be fished into inaccessible hollow spaces of finished buildings. Supports must allow a bending radius that will not cause damage to the cables.

310.12 National Electrical Code Article 310.12 amended — Conductor Identification.

Article 310.12 of the National Electrical Code is amended and supplemented by the addition of a new subsection to be known as subsection 310.12(D), to read as follows:

- (D) Each cable operating at over 600 volts and installed on customer owned systems must be legibly marked in a permanent manner at each termination point and at each point the cable is accessible. The required

marking must use phase designation, operating voltage, and circuit number if applicable.

314.23 National Electrical Code 314.23 amended — Supports.

Section 314.23(H) of the National Electrical Code is amended to read as follows:

(H) **Pendant Boxes.** An enclosure supported by a pendant shall comply with 314.23(H)(1) or (H)(2). In addition, a pendant box suspended by a flexible cord, must not contain conduit "knockouts" and the connection to the suspended box must utilize an integral threaded hub.

(1) **Flexible Cord.** box supported from a flexible cord must comply with the following.

- (a) The maximum length of the cord for a suspended pendant drop from a permanently installed junction box to a suitable tension take-up device above the pendant box must not exceed six feet.
- (b) The flexible cord must be supported at each end with an approved cord grip or strain relief connector fitting/device that will eliminate all stress on the conductors and the conductor connections.
- (c) The flexible cord must be a minimum #14 AWG copper.
- (d) The flexible cord ampacity must be determined using NEC Table 400.5(A) column A.
- (e) The flexible cord must be hard or extra hard usage.

(2) **Conduit.** A box supporting lampholders or luminaires (lighting fixtures), or wiring enclosures within luminaires (fixtures) used in lieu of boxes in accordance with 300.15(B), shall be supported by rigid or intermediate metal conduit stems. For stems longer than 450 mm (18 in.), the stems shall be connected to the wiring system with flexible fittings suitable for the location. At the luminaire (fixture) end, the conduit(s) shall be threaded wrenchtight into the box or wiring enclosure, or into hubs identified for the purpose.

Where supported by only a single conduit, the threaded joints shall be prevented from loosening by the use of set-screws or other effective means, or the luminaire (fixture), at any point, shall be at least 2.5 m (8 ft) above grade or standing area and at least 900 mm (3 ft) measured horizontally to the 2.5 m (8 ft) elevation from windows, doors, porches, fire escapes, or similar locations. A luminaire (fixture) supported by a single conduit shall not exceed 300 mm (12 in.) in any horizontal direction from the point of conduit entry.

334.15 National Electrical Code Article 334.15 amended – Exposed Work

Article 334.15 (C) is amended and supplemented by the addition of the following exception to read as follows:

Exception: The requirement for nonmetallic sheathed cable protection in this section does not apply in crawl spaces.

358.10 National Electrical Code Article 358.10 amended – Electrical Metallic Tubing: Type EMT – Wet Locations.

Article 358.10 (C) of the National Electrical Code is amended and supplemented by the addition of a new paragraph following the first paragraph, to read as follows:

Where installed in wet locations, an equipment grounding conductor must be provided within the raceway and sized per NEC 250.122

358.12 National Electrical Code Article 358.12 amended – Uses Not Permitted.

Article 358.12 of the National Electrical Code is amended and supplemented by the addition of a new subsection to be known as subsection 358.12(7), to read as follows:

(7) Installed in direct contact with the earth or in concrete on or below grade.

394.12 National Electrical Code Article 394.12 amended – Uses Not Permitted.

Article 394.12 of the National Electrical Code is amended and supplemented by the addition of a new Exception to Article 394.12(5), to read as follows:

Exception: Hollow spaces containing existing knob-and-tube wiring are allowed to be insulated provided that all of the following conditions are met:

1. *The wiring shall be surveyed by an appropriately licensed electrical contractor who must certify in writing to the authority having jurisdiction*

- that the wiring is in good condition with no evidence of improper overcurrent protection, conductor insulation failure or deterioration, and with no improper connections or splices. The electrical inspector must inspect all repairs, alterations, or extensions to the electrical system;*
- 2. The insulation shall meet Class I specifications as identified in the International Building Code, with a flame spread factor of 25 or less as tested using ASTM E84-81a. Foam insulation may not be used with knob-and-tube wiring;*
 - 3. All knob-and-tube circuits shall have overcurrent protection in compliance with NEC Table 310.16, 60 degree centigrade, Column C. Overcurrent protection shall be circuit breakers or Type S fuses.*

406 National Electrical Code Article 406 amended — Tamper Resistant Receptacles.

Article 406 of the National Electrical Code is amended and supplemented by the addition of a Section to be known as Section 406.15, to read as follows:

406.15 Tamper-Resistant Receptacles in Other Locations. Listed tamper-resistant receptacles or listed tamper-resistant receptacle cover plates are required in all licensed day care centers, all licensed children group care facilities and psychiatric patient care facilities where accessible to children five years of age and under. Listed tamper-resistant receptacles are required in psychiatric patient care facilities where accessible to psychiatric patients over five years of age.

410.10 National Electrical Code Article 410.10 amended — Bathtub and Shower Areas.

Section (D) of Article 410.10 of the National Electrical Code is amended to read as follows:

(D) Bathtub and Shower Areas. No parts of cord-connected luminaires (fixtures), chain-, cable-, or cord-suspended-luminaires (fixtures), lighting track, pendants, or ceiling-suspended (paddle) fans shall be located within a zone measured five feet horizontally and eight feet vertically from the top of the bathtub rim or shower stall threshold. This zone is all encompassing and includes the zone directly over the tub or shower stall. Luminaires (lighting fixtures) located in this zone shall be listed for damp locations, or listed for wet locations where subject to shower spray. These fixtures must be GFCI protected where there are exposed metal parts.

**410.62 National Electrical Code Article 410.62 amended —
Cord-Connected Lampholders and Luminaires.**

Article 410.62 of the National Electrical Code is amended and supplemented by the addition of a new subsection to be known as subsection 410.62(C)(1)(3), to read as follows:

(3) A ground-type attachment plug cap and receptacle connection at the source junction box is not required when the flexible cord complies with NEC 410.30 and the following:

- a. Connection to a source junction box must utilize an approved cable connector or clamp;
- b. The flexible cord must be supported at each end with an approved cord grip or strain relief connector fitting/device that will eliminate all stress on the conductor connections;
- c. The maximum length of the cord for a suspended pendant drop from a permanently installed junction box to a suitable tension take-up device above the pendant luminaire must not exceed six feet;
- d. The flexible cord must be a minimum #14 AWG copper;
- e. The flexible cord ampacity must be determined in NEC Table 400.5(A) column A;
- f. The flexible cord must be hard or extra hard usage; and
- g. A vertical flexible cord supplying electric discharge luminaires must be secured to the luminaire support as per NEC 334.30(A).

**422.10 National Electrical Code Article 422.10 amended —
Branch-Circuit Rating.**

Article 422.10 of the National Electrical Code is amended and supplemented by the addition of a new paragraph at the end of Article 422.10(A), to read as follows:

Water heaters with a rated circuit load in excess of 3,500 watts, but less than 4900 watts, at 208 or 240 volts shall be provided with branch circuit conductors not smaller than #10 AWG copper or equal. Overcurrent protection shall comply with NEC 422.11(E).

**445.20 National Electrical Code Article 445.20 added —
Generators**

Article 445 of the National Electrical Code is amended and supplemented by the addition of a new section to be known as section 445.20, to read as follows:

445.20 Wind Driven Equipment. Wind driven equipment includes alternators or generators that produce electrical current through the conversion of wind energy into electrical energy. Wind driven generation equipment must demonstrate conformance to applicable safety standards.

For utility interactive systems, any person making inter-connections between the generator system and the utility distribution network must consult the serving utility and are required to meet all additional utility standards.

All wind driven generator equipment and disconnecting means must be permanently identified as to their purpose, maximum voltages and type of current within the system with an identification plate.

450.27 National Electrical Code Article 450.27 amended — Oil-Insulated Transformers Installed Outdoors.

Article 450.27 of the National Electrical Code is amended and supplemented by the addition of the following text to the end of the last paragraph of Article 450.27 to read as follows:

Oil-Insulated transformers located adjacent to building(s) or structures shall comply with the following:

1. Transformers shall not be located closer than 2.5 m (8 ft) to any part of a building or structure constructed of combustible material including any eaves, overhangs or decks;
2. Transformers shall not be located closer than 900 mm (2 ft) to any part of a building or structure constructed of non-combustible material including any eaves, overhangs or decks and must be outside a line extended vertically from the ends of the eaves, overhangs or rooflines of the building or structure;
3. Transformers shall not be located closer than 2.5 m (8 ft) to any part of doors, windows, stairways, ventilation openings, other types of openings of all buildings or structures;
4. Transformers shall be located such that any oil leaking from the transformer will flow away from the building or structure and will not pool; and
5. Transformers located in areas subject to vehicular traffic shall be provided with adequate guarding.
6. Enclosures for total underground oil filled transformers shall not be located closer than 2.5 m (8 ft) to any part of a doorway, window, stairway or fire escape. Adequate space must be maintained above the enclosure so that a boom may be used to lift the transformer from the enclosure.

