



**CITY OF EDGEWOOD
REGULAR COUNCIL MEETING AGENDA**

Tues., April 25, 2017 – 7:00 pm. ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

Pledge of Allegiance, Roll Call, Additions/Deletions

2. PRESENTATIONS:

1. Fire Department Updates (pg.3) – Chief Bud Backer

2. Code Enforcement (pg. 15) – City Attorney Morris

3. PUBLIC HEARING (pg. 49):

AB17-018 - Ordinance No. 17-0497, relating to Land Use and Zoning, adopting procedures for the execution of development agreements with property owners, requiring consistency with existing development regulations as required by RCW 36.70B.170, identifying the elements of a complete application for a development agreement, describing the procedure for processing development agreements, clarifying the effect, format, requirements for Public Hearing on development agreements, recording, appeals and revisions to approved development agreements; adopting a new Chapter 18.55 to the Edgewood Municipal Code, repealing Section 18.50.090 and 18.90.015 of the Edgewood Municipal Code and establishing an effective date

4. AUDIENCE COMMENT

5. MAYOR'S REPORT

6. CONSENT AGENDA (pg. 70): *The consent agenda includes items that are routine in nature and are adopted by one motion. Should Council wish to discuss a consent agenda item, the item would be removed from the consent agenda and discussed under Council Business.*

The following items are presented for Council approval:

A. Regular City Council Meeting Minutes of April 11, 2017,

B. Study Session Meeting Minutes of April 18, 2017.

C. AB 17-019, a motion approving April 2017 Budgeted Expenditures as follows: Nationwide Retirement Solutions Check Numbers 10602-10603 in the amount of \$4,686.78; Dept. of Labor & Industry; IRS 941 ACHs; Deferred Compensations Program; Dept. of Retirement Systems; and Payroll Direct Deposit in the amount of \$51,529.77; and Vendor Check Numbers 21931-21961 with EFT Payments in the amount of \$57,789.75. Total distributions submitted for review & authorization in the amount of \$114,006.30

D. AB17-0366 (pg. 88), Resolution No. 17-0366, amending the City's Personnel Manual adopted on May 27, 2014 and adding a new Section 2(L) entitled Social Media Policy

E. AB17-0367 (pg. 95), Resolution No. 17-0367, approving Section 9(G) - City Vehicle Use and Driving Policy for the use of City vehicles and driving related to conducting city business

7. COUNCIL BUSINESS

A. AB 17-0497 (pg. 104), a motion to accept second reading and adoption of Ordinance No. 17-0497, relating to Land Use and Zoning, adopting procedures for the execution of development agreements with property owners, requiring consistency with existing development regulations as required by RCW 36.70B.170, identifying the elements of a complete application for a

This meeting is accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (253) 952.3299, 24 hours in advance.

development agreement, describing the procedure for processing development agreements, clarifying the effect , format, requirements for Public Hearing on development agreements, recording, appeals and revisions to approved development agreements; adopting a new Chapter 18.55 to the Edgewood Municipal Code, repealing Section 18.50.090 and 18.90.015 of the Edgewood Municipal Code and establishing an effective date

B. AB17-020 (*pg. 115*), a motion authorizing the posting of the 1st Quarter Financial Position Statements and Attachments to the City website and made available as a public document

C. AB17-0368 (*pg. 137*), a motion adopting Resolution No. 17-0368, amending the City's Comprehensive Land Use Map consistent with Ordinance No. 13-0402, to change the Land Use designation of a parcel from Town Center/Single Family Moderate to Mixed Residential Moderate on the Comprehensive Plan Land Use map, providing for severability and establishing an effective date