450.42 National Electrical Code Article 450.42 amended – Walls, Roofs, and Floors.

Article 450.42 Exception of the National Electrical Code is amended and supplemented to read as follows:

Exception: Where transformers are protected with automatic sprinkler, water spray, carbon dioxide, or halon and installed 5 stories or less above finished grade, construction of 1-hour rating shall be permitted.

501.200 National Electrical Code Article 501 amended – Sewage Disposal Systems.

Article 501 of the National Electrical Code is amended and supplemented by the addition of a new Section 501.200, to read as follows:

501.200 Sewage Disposal Systems.

(A) Pumping chambers for sewage, effluent, or grinder pumps in on-site and septic tank effluent pump (S.T.E.P.) disposal systems will be considered unclassified when not more than five residential units are connected to the system, residential units are connected to a utility sewage system, or when nonresidential systems have residential loading characteristics and all of the following general installations requirements are complied with:

- (1) The pumping chamber must be adequately vented. Venting may be accomplished through the building or structure plumbing vents where the system venting has been approved by the local jurisdiction authority or by a direct two-inch minimum vent to the atmosphere;
- (2) Equipment that in normal operation may cause an arc or spark must not be installed in any pumping chamber;
- (3) Float switches installed in a pumping chamber must be hermetically sealed to prevent the entrance of gases or vapors;
- (4) Junction boxes, conduits and fittings installed in the septic atmosphere must be of a noncorrosive type, installed to prevent the entrance of gases or vapors;
- (5) Where a conduit system is installed between the pumping chamber and the control panel, motor disconnect, or power source, an approved sealing method must be installed to prevent the migration of gases or vapors from the pumping chamber, and must remain accessible; and
- (6) Wire splices in junction boxes installed in pumping chambers must be suitable for wet locations.

(B) Residential wastewater loading characteristics in a nonresidential installation:

- (1) For systems that process less than three thousand five hundred gallons of wastewater per day may be certified by:

(a) An on-site wastewater designer licensed under chapter 18.210 RCW; or

(b) A professional engineer, engaged in the business of on-site wastewater system design, licensed under chapter 18.43 RCW.

(2) For systems that process three thousand five hundred gallons or more of wastewater per day may be certified by a professional engineer, engaged in the business of on-site wastewater system design, licensed under chapter 18.43 RCW. Written documentation must be signed and stamped by the designer or engineer and provided to the electrical inspector prior to inspection.

(C) Any residential or nonresidential system that has building or structure floor drains being discharged into the system is classified as Class I Division 1. Drains from any commercially made tub, shower, basin, sink, or toilet are not considered floor drains.

(D) Pumping chamber access covers can be covered by gravel, light aggregate, or noncohesive granulated soil, and must be accessible for excavation. Access covers that are buried must have their exact location identified at the electrical panel or other prominent location by an identification plate. The authority having jurisdiction for performing electrical inspections must approve the identification plate location.

(E) Indoor grinder pumps installed in chambers with less than fifty gallons capacity are not required to meet the requirements of this section, except for the venting requirements in subsection (A)(1) of this section. Indoor grinder pumps installed in chambers with less than fifty gallons capacity are not classified systems as described in Article 500 NEC.

(F) Secondary treatment effluent pumping chambers such as sand filters are unclassified, and require no special wiring methods.

(G) Inspection approval is required prior to covering or concealing any portion of the septic electrical system, including the pump. New septic and effluent tanks containing electrical wires and equipment must be inspected and approved prior to being loaded with sewage.

**514.11 National Electrical Code Article 514.11 amended —
Circuit Disconnects.**

Article 514.11 (A) of the National Electrical Code is amended and supplemented by the addition of the following subsections to be known as subsections 514.11 (A) (1), (2), and (3), to read as follows:

(1) The disconnecting means shall disconnect all conductors of the circuit supplying all station dispensers and or pumps (including the grounded conductor) simultaneously from the source(s) of supply.

- (2) For multi-circuit installations, an electrically held normally open contactor operated by a push-button or other suitable device may serve as the disconnecting means. The push button or disconnecting device shall not function as the resetting mechanism for the electrically held contactor. The resetting means shall meet the following:
- (a) Located at least 4.5 m (15 ft) or out of sight of the pushbutton; and
 - (b) Protected by a suitable cover or guard; and
 - (c) Identified with an approved identification plate that has white lettering on a black background.
- (3) The disconnecting means shall be labeled with an identification plate, with letters at least 1" high, as the emergency disconnecting means. The disconnecting means or operator must be:
- (a) Substantially red in color; and
 - (b) For attended facilities – Must be readily accessible and must be located outdoors and within sight of the pump or dispensing equipment it controls; or
 - (4) For unattended facilities – must be readily accessible and must be located within sight, but at least 20' from the pump or dispensing equipment it controls.

**517.29 National Electrical Code Article 517.29 amended —
Essential Electrical Systems for Hospitals.**

Article 517 of the National Electrical Code is amended and supplemented by the addition of a new section to be known as section 517.29, to read as follows:

517.29 General Requirements. In health care facilities, the following methods must be used to determine adequate capacity and ratings of equipment providing electrical power for the essential electrical systems.

(A) Systems in new facilities:

- (1) Emergency system: The emergency branch must consist of 2 branches known as:
 - (a) Life safety system: The feeder conductors and equipment used to supply electrical power to the life safety branch must be determined by summation of the connected loads as determined by article 220 NEC and may not be subjected to any reduction due to the diversity of the loads. Feeder and equipment will be subject to a 125% multiplier for continuous loads in accordance with article 220 NEC.
 - (b) Critical branch system: The feeder conductors and equipment must be calculated in accordance with article 220 NEC, including a level of diversity as determined by such article.

(2) Equipment branch: The feeder conductors and equipment used to supply electrical power to the equipment branch of the essential electrical system must be calculated in accordance with article 220 NEC, including a level of diversity as determined by such article.

(3) Generator sizing: The rating of the generator(s) supplying electrical power to the essential system of a health care facility must meet or exceed the summation of the loads determined in (a) and (b) of this subsection with no additional demand factors applied. Momentary X-ray loads may be ignored if the generator is rated at least 300% of the largest momentary X-ray load connected.

(B) Existing essential systems in facilities to which additional load is to be added:

(1) Existing loads: The existing loads of the separate branches of the essential electrical system may be determined by NEC Article 220.35(1).

(2) Added loads: Added loads to the separate branches of the essential electrical system must be determined by subsection (a) of this section.

(3) Generator sizing: The rating of the generator(s) supplying electrical power to the essential electrical system must meet or exceed the summation of the loads determined by (a) and (b) of this subsection with no additional demand factors applied.

519 National Electrical Code Article 519 created —Educational and Institutional Occupancies.

The National Electrical Code is amended and supplemented by the addition of a new Article to be known as Article 519 – Educational and Institutional Occupancies to read as follows:

ARTICLE 519 Educational and Institutional Occupancies

519.1 Scope. This article covers educational and institutional occupancies as defined in the Article.

519.2 Wiring Methods. The wiring methods in educational or institutional occupancies shall be limited to metallic or nonmetallic raceways, MI, MC, or AC cable. Places of Assembly within an Educational or Institutional occupancy may not be wired according to Section 518.4(b) or (c).

Exception: Limited energy systems may use wiring methods in accordance with this Code.

525.1 National Electrical Code Article 525.1 amended — Scope.

Article 525.1 of the National Electrical Code is amended to read as follows:

525.1 Scope. This article covers the installation of portable wiring and equipment for carnivals, circuses, fairs, and similar functions, including wiring in or on all structures. In addition to the requirements in this Article, all wiring and equipment for carnivals, circuses, fairs, and similar functions must also comply with WAC 296-403A.

**547.1 National Electrical Code Article 547 amended —
Agricultural Buildings - Scope**

Article 547.1 of the National Electrical Code is amended to read as follows:

547.1 Scope. The provisions of this article shall apply to the following agricultural buildings or that part of a building or adjacent areas of similar or like nature greater than 1,000 square feet and used as part of a business or commercial farming activity as specified in 547.1 (A) and (B).

**553.4 National Electrical Code Article 553.4 amended —
Location of Service Equipment.**

Article 553.4 of the National Electrical Code is amended to read as follows:

553.4 Location of Service Equipment. The service equipment for floating buildings and similar facilities shall have a readily accessible service rated disconnect located on the shoreline within sight of the shoreline connection of the dock, wharf or similar structure to which the floating building or similar facility is moored.

**553.6 National Electrical Code Article 553.6 amended —
Feeder Conductors.**

Article 553.6 of the National Electrical Code is amended and supplemented by the addition of new paragraph following exception to read as follows:

Floating buildings or similar facilities shall have a disconnecting means located within sight of each floating building or similar facility. The disconnecting means shall be installed adjacent to but not in or on, the floating building or similar facility.

**553.7 National Electrical Code Article 553.7 amended —
Installation of Services and Feeders.**

Article 553.7(B) of the National Electrical Code is amended and supplemented by the addition of new paragraph following the first paragraph, to read as follows:

Where flexible cables or cords are used they shall comply with Article 555.13(2). Conductors operating in excess of 600 volts, nominal, shall not be installed on floating portions of a floating building or similar facility.

**555.1 National Electrical Code Article 555.1 amended —
Marinas and Boatyards - Scope.**

Article 555.1 of the National Electrical Code is amended and supplemented by amending the last paragraph of Article 555.1 to read as follows:

Private, non-commercial docking facilities constructed or occupied for the use of the owner or residence of the associated single family dwelling are covered by this article.

**555.5 National Electrical Code Article 555.5 amended —
Transformers.**

Article 555.5 of the National Electrical Code is amended to read as follows:

555.5 Transformers. Transformers and enclosures shall be specifically approved for the intended location. The bottom of enclosures for transformers shall be located a minimum of 12" above the deck of a dock.

**555.7 National Electrical Code Article 555.7 amended —
Location of Service Equipment.**

Article 555.7 of the National Electrical Code is amended to read as follows:

Article 555.7 Location of Service Equipment. The service equipment for floating docks or marinas shall be located adjacent to and within sight but not on or in, the floating structure.

**555.9 National Electrical Code Article 555.9 amended —
Electrical Connections.**

Article 555.9 of the National Electrical Code is amended and supplemented by the addition of new exception to read as follows:

Exception: Connections approved for wet locations.

**555.10 National Electrical Code Article 555.10 amended —
Electrical Equipment Enclosures.**

Article 555.10(B) of the National Electrical Code is amended and supplemented by the addition of new text after the first sentence, to read as follows:

All enclosures must be corrosion resistant. Gasketed enclosures must be arranged with a weep hole to discharge condensation.

**555.13 National Electrical Code Article 555.13 amended —
Wiring Methods and Installation.**

Article 555.13(B)(1) of the National Electrical Code is amended and supplemented by amending the first paragraph to read as follows:

(1) Overhead Wiring. Overhead wiring shall be installed to avoid possible contact with masts and other parts of boats being moored, stored, serviced or moved.

**555.19 National Electrical Code Article 555.19 amended —
Receptacles.**

Article 555.19(A)(4) of the National Electrical Code is amended to read as follows:

(4) Ratings. Shore Power Receptacles that provide shore power for boats must be rated not less than 20 amperes and must be single outlet type and must be of the locking and grounding type or pin and sleeve type.

**555.21 National Electrical Code Article 555.21 amended —
Gasoline Dispensing Stations – Hazardous (Classified)
Locations.**

Article 555.21(B)(1) of the National Electrical Code is amended and supplemented by deleting exception numbers 1 and 2 and adding new exception number 1 to read as follows:

Exception No. 1: Dock, pier, or wharf sections that do not support fuel dispensers and may abut a section(s) that supports a fuel dispenser(s) are permitted to be unclassified where documented air space between the

sections is provided and where flammable liquids or vapors cannot travel to these sections. Documentation shall be provided as required in NEC 500.4(A).

590.1 National Electrical Code Article 590.1 amended — Scope.

Article 590.1 of the National Electrical Code is amended and supplemented to read as follows:

590.1 Scope. The provisions of this article apply to temporary electrical power and lighting installations. For the purposes of this section, any circuit used for construction purposes is considered to be temporary.

590.4 National Electrical Code Article 590.4 amended — General - Splices.

Article 590.4 of the National Electrical Code is amended by revising subsection 590.4(G) to read as follows:

(G) Splices. On construction sites, a splice or junction box is not required for splices or junction connections where splices of conductors are at least ten feet above the grade or floor level and where not subject to contact from personnel.

600.3 National Electrical Code Article 600.3 amended - Electrical Signs and Outline Lighting - Listing.

Article 600.3 of the National Electrical Code is amended and supplemented by the addition of a new paragraph following the first paragraph, to read as follows:

Electric signs within the scope of Underwriters Laboratories Standards for Electric Signs UL 48 shall be listed. Electric signs not covered under the Standards for Electric Signs UL 48 shall be required to be installed in conformance with this Code or be field evaluated by an accredited electrical products testing laboratory.

600.10 National Electrical Code Article 600.10 amended — Portable or Mobile Signs.

Article 600.10 of the National Electrical Code is amended to read as follows:

600.10 Portable and Mobile Signs

(A) Support. Portable or mobile signs shall be adequately supported and readily movable without the use of tools.

(B) **Attachment Plug.** An attachment plug shall be provided for each portable or mobile sign.

(C) **Outdoor locations.** Portable or mobile signs in outdoor locations shall comply with 600.10(C)(1) and (C)(2).

(1) **Cords.** A weatherproof receptacle outlet that is weatherproof with the supply cord connected must be installed within six feet of each electrical sign. Extension cords are not permitted to supply portable outdoor signs.

(2) **Ground-Fault Circuit Interrupter.** Portable or mobile signs shall be provided with factory-installed ground-fault circuit-interrupter protection for personnel. The ground-fault circuit interrupter shall be an integral part of the attachment plug or shall be located in the power-supply cord within 300 mm (12 in.) of the attachment plug.

**600.21 National Electrical Code Article 600.21 amended —
Ballasts, Transformers, and Electronic Power Supplies.**

Article 600.21 of the National Electrical Code is amended and supplemented by the addition of a new subsection (G), to read as follows:

(G) Outside Awnings. Luminaires installed in outdoor awnings shall be of a type that is suitable for wet locations and be connected by a wiring method suitable for wet locations. Fluorescent luminaires shall be installed so that no part of the luminaire is located closer than 6" to the awning fabric. Incandescent luminaires shall be installed so that no part of the luminaire is located closer than 18" to the awning fabric. Luminaires installed in outside awnings shall be controlled by a disconnect installed in conformance with Article 600.6.

**680.4 National Electrical Code Article 680.4 amended —
Approval of Equipment.**

Article 680.4 of the National Electrical Code is amended and supplemented by the addition of the following new text to follow the first paragraph, to read as follows:

Electrical components which have failed and require replacement shall be replaced with identical products unless the replacement part is no longer available; in which case, a like-in-kind product may be substituted provided the mechanical and grounding integrity of the equipment is maintained.

680.13 National Electrical Code Article 680.13 New — Field Installed Equipment.

Article 680 of the National Electrical Code is amended and supplemented by the addition of new Section to be known as Article 680.13 to read as follows:

680.13 Field Installed Equipment. Field installed electrical equipment for a swimming pool, hot tub, spa or swim spa shall not be located closer than five feet from inside wall of the swimming pool, hot tub, spa or swim spa. The five feet separation may be reduced by the installation of a permanent barrier, such as a solid wall, fixed glass windows or doors, etc. The five feet separation shall be determined by the shortest path or route that a cord can travel from the spa, hot tub, swim spa, or swimming pool to the equipment.

Field installed electrical equipment must meet the following additional requirements:

1. Heaters are listed as a "swimming pool heater or a spa heater";
2. Pumps are listed as a "swimming pool pump" or "spa pump" or "swimming pool/spa pump";
3. Other equipment such as panelboards, conduit, and wire are suitable for the environment and comply with the applicable codes.
4. The field assembly or installation of "recognized components" shall not be permitted.

680.25 National Electrical Code Article 680.25 amended — Feeders.

Article 680.25 of the National Electrical Code is amended by revising subsection 680.25(A) to read as follows:

(A) Wiring Methods. A feeder between the service equipment and the remote panelboard is permitted to run in flexible metal conduit, an approved cable assembly that includes an equipment grounding conductor within its outer sheath (the equipment grounding conductor must comply with NEC 250.24(A)(5)), rigid metal conduit, intermediate metal conduit, liquidtight flexible nonmetallic conduit, rigid polyvinyl chloride conduit, reinforced thermosetting resin conduit, electrical metallic tubing (when installed on or within a building or crawl space), and electrical nonmetallic tubing (when installed within a building or crawl space). Aluminum conduit is not permitted.

680.40 National Electrical Code Article 680.40 amended — General.

Article 680.40 of the National Electrical Code is amended and supplemented by the addition of a new Subsection (A) and a new Subsection (B), to read as follows:

(A) Modular, Self-Contained Spa or Hot Tubs. Equipment assemblies for self-contained spas or hot tubs shall be installed within 1.5 m (5 ft.) from the inside wall of the spa or hot tub. Equipment assemblies shall be listed or field evaluated as a unit with the spa or hot tub.

(B) Packaged Spa or Hot Tub Equipment Assemblies. Equipment assemblies (skid pack) pre-packaged by a factory shall not be installed closer than 1.5 m (5 ft.) from the inside wall of the spa or hot tub and shall be listed as a package unit.