8. COUNCIL COMMENTS

9. EXECUTIVE SESSION

10. ADJOURN



EPFR Edgewood Update

Council Update – April 25, 2017

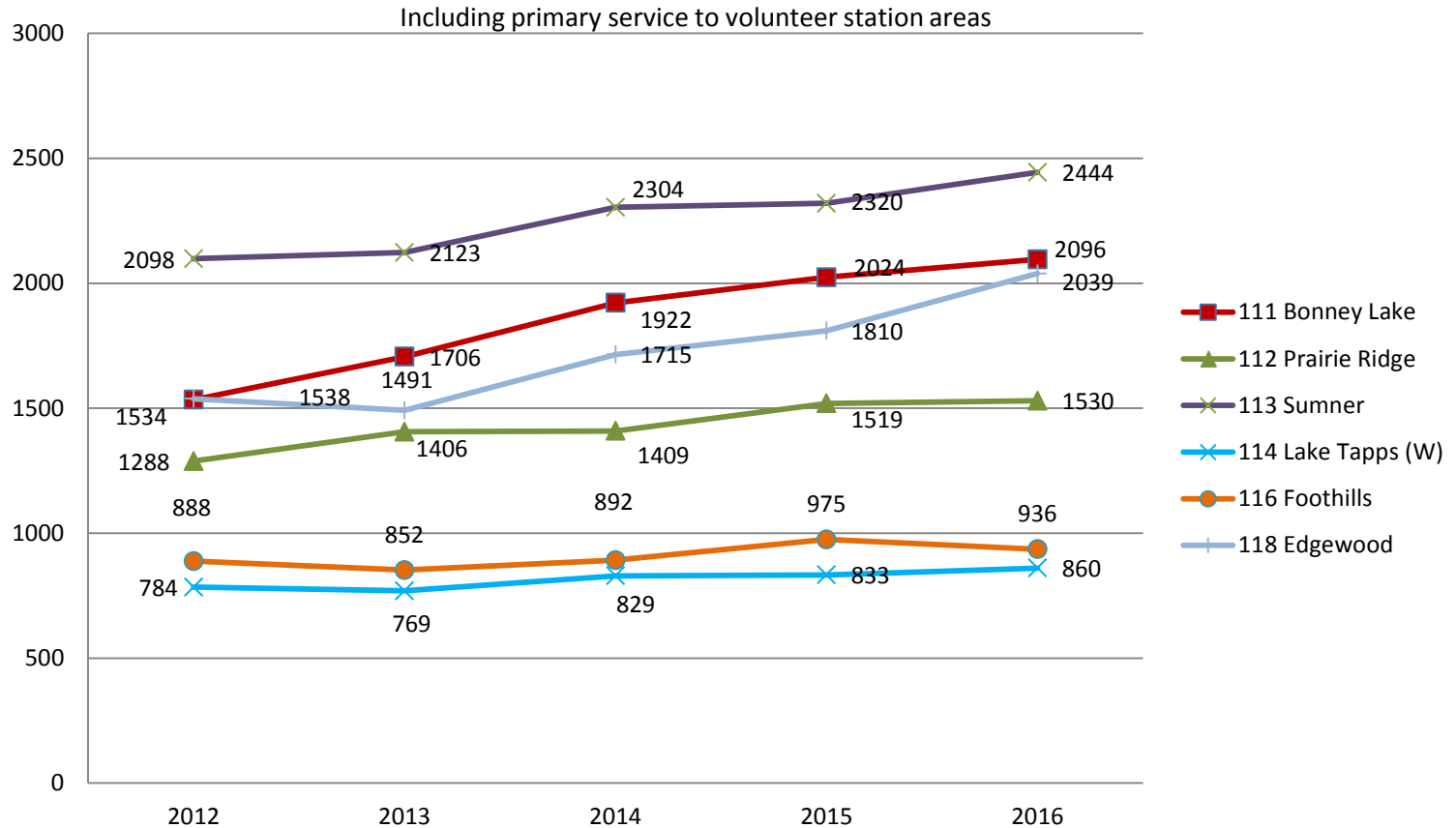
2016 Call Volume by Station Area

EAST PIERCE FIRE AND RESCUE INCIDENTS by Station, Type, Avg Response Times and Year-to-date through December