680.70 National Electrical Code Article 680.70 amended — General.

Article 680.70 of the National Electrical Code is amended and supplemented by the addition of the following text to the end of the first paragraph, to read as follows:

Hydromassage bathtubs must be listed as a unit and bear a listing mark which reads "Hydromassage bathtub."

690.2 National Electrical Code Article 690.2 amended — Solar Photovoltaic Systems — Definitions

Article 690.2 of the National Electrical Code is amended and supplemented by the addition of the following definitions, to read as follows:

Photovoltaic system. The photovoltaic system may conduct alternating current, direct current, or both and will comprise all interconnected circuits to the point of connection with the building distribution circuits or utility service conductors.

Support structure, foundation, and tracker. For the purpose of this section those portions of the array or tracker that are exclusively mechanical and are built specifically for the purpose of physically

supporting the modules or panels will not be considered part of the photovoltaic system as defined by this article.

690.4 National Electrical Code Article 690.4 amended - Solar Photovoltaic Systems - Installation

Article 690.4 of the National Electrical Code is amended and supplemented by the addition of two new subsections to be known as 690.4(E) and 690.4(F), to read as follows:

(E) Utility interactive systems. For utility interactive systems, persons making inter-connections between solar photovoltaic systems and the utility distribution network must consult the serving utility and are required to meet all additional utility standards.

(F) Labels and Identification. Required "WARNING" labels as specified by NEC 690 are required to be an identification plate on or immediately adjacent to the pertinent equipment.

All photovoltaic circuits must be identified at each overcurrent protection device(s) and panel directory(ies).

690.7 National Electrical Code Article 690.7 amended – Solar Photovoltaic Systems - Maximum Voltage

Article 690.7 of the National Electrical Code is amended and supplemented by replacing the second paragraph of Article 690.7(A) with the following text, to read as follows:

The open-circuit voltage temperature coefficients supplied in the instruction of listed photovoltaic modules will be used to determine the maximum direct current photovoltaic system voltage. Otherwise the voltage will be calculated using Table 690.7 of the National Electrical Code. For the purposes of this calculation, a temperature correction factor of 1.25 will be used unless another factor can be justified and is approved by the authority having jurisdiction.

700.6 National Electrical Code Article 700.6 amended – Transfer Equipment.

Article 700.6 of the National Electrical Code is amended and supplemented by the addition of a new subsection (E) to read as follows:

(E) Location. In high-rise buildings and underground buildings, per IBC 403 and 405 respectively, the emergency transfer switches where required by the IBC or this code shall be located in a separate room from the normal

power source including transformers and distribution equipment and shall be enclosed in a room constructed of not less than 2-hour fire-resistive-rated fire barriers ventilated directly to and from the exterior. The emergency transfer switches, where required by the IBC or this code in other buildings or uses, shall be located in a separate room from the normal power source including transformers and distribution equipment and shall be enclosed in a room constructed of not less than 1-hour fire-resistive-rated fire barriers ventilated directly to and from the exterior. Power distribution from the two sources to the emergency transfer switches shall be by independent routes.

Exception: System components described in Article 701 may occupy the same dedicated spaces as emergency systems.

700.8 National Electrical Code Article 700.8 amended – Emergency Systems – Signs

Article 700.8 of the National Electrical Code is amended and supplemented by the addition of the following paragraph prior to subsection (A) to read as follows:

Signs required in this section must be placed at the service disconnecting means and the meter base if the service disconnecting means and meter base are not located within sight and within 5 feet of each other.

700.9 National Electrical Code Article 700.9 amended – Wiring, Emergency Systems.

Article 700.9 of the National Electrical Code is amended and supplemented by amending Article 700.9(A) to read as follows:

(A) Identification.

(1) Emergency systems. All boxes and enclosures larger than 150 mm (6 in.) by 150 mm (6 in.) (including transfer switches, generators and power panels) for emergency circuits shall be permanently marked with an identification plate that is orange in color so they will be readily identified as a component of the emergency circuit or system. All other device and junction boxes for emergency systems and circuits shall be orange in color, both inside and outside.

(2) Smoke Control Systems. All boxes and enclosures larger than 150 mm (6 in.) by 150 mm (6 in.) (including transfer switches, generators

and power panels) for smoke control power and control circuits shall be permanently marked with an identification plate that is orange in color with a yellow diagonal stripe so they will be readily identified as a component of the smoke control circuit or system. All other device and junction boxes for smoke control systems and circuits shall be orange in color both inside and outside. Cover plates shall be orange in color with a yellow diagonal stripe.

(3) Stair and elevator pressurization systems. All boxes and enclosures larger than 150 mm (6 in.) by 150 mm (6 in.) (including transfer switches, generators and power panels) for stair and elevator pressurization system power and control circuits shall be permanently marked with an identification plate that is orange in color with a gray diagonal stripe so they will be readily identified as a component of the stair and elevator pressurization system. Raceways for stair and elevator pressurization system wiring shall be identified by labels or color coding which distinguish it from all other systems and shall be visible at the time of inspection. All other device and junction boxes for stair and elevator pressurization system power and control circuits shall be orange in color both inside and outside. Cover plates shall be orange in color with a gray diagonal stripe.

Exception: In existing facilities, the existing nameplate identification color scheme may be retained where approved by the code official.

700.12 National Electrical Code Article 700.12 amended – Sources of Power.

A. Article 700.12 of the National Electrical Code is amended and supplemented by the addition of three new paragraphs following the last paragraph to read as follows:

In high-rise buildings and underground buildings, per IBC 403 and 405 respectively, the emergency source of power shall be located in a separate room from the normal power source including transformers and distribution equipment and shall be enclosed in a room constructed of not less than 2-hour fire-resistive-rated fire barriers ventilated directly to and from the exterior.

In other buildings or uses the emergency source of power, where required by the IBC or this code shall be located in a separate room from the normal power source including transformers and distribution equipment and shall be enclosed in a room constructed of not less than 1-hour fire-resistive-rated fire barriers ventilated directly to and from the exterior.

Power distribution from the emergency source to the emergency transfer switch shall be by an independent route from the normal source.

B. Article 700.12(B)(6) of the National Electrical Code is amended and supplemented by the addition of new text following the first paragraph to read as follows:

A generator set located less than 3 m (10 ft) from the building(s) shall be enclosed within an approved structure of 1-hour fire resistive construction. Where located more than 3 m (10 ft) but less than 6 m (20 ft) shall be within an approved enclosure.

700.27 National Electrical Code Article 700.27 amended – Coordination.

Article 700.27 of the National Electrical Code is amended and supplemented by the addition of a new exception #2 following the first exception to the first paragraph to read as follows:

Exception #2: The requirements for selective coordination described are not required where the emergency system was installed prior to June 1, 2006. For new emergency systems that are supplied from an existing emergency system installed prior to June 1, 2006, the new portion of the emergency system shall comply with NEC 700.27. The ground fault sensing function of overcurrent protective devices will only be required to selectively coordinate with the ground fault sensing functions of other overcurrent protective devices.

700.30 National Electrical Code Article 700.30 new – Smoke Control Systems, Pressurization Wiring and Equipment.

Article 700 of the National Electrical Code is amended and supplemented by the addition of a new section to be known as Section 700.30 to read as follows:

700.30 Smoke Control Systems, Pressurization Wiring and Equipment. Where smoke control, stair pressurization and elevator pressurization is required by the City Building Code, all power and control wiring and equipment, including the emergency source of power and transfer switch(s) for smoke control, stair pressurization and elevator pressurization systems shall be installed in accordance with this Article (NEC 700-Emergency Systems), and IBC Section 403 HIGH-RISE BUILDINGS, IBC Section 405 UNDERGROUND BUILDINGS and IBC Section 909 SMOKE CONTROL SYSTEMS as amended and adopted by the City Building Code.

701.7 National Electrical Code Article 701.7 amended – Transfer Equipment.

Article 701.7 of the National Electrical Code is amended and supplemented by the addition of a new subsection (D) to read as follows:

(D) Location. In high-rise buildings the legally required standby source of power and its transfer switches shall be located in a separate room from the normal power source including transformers and distribution equipment and shall be enclosed in a room constructed of not less than 2-hour fire-resistive-rated fire barriers ventilated directly to and from the exterior. Power distribution from the two sources shall be by independent routes.

***Exception:** System components described in Article 700 may occupy the same dedicated spaces as the legally required standby systems.*

701.9 National Electrical Code Article 701.9 amended – Legally Required Standby Systems – Signs

Article 701.9 of the National Electrical Code is amended and supplemented by the addition of the following paragraph prior to subsection (A) to read as follows:

Signs required in this section must be placed at the service disconnecting means and the meter base if the service disconnecting means and meter base are not located within sight and within 5 feet of each other

701.11 National Electrical Code Article 701.11 amended – Legally Required Standby Systems.

Article 701.11(B)(5) of the National Electrical Code is amended and supplemented by the addition of new text following the first paragraph to read as follows:

A generator set located less than 3 m (10 ft) from the building(s) shall be enclosed within an approved structure of 1-hour fire resistive construction. Where located more than 3 m (10 ft) but less than 6 m (20 ft) shall be within an approved enclosure.

701.18 National Electrical Code Article 701.18 amended – Coordination.

Article 701.18 of the National Electrical Code is amended and supplemented by the addition of a new exception following the first paragraph to read as follows:

Exception: The requirements for selective coordination described are not required where the legally required standby system was installed prior to June 1, 2006. For new legally required standby systems that are supplied from an existing legally required standby system installed prior to June 1, 2006, the new portion of the legally required standby system shall comply with NEC 701.18. The ground fault sensing function of overcurrent protective devices will only be required to selectively coordinate with the ground fault sensing functions of other overcurrent protective devices.

**702.8 National Electrical Code Article 702.8 amended –
Optional Standby Systems – Signs**

Article 702.8 of the National Electrical Code is amended and supplemented by the addition of the following paragraph prior to subsection (A) to read as follows:

Signs required in this section must be placed at the service disconnecting means and the meter base if the service disconnecting means and meter base are not located within sight and within 5 feet of each other

725.3 National Electrical Code Article 725.3 amended — Other Articles.

Article 725.3 of the National Electrical Code is amended and supplemented by the addition of Subsection (H) to read as follows:

(H) Suspended Ceilings. The installation of Class 1, Class 2 and Class 3 circuits must comply with Section 300.11(A).

760.3 National Electrical Code Article 760.3 amended – Other articles.

Article 760.3 of the National Electrical Code is amended and supplemented by the addition of a new subsection (H), to read as follows:

(H) Suspended Ceilings. The installation of fire alarm cables and raceways installed in hollow spaces of suspended ceilings shall comply with Section 300.11(A) of this code.

760.12 National Electrical Code Article 760.12 amended – Fire Alarm Systems.

Article 760 of the National Electrical Code is amended and supplemented by the addition of a new Section 760.12 to read as follows:

760.12 Detection and control systems. Wiring for fire detection systems providing power, detection, or control input or output signals to mechanical smoke control systems, stair and elevator pressurization systems or elements thereof shall be fully enclosed within a continuous metallic raceway system. The installation of the wiring system shall be installed in accordance with this Article (NEC 760-Fire Alarm Systems), IBC Section 403 HIGH-RISE BUILDINGS, IBC Section 405 UNDERGROUND BUILDINGS and IBC Section 909 SMOKE CONTROL SYSTEMS as amended and adopted by the City Building Code. The installation shall ensure the survivability of circuits for the specified time for evacuation of the building as determined by the Fire Code Official.

760.30 National Electrical Code Article 760.10 amended – Fire alarm circuit identification.

Article 760.30 of the National Electrical Code is amended and supplemented by the addition of new text to follow the end of the first paragraph, to read as follows:

Device and junction boxes for fire alarm systems shall be red in color, both inside and outside. Power-limited fire protective signaling circuit conductors shall be durably and plainly marked in or on junction boxes or other enclosures to indicate that it is a power-limited fire protective signaling circuit.

All device boxes, junction boxes and enclosures for smoke control systems larger than 150 mm (6 in.) by 150 mm (6 in.) shall be permanently marked with an identification plate that is red in color with a yellow diagonal stripe so they will be readily identified as a component of the smoke control circuit or system. All other device and junction boxes for smoke control systems and circuits shall be red in color both inside and outside. Cover plates shall be red in color with a yellow diagonal stripe.

770.3 National Electrical Code Article 770.3 amended — Other Articles.

Article 770.3 of the National Electrical Code is amended and supplemented by the addition of Subsection (C) to read as follows:

(C) Suspended Ceilings. The installation of optical fiber cables and raceways must comply with Section 300.11(A).

800.3 National Electrical Code Article 800.3 amended — Other Articles.

Article 800.3 of the National Electrical Code is amended and supplemented by the addition of Subsection (D) to read as follows:

(D) Suspended Ceilings. The installation of communications cables must comply with Section 300.11(A).

800.30 National Electrical Code Article 800 amended — Communication Circuits.

Article 800 of the National Electrical Code is amended and supplemented by the addition of a new Section 800.30 to read as follows:

800.30 Designation of Telecommunications Network Demarcation Point.

(A) At the point of telecommunications network demarcation, the telecommunications installer must install an identification plate with the following information:

- (1) "Point of demarcation";
- (2) Name of telecommunications utility; and
- (3) Name of customer/end user of the system.

(B) The telecommunications installer must confer with the telecommunications utility when determining the point of demarcation.

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion of Draft Resolution No. 305, Relating to “Initiative Measure No. 1033 Concerns State, County and City Revenue”		Meeting Date: September 28, 2009
Department: Finance	Attachment: 1. <u>Potential Effects of I-1033 on Burien excluding Annexation</u> 2. <u>Potential Effects of I-1033 on Burien w Annexation</u> 3. <u>OFM Fiscal Impact Statement for 1033</u> 4. <u>Draft Resolution No. 305</u>	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Tabatha Miller, Director		
Telephone: (206) 439-3150		
Adopted Work Plan Priority: Yes No X	Work Plan Item Description: N/A	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to receive information and consider the potential effects of Initiative 1033 (I-1033) and to discuss a draft resolution concerning the initiative, which is on the ballot for the November 3, 2009, election.</p> <p>BACKGROUND (Include prior Council action & discussion): On September 14, 2009, the City Council provided an opportunity for interested parties to offer comments (“pro” or “con”) concerning I-1033.</p> <p>I-1033 requires the State, county and city governments to limit their general fund revenues to the amount resulting from inflation, based on the implicit price deflator (IPD) for the U.S., and population growth. Any revenue exceeding that formula must be used to reduce property taxes. I-1033 excludes voter-approved revenue increases but makes no accommodation for commercial growth or annexation within the jurisdiction. This is problematic for Burien, in that the formula established by I-1033 does not take into account commercial growth like that envisioned in the Northeast Development Area (NERA). The IPD is a national indicator of inflation on consumer goods but does not reflect commercial growth at the local level. In essence, any commercial growth in the NERA or elsewhere which increased the City’s revenues could not be used to provide the supporting city services, but instead would decrease the next year’s property taxes. Nor does the I-1033 formula adjust so that general fund annexation revenues and the increased population correspond to ensure that additional revenue from the annexation area can be used for city services in the annexation area. Instead, under I-1033 a portion of the annexation revenue will be used to lower property taxes – not to provide city services.</p> <p>This also has the effect of forcing state and local governments to provide a benefit only to property owners rather than spending general fund revenues on services to benefit the entire community. Services such as education, economic development, transportation, parks, and public safety that have been adversely affected by recent revenue shortfalls are at risk of never recovering under I-1033.</p> <p>Under I-1033, 2009 is the base year to which the growth/inflation formula is applied. This means that long-term state and local revenues are tied to revenue levels in a year in which revenue shortfalls caused service reductions, furloughs, layoffs, and discontinued programs in many jurisdictions. Moreover, it is not likely that federal economic stimulus money or one-time fund balances will be available to bridge shortfalls, as they were in 2009. After budget cuts, Burien closed its 2009 general fund revenue shortfall with \$900,000 in one-time fund balance. This means that if I-1033 passes, Burien would have to cut an additional \$900,000 from its general fund going forward.</p> <p>If the Council decides to take action on a resolution it may be scheduled for the Council meeting on October 5, 2009.</p>		
Administrative Recommendation:		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None required. Council may choose to take action on a resolution at its next meeting.		
Submitted by: Tabatha Miller Administration 		City Manager 
Today’s Date: September 15, 2009	File Code: R:\CC\Agenda Bill 2009\092809cm- I1033Reso.docx	

ESTIMATING IMPACTS OF INITIATIVE 1033

Assumptions outlined by the Association of Washington Cities (see more on assumptions below)
 Updated by City of Burien September 21, 2009 - excluding impacts from annexation area

* Shaded cells should be filled out by jurisdiction depending upon local conditions and forecasts

	IPD (March to March) (Note 1)	Population Growth Estimate* (Note 2)	GF Forecast w/out I-1033 (Note 3)	Forecasted Growth in GF Revenues* (Note 3)	Levy w/out "Lower City Property Tax Account" Transfer* (Note 4)	Estimated Actual GF Revenues w/out Limit (Note 5)	Gen Fund Revenue w/ Limit (Note 6)	Lesser of GF Revenue Limit (J) or GF Actuals growing at rate in column F (I) (Column K)	% Increase in Gen Fund Limit or Actual Revenues (Column K)	Amount Over/Under Revenue Limit (I-J)	Transfer to "Lower City Property Taxes Account"	Property Tax After "Lower City Property Tax Account" Transfer (Note 7)
CY 2009	0.50%	1.11%	15,516,098	-10.60%	5,399,539	15,516,098	15,516,098	15,516,098				5,399,539
CY 2010	1.80%	0.65%	15,692,982	1.14%	5,467,033	15,692,982	15,766,768	15,692,982	1.14%	-73,787	0	5,467,033
CY 2011	2.00%	0.65%	16,250,082	3.55%	5,540,838	16,250,082	16,079,296	16,079,296	2.46%	170,787	0	5,540,838
CY 2012	1.80%	0.65%	16,744,085	3.04%	5,621,180	16,738,893	16,507,487	16,507,487	2.66%	231,406	170,787	5,450,394
CY 2013	1.80%	0.65%	17,425,569	4.07%	5,702,687	17,410,748	16,913,852	16,913,852	2.46%	496,896	231,406	5,471,282
CY 2014	1.70%	0.65%	18,092,968	3.83%	5,785,376	18,058,548	17,330,220	17,330,220	2.46%	728,328	496,896	5,288,481
CY 2015	1.70%	0.65%	18,726,222	3.50%	5,869,264	18,665,106	17,739,396	17,739,396	2.36%	925,710	728,328	5,140,937

NOTES

- (1) IPD estimates for CY 2009-CY 2011 are from the June 2009 Washington State Economic and revenue Forecast. Inflation estimates for CYs 2012-15 are from the June 2009 HIS Global Insight forecast (OFM)
- (2) Population growth estimates provided are based on OFM's forecasted population increases for cities in urban counties; cities should replace with own estimates
- (3) General fund revenues and revenue growth should reflect current forecasts without I-1033
- (4) Growth should reflect anticipated councilmanic increases plus increases due to new construction/improvements, annexation, electric generation wind turbine facilities and state-assessed property
- (5) CY 2010 revenue calculated as: (CY 2009 GF REV X GF forecasted growth) + CY 2009 GF REV; CY 2011 and subsequent years calculated as ((CY 2010 GF REV - transfer to Lower City Property Tax Account) X % GF forecasted growth) + CY 2010 GF REV; For simplicity the same forecasted growth rate is assumed with or without passage of I-1033.
- (6) CY 2010 revenue limit calculated as: CY 2009 GF REV X (1+ 2009 % Change Pop) X (1+ 2009 % Change IPD); CY 2011 and subsequent years limit calculated as: CY 2010 GF REV - transfer X (1 + 2010 % Change Pop) X (1 + 2010 % Change IPD)
- (7) Lower City Property Taxes Account is applied to previous year's full levy, reflecting any limit factor increase (plus new construction/improvements, annexation, electric generation wind turbine facilities and state-assessed property). Reflects the amount of the levy set for collection in following year

OFM GENERAL ASSUMPTIONS

CY 2010 revenue limit calculated as: CY 2009 GF REV X (1+ 2009 % Change Pop) X (1+ 2009 % Change IPD)
 CY 2010 GF revenues exceeding CY 2010 revenue limit are transferred into "Lower City Property Tax Account"
 First transfer to the "Lower City Property Tax Account" takes place in CY 2011
 First property tax levy to be reduced is levy set in CY 2011 for CY 2012 collection
 General fund revenues defined as taxes, fees and other governmental charges. Revenues coded for the general fund in the BARS chart of account included, excluding the following categories:
 Federal and state direct and indirect grants
 State shared taxes or revenues
 Charges for contracted services performed
 Charges for enterprise activities or charges that are not governmental in nature
 Inter-fund and inter-department charges
 Interest and investment earnings

AWC ADDITIONAL INFORMATION

Using the assumptions outlined in Office of Financial Management's fiscal impact statement, in addition to some of our own, AWC has developed this spreadsheet that cities can use to estimate their individual jurisdiction's impacts. In building this spreadsheet, AWC worked with a group of finance directors to interpret the language in I-1033 and test the model.
 Cities should note that neither OFM nor AWC is a regulatory agency, and this impact model outlines assumptions for estimating fiscal impacts only. It does not serve as an implementation guide should the Initiative pass. The impact model is intended to provide cities with an idea of the magnitude of change under the initiative, rather than a specific dollar amount.
 Once your city has estimated the impacts of I-1033, please forward this spreadsheet to Alicia Seegers Martinelli, aliciam@awcnet.org, to be included on our website.

ATTACHMENT 1

ESTIMATING IMPACTS OF INITIATIVE 1033

Assumptions outlined by the Association of Washington Cities (see more on assumptions below)
 Updated by City of Burien September 21, 2009 - Including impacts from annexation area

* Shaded cells should be filled out by jurisdiction depending upon local conditions and forecasts

	IPD (March to March) (Note 1)	Population Growth Estimate* (Note 2)	GF Forecast w/out I-1033 (Note 3)	Forecasted Growth In GF Revenues* (Note 3)	Levy w/out "Lower City Property Tax Account" Transfer* (Note 4)	Growth in w/prop Tax w/out "Lower City Property Tax Account" Transfer* (Note 4)	Estimated Actual GF Revenues w/out Limit (Note 5)	Gen Fund Revenue w/ Limit (Note 6)	Lesser of GF Revenue Limit (J) or GF Actuals growing at rate in column F (I) (Column K)	% Increase in Gen Fund Limit or Actual Revenues (Column K)	Amount Over/Under Revenue Limit (I-J)	Transfer to "Lower City Property Taxes Account"	Property Tax After "Lower City Property Tax Account" Transfer (Note 7)
CY 2009	0.50%	1.11%	15,516,098	-10.60%	5,399,539	15,516,098	15,516,098	15,516,098					5,399,539
CY 2010	1.80%	45.65%	18,206,589	17.34%	5,464,333	18,206,589	15,766,768	15,766,768	1.62%	2,439,821		0	5,464,333
CY 2011	2.00%	0.65%	19,175,180	5.32%	5,532,636	19,045,381	23,377,655	19,045,381	20.79%	-4,332,274	2,439,821	2,439,821	3,092,817
CY 2012	1.80%	0.65%	19,846,311	3.50%	6,868,770	19,711,970	19,552,560	19,552,560	2.66%	159,410		0	6,868,770
CY 2013	1.80%	0.65%	20,731,457	4.46%	6,968,367	20,564,014	20,033,885	20,033,885	2.46%	550,129	159,410	159,410	6,808,957
CY 2014	1.70%	0.65%	21,374,132	3.10%	7,069,408	21,205,064	20,527,060	20,527,060	2.46%	678,005	550,129	550,129	6,519,279
CY 2015	1.70%	0.65%	22,122,227	3.50%	7,171,915	21,923,512	21,011,714	21,011,714	2.36%	911,798	678,005	678,005	6,493,910

NOTES

- (1) IPD estimates for CY 2009-CY 2011 are from the June 2009 Washington State Economic and revenue Forecast. Inflation estimates for CYs 2012-15 are from the June 2009 HIS Global Insight forecast (OFM)
- (2) Population growth estimates provided are based on OFM's forecasted population increases for cities in urban counties: cities should replace with own estimates
- (3) General fund revenues and revenue growth should reflect current forecasts without I-1033
- (4) Growth should reflect anticipated councilmanic increases plus increases due to new construction/improvements, annexation, electric generation wind turbine facilities and state-assessed property
- (5) CY 2010 revenue calculated as: (CY 2009 GF REV X GF forecasted growth) + CY 2009 GF REV; CY 2011 and subsequent years calculated as ((CY 2010 GF REV - transfer to Lower City Property Tax Account) X % GF forecasted growth) + CY 2010 GF REV; For simplicity the same forecasted growth rate is assumed with or without passage of I-1033.
- (6) CY 2010 revenue limit calculated as: CY 2009 GF REV X (1+ 2009 % Change Pop) X (1+ 2009 % Change IPD); CY 2011 and subsequent years limit calculated as: CY 2010 GF REV - transfer X (1 + 2010 % Change Pop) X (1 + 2010 % Change IPD)
- (7) Lower City Property Taxes Account is applied to previous year's full levy, reflecting any limit factor increase (plus new construction/improvements, annexation, electric generation wind turbine facilities and state-assessed property). Reflects the amount of the levy set for collection in following year

OFM GENERAL ASSUMPTIONS

CY 2010 revenue limit calculated as: CY 2009 GF REV X (1+ 2009 % Change Pop) X (1+ 2009 % Change IPD)
 CY 2010 GF revenues exceeding CY 2010 revenue limit are transferred into "Lower City Property Tax Account"
 First transfer to the "Lower City Property Tax Account" takes place in CY 2011
 First property tax levy to be reduced is levy set in CY 2011 for CY 2012 collection
 General fund revenues defined as taxes, fees and other governmental charges. Revenues coded for the general fund in the BARS chart of account included, excluding the following categories:
 Federal and state direct and indirect grants
 State shared taxes or revenues
 Charges for contracted services performed
 Charges for enterprise activities or charges that are not governmental in nature
 Inter-fund and inter-department charges
 Interest and investment earnings

AWC ADDITIONAL INFORMATION

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STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

Insurance Building, P.O. Box 43113 • Olympia, Washington 98504-3113 • (360) 902-0555

Fiscal Impact Statement for Initiative 1033

As sent to the Office of the Secretary of State, August 10, 2009

Fiscal Impact through Calendar Year 2015

Initiative 1033 limits annual growth of state, city and county general fund revenue to the rate of inflation and population growth. General fund revenues exceeding this limit must be used to reduce the following year's state, city or county general fund property tax levy. The initiative reduces state general fund revenues that support education; social, health and environmental services; and general government activities by an estimated \$5.9 billion by 2015. The initiative also reduces general fund revenues that support public safety, infrastructure and general government activities by an estimated \$694 million for counties and \$2.1 billion for cities by 2015.

General Assumptions

- The initiative is set on a calendar year (CY) basis.
- CY 2010 revenue limit is calculated as follows:

$$\text{CY 2009 General Fund Revenue} \times (1 + 2009 \% \text{ Change Population}) \times (1 + 2009 \% \text{ Change Inflation})$$
- CY 2010 general fund revenues that exceed the CY 2010 revenue limit will be transferred into new "Lower Property Tax Accounts" for the state, counties and cities. The first transfer(s) into the new accounts will occur in CY 2011.
- The first property tax levy to be reduced by the initiative is the 2011 levy, which is collected in CY 2012. Thus, funds will be transferred from the new "Lower Property Tax Accounts" into state, county and city general funds in CY 2012 to account for any reduction in 2011 levies.

State Revenue Estimate – Assumptions

- The initiative defines state general fund revenue as the aggregate of revenue from taxes, fees and other governmental charges received by state government that are deposited into any fund subject to the state's expenditure limit under RCW 43.135.025. For CY 2009 and CY 2010, state general fund revenues are General Fund – State revenue estimates from the June 2009 Washington State Economic and Revenue Forecast Council converted from a fiscal-year basis to a calendar-year basis.

ATTACHMENT 3

- The following state revenue sources, totaling less than \$30 million annually, have been excluded from these estimates:
 - Sales and income from property.
 - Contributions and grants.
 - Grant and loan repayments.
 - Indirect and prior cost recoveries.
 - Unclaimed property.
 - Charges for publications and documents.
 - Interest and investment earnings.
- State general fund revenues for CYs 2011–15 are estimated to grow, on average, by the change in real per capita personal income plus change in inflation plus change in population, adjusted for revenue elasticity. This methodology is consistent with prior long-term revenue forecasts produced by the Office of Financial Management (OFM), and results in an average annual growth rate of 4.8 percent.
- State general fund revenues are reduced by the amount required to be transferred into the Budget Stabilization Account created under Article 7, Section 12, of the Washington State Constitution.
- The initiative defines inflation as the annual percentage change in the Implicit Price Deflator for Personal Consumption for the United States as published on or about March 27 each calendar year by the Bureau of Economic Analysis and reported by OFM. Inflation estimates for CY 2009 and CY 2011 are from the June 2009 Washington State Economic and Revenue Forecast. Inflation estimates for CYs 2012–15 are from the June 2009 IHS Global Insight forecast of the Implicit Price Deflator for the United States. The Washington State Economic and Revenue Forecast Council relies on IHS Global Insight models and data for the U.S. portion of the official state economic forecast.
- The initiative defines population growth as the percentage change in the statewide population based on the annual statewide population determinations reported by OFM during the prior calendar year and the current calendar year. Statewide population growth estimates are from OFM’s 30-Year Forecast of the State Population.

Estimated STATE Cash Receipts:

FUND	CY 2010	CY 2011	CY 2012	CY 2013	CY 2014	CY 2015
General Fund - State	0	(\$676,000,000)	(\$875,000,000)	(\$1,125,000,000)	(\$1,447,000,000)	(\$1,803,000,000)
Lower State Property Tax Account	0	\$676,000,000	\$875,000,000	\$1,125,000,000	\$1,447,000,000	\$1,803,000,000

State Costs to Implement – Assumptions

Less than \$50,000 will be incurred by OFM in CY 2009 and CY 2010 to set up, test and verify computer systems, and establish policies and practices to implement a state general fund revenue limit.

County and City Revenue Estimate – Assumptions

- The initiative applies to counties, first class cities, second class cities, code cities, towns and unclassified cities.

- To account for possible different patterns in population and revenue growth, counties and cities were analyzed using four groupings:
 1. Urban County – 7 counties
 2. Rural County – 32 counties
 3. Cities in Urban Counties – 109 cities and towns
 4. Cities in Rural Counties – 172 cities and towns

Urban counties are Clark, King, Kitsap, Pierce, Snohomish, Spokane and Thurston; all others are rural counties. Under RCW 82.14.370, rural counties are defined as a county with a population density of less than 100 persons per square mile or a county smaller than 225 square miles as determined and published each year by OFM for the period July 1 to June 30.

County and city general fund revenues are defined as the aggregate of revenue from taxes, fees and other governmental charges received by the county or city and deposited into the county current expense fund or city general fund, respectively. County and city revenues are estimated from 2007 financial information contained in the Local Government Financial Reporting System (LGFRS) of the Washington State Auditor’s Office. Only funds reported within LGFRS as general fund revenues are assumed to be deposited into the county current expense fund or city general fund, and therefore, are included in these estimates.

- The following county and city revenue sources have been excluded from these estimates:
 - Federal and state direct and indirect grants.
 - State shared taxes or revenues.
 - Charges for contracted services performed by counties or cities.
 - Charges for enterprise activities or charges that are not governmental in nature.
 - Inter-fund and inter-department charges.
 - Interest and investment earnings.
- County and city general fund revenue growth rates for CYs 2009–15 are related to the state’s revenue growth rate by estimating each grouping’s five-year historical rate of revenue growth in proportion to the state’s revenue growth rate of 4.8 percent.
- Inflation estimates for counties and cities are the same as used for the state.
- Population growth is defined as the percentage change in the countywide population for counties and the percentage change in citywide population in cities, as reported annually by OFM. County and city population growth is estimated from OFM’s 30-Year Forecast of the State Population, adjusted using OFM’s Washington State County Growth Management Population Projections: 2000-2030 and each grouping’s historic population growth rates.

Estimated URBAN COUNTY Cash Receipts:

FUND	CY 2010	CY 2011	CY 2012	CY 2013	CY 2014	CY 2015
General Fund – Urban Counties	0	(\$55,000,000)	(\$70,000,000)	(\$87,000,000)	(\$111,000,000)	(\$137,000,000)
Lower County Property Tax Accounts	0	\$55,000,000	\$70,000,000	\$87,000,000	\$111,000,000	\$137,000,000

Estimated RURAL COUNTY Cash Receipts:

FUND	CY 2010	CY 2011	CY 2012	CY 2013	CY 2014	CY 2015
General Fund – Rural Counties	0	(\$24,000,000)	(\$35,000,000)	(\$46,000,000)	(\$58,000,000)	(\$72,000,000)
Lower County Property Tax Accounts	0	\$24,000,000	\$35,000,000	\$46,000,000	\$58,000,000	\$72,000,000

Estimated CITIES IN URBAN COUNTIES Cash Receipts:

FUND	CY 2010	CY 2011	CY 2012	CY 2013	CY 2014	CY 2015
General Fund – Cities in Urban Counties	0	(\$176,000,000)	(\$257,000,000)	(\$350,000,000)	(\$463,000,000)	(\$588,000,000)
Lower City Property Tax Accounts	0	\$176,000,000	\$257,000,000	\$350,000,000	\$463,000,000	\$588,000,000

Estimated CITIES IN RURAL COUNTIES Cash Receipts:

FUND	CY 2010	CY 2011	CY 2012	CY 2013	CY 2014	CY 2015
General Fund – Cities in Rural Counties	0	(\$30,000,000)	(\$42,000,000)	(\$55,000,000)	(\$72,000,000)	(\$91,000,000)
Lower City Property Tax Accounts	0	\$30,000,000	\$42,000,000	\$55,000,000	\$72,000,000	\$91,000,000

County and City Costs to Implement – Assumptions

County and cities will incur indeterminate costs to implement the initiative during CY 2009 and CY 2010 to modify computer systems, establish policies and practices, train employees and respond to requests for public information. Costs will vary by jurisdiction and depend, in large part, on the jurisdiction's ability to modify accounting systems to identify and track revenues subject to the general fund revenue limit.

CITY OF BURIEN, WASHINGTON
DRAFT -- DRAFT
RESOLUTION NO. 305

**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON,
OPPOSING "INITIATIVE MEASURE NO. 1033 CONCERNS
STATE, COUNTY AND CITY REVENUE"**

WHEREAS, Initiative 1033 qualified for the November 2009 ballot and would require the state, counties and cities to limit the annual growth of their general fund revenue to the rate of inflation and population growth, not including voter-approved revenue increases. Revenue collected above the limit would reduce property tax levies; and

WHEREAS, Initiative 1033 would make 2009 the year for calculating the general fund revenue base, above which 2010 revenues would be transferred into a new "Lower Property tax Account"; and

WHEREAS, the national and local recession has caused the state and local governments to significantly reduce their budgets in 2009; and

WHEREAS, Initiative 1033 defines "general fund revenues" as revenue from taxes, fees and other governmental charges; and

WHEREAS, the City of Burien depends upon general fund revenues in order to provide governmental services such as recreational programming, human service and arts funding, parks maintenance and public safety; and

WHEREAS, according to the State Office of Financial Management, Initiative 1033 would result in state revenue transfer to the Lower Property Tax Account of \$676 Million in 2011, increasing to more than \$1.8 Billion by 2015; and

WHEREAS, the use of these funds to lower property taxes would benefit only property owners and not other residents of the State, and would establish that the funding of this benefit for property owners would be of greater importance than the funding of state and local government services that could be provided with those diverted revenues, such as education, economic development, transportation, parks, public safety and numerous other services needed by our residents and businesses; and

WHEREAS, by limiting revenue that may be obtained by city government through economic development and related growth in commercial activities, Initiative 1033 could undermine such growth by creating a disincentive for the city to support economic development such as efforts to revitalize the downtown and Northeast Redevelopment Area adjacent to the Sea-Tac Airport third runway; and

WHEREAS, passage of Initiative 1033 will significantly limit the ability of the City of Burien to fund general governmental services and would likely result in layoffs of employees and budget reductions that would reduce service levels to the community; and

WHEREAS, the Suburban Cities Association of King County (SCA) Board has voted to oppose Initiative 1033.

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

Section 1. The City Council of the City of Burien hereby declares its opposition to Initiative Measure No. 1033, appearing on the ballot for the November 3, 2009, State General Election.

Section 2. The City Council of the City of Burien urges the voters in Burien and throughout the State of Washington to reject Initiative Measure No. 1033.

Section 3. Effective Date. This resolution shall take effect immediately upon approval.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS ___ DAY OF _____, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher Bacha
Interim City Attorney

Filed with the City Clerk: September __, 2009

Passed by the City Council:

Resolution No.

**CITY OF BURIEN
AGENDA BILL**

227

Agenda Subject: Discussion regarding Proposed Tenant Protection Program		Meeting Date: September 28, 2009
Department: City Manager	Attachments: 1. <u>Tenant Protection Overview #1</u> 2. <u>Tenant Protection Overview #2</u>	Fund Source: n/a Activity Cost: n/a Amount Budgeted: n/a Unencumbered Budget Authority: n/a
Contact: Jenn Ramirez Robson, Management Analyst		
Telephone: (206) 439-3265		
Adopted Initiative: Yes No X	Initiative Description: n/a	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is to discuss information on various landlord-tenant laws and tenant protection programs.</p> <p>BACKGROUND (Include prior Council action & discussion): In April of 2009 staff provided information in the City Manager's report regarding landlord-tenant laws at the state level and in cities such as Seattle, Tukwila, Des Moines, Kent and Pasco. At the request of Council, staff is bringing this information back as a discussion item.</p> <p>OPTIONS (Including fiscal impacts):</p>		
Administrative Recommendation: This item is a response to a Council request for information. Staff has no recommendation at this time.		
Committee Recommendation:		
Advisory Board Recommendation:		
Suggested Motion: n/a		
Submitted by:		
Administration 	City Manager 	
Today's Date: September 22, 2009	File Code: \\File01\records\CC\Agenda Bill 2009\092809cm-5 Tenant Protection Discussion.docx	



MEMORANDUM

DATE: April 6, 2009

TO: Honorable Mayor and City Council
Mike Martin, City Manager

FROM: Jenn Ramirez Robson, Management Analyst

SUBJECT: Tenant protection laws

In response to a request made by Council at a recent meeting, staff has prepared a brief summary of Washington State Landlord-Tenant law. Also included is a summary of some of the tenant protections provided by the City of Seattle in relation to what Washington State Landlord-Tenant law provides. Staff was not able to identify any other Washington cities with similar ordinances. A full listing of Seattle and Washington State Landlord-Tenant law will be provided separately from this memo.

Washington has a Residential Landlord-Tenant Act which defines the minimum duties of landlords and tenants of residential dwellings. These laws also impose certain restrictions and provide remedies if one party fails to carry out a duty. The remedies include eviction, reduced rent, self-help repairs, the right to sue for money damages, and an award of attorneys' fees to the successful party. Generally, the provisions of the act may not be waived by the landlord or tenant.

Housing codes and other local ordinances have also been enacted in many communities to set minimum standards for living conditions and to further regulate landlords' and tenants' rights and duties. The authorities that administer these codes may be able to use their enforcement powers to get defects corrected or impose penalties on landlords who do not make necessary repairs. The City of Seattle has passed several ordinances which provide tenant protections that go beyond the rights granted by Washington State Landlord-tenant law. These rights apply only to tenants who live inside the city limits of Seattle.

Seattle tenant protection ordinances include:

- **Rental Agreement Regulation Ordinance**
Landlords who intend to increase rent and some other housing costs by 10 percent or more within a 12-month period must give 60-day written notice. State law requirement is a 30-day notice for any increase and does not limit how much rent can be raised, or how often. This ordinance also prevents landlords from requiring a month-to-month tenant to stay more than one rental period.
- **Just Cause Eviction Ordinance**
This ordinance requires landlords to have good cause in order to terminate a month-to-month tenancy. It specifies the only reasons for which a tenant in Seattle may be required to move, and requires owners to state the reason, in writing, for ending a tenancy when giving a termination notice. In most cases, an owner must give at least 20-day notice. Under state law landlords can evict month-to-month tenants without having or stating a particular reason, as long as the eviction is not discriminatory or retaliatory. A 20-day notice must be given.

- **Tenant Relocation Assistance Ordinance:**

- **Evictions for demolition, change of use, or substantial rehabilitation**

- All tenants being evicted for demolition, change of use, or substantial rehabilitation are entitled to a ninety day notice. In addition, low income tenants (50% area median income) will be eligible for an advance relocation assistance payment of \$2000. The property owner is responsible for paying half of the relocation assistance, \$1,000; the City pays the other half. Washington State does not provide relocation assistance.

- **Condominium and Cooperative Conversion Ordinance:**

- This ordinance requires landlords to give 120-day notice when a residential building is being converted to condominiums. If the tenant decides not to buy his or her unit, the tenant may be eligible to receive the equivalent of three (3) months' rent in relocation assistance if the tenant's annual income, from all sources, does not exceed 80 percent of the area median income, adjusted for household size. In a cooperative conversion, if the tenant decides not to buy his or her unit, the tenant must be paid \$500 in relocation assistance. Relocation assistance is paid directly to the tenant by the property owner or developer. Washington State does not provide relocation assistance.



MEMORANDUM

DATE: April 27, 2009

TO: Honorable Mayor and City Council
Mike Martin, City Manager

FROM: Jenn Ramirez Robson, Management Analyst

SUBJECT: Tenant protection law follow-up

In response to a request made by Council, staff has engaged in further research regarding local tenant protection programs. While our neighboring cities primarily rely on the Washington State Landlord Tenant Law, a few have initiated additional programs. Staff has compiled a summary of those identified programs. A full description of each program has been attached to this memo.

- **Tenant Rights Outreach Materials:** The cities of Kent and Tukwila have outreach materials available on their web sites. The outreach materials are modified versions of the Washington State brochure on the state landlord-tenant laws. The modified versions include city contact numbers such as code enforcement and public works as well as contact information for local resources.
- **Tenant Relocation Assistance:** The City of Tukwila, through its Human Services Department, offers tenant relocation assistance in cases where a dwelling is condemned or deemed unlawful to occupy by the City of Tukwila. In this situation the City would advance up to \$2000 to eligible displaced tenants if the landlord does not supply the funds within seven days of the condemnation, eviction or displacement order. The landlord would then be required to reimburse the City of Tukwila or incur civil penalties. The City of Bellevue has an identical program.
- **Crime-Free Rental Housing Program:** The City of Des Moines, as part of their business licensing program (DMMC 5.64), requires that every rental housing facility will undergo a “crime prevention through environmental design (CPTED)” walk-through and inspection to identify for correction those areas that may pose a security or safety issue. There is a fee per unit cost. The inspections cover the exterior of the facility but not the interior of the units. The City of Des Moines performs this inspection on a yearly basis.
- **Rental Licensing program:** The City of Pasco (PMC 5.78) requires that all rental units must be licensed, registered, maintained, inspected and certified. A certificate of inspection for every unit is required every two years.
- **Apartment Managers Network:** The City of SeaTac facilitates an Apartment Managers Network. The purpose of the forum is to promote continuing education, networking and information exchange through quarterly meetings.