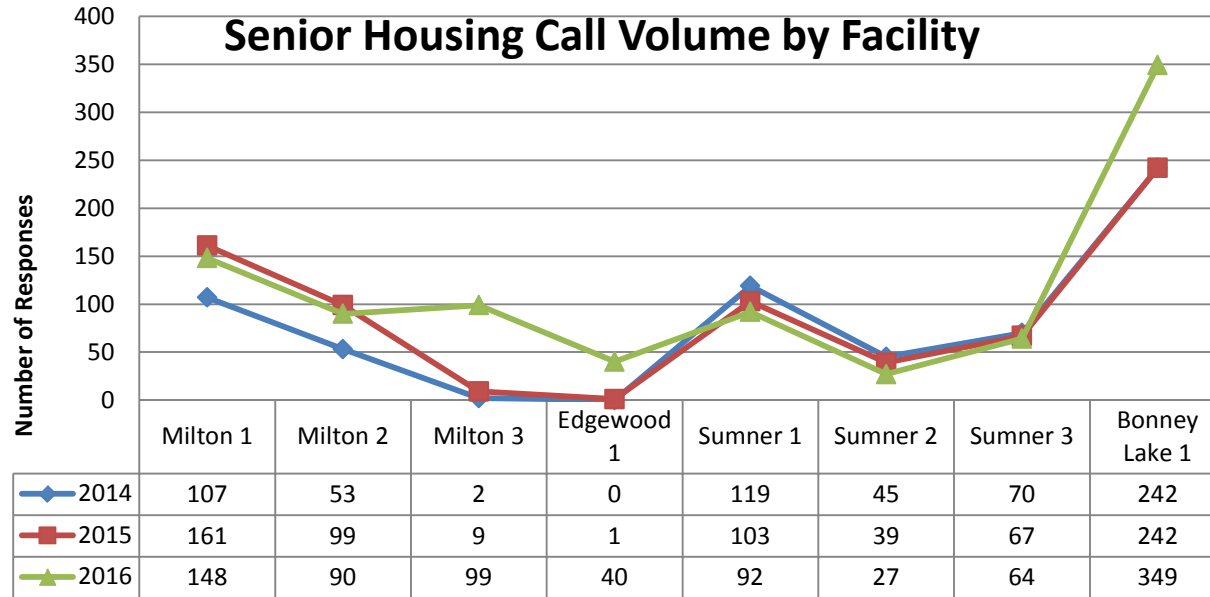
	Arrived on Scene									
Station First Due Area	Fire Alarms	EMS Incidents	Other	Non-Priority	Total Calls with an arrival	Avg. Response from Dispatch to Arrival 1st arriving/priority	Monthly Total Call Volume		YTD	
							Current	Previous	Current	Previous
111 Bonney Lake	0	104	19	65	188	0:06:35	192	168	1926	1843
112 Prairie Ridge	2	87	13	16	118	0:06:37	126	141	1530	1519
113 Sumner	6	115	25	57	203	0:06:52	214	188	2444	2320
114 Lake Tapps W	1	36	4	7	48	0:07:16	49	54	618	598
115 Lake Tapps E	1	15	1	5	22	0:13:08	23	32	312	303
116 Foothills	2	45	6	5	58	0:07:16	60	35	551	549
118 Edgewood	0	46	5	29	80	0:06:16	85	60	837	756
119 South Prairie	0	20	4	2	26	0:11:29	28	35	304	338
121 N. E.	0	0	0	0	0	0:00:00	0	4	81	88
123 Inlet Island	0	1	0	0	1	0:06:23	1	4	100	113
124 Milton	2	53	7	38	100	0:07:21	105	102	1202	1054
MA Given	0	8	7	1	16	N/A	29	34	331	327
Totals	14	530	91	225	860	0:07:11	912	857	10236	9808



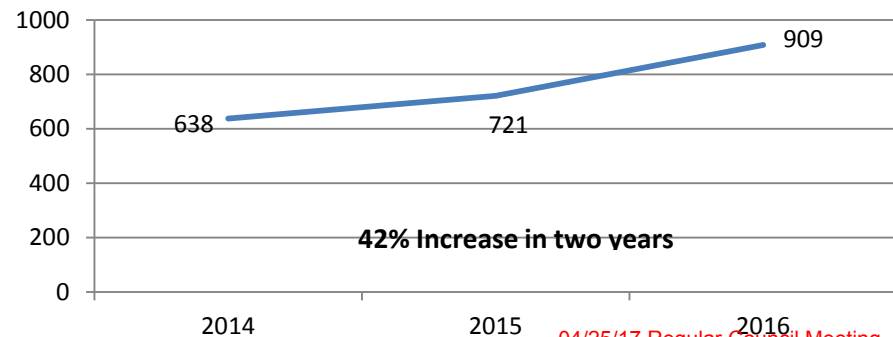
2016 Annual Call Volume by Career Station First Due



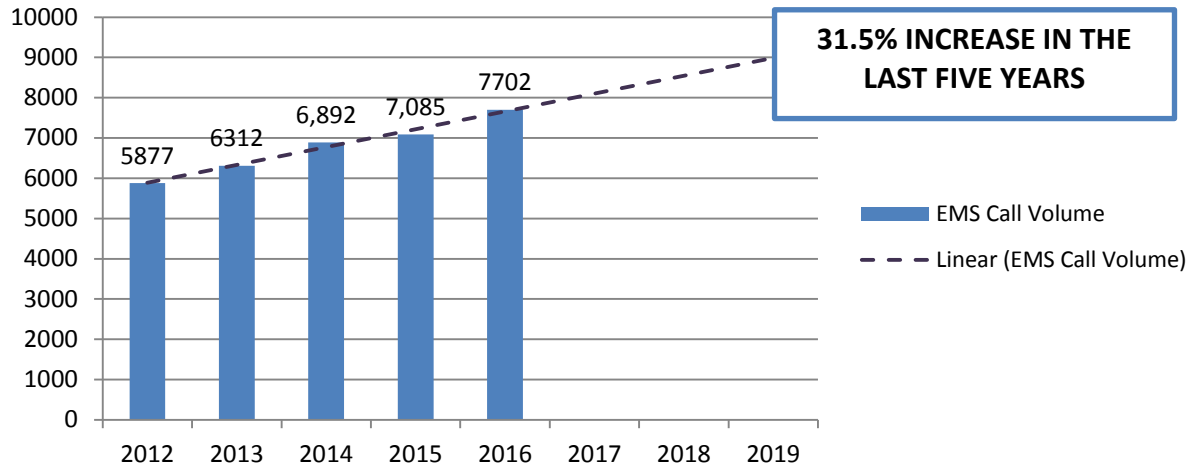
What's Driving up Call Volume?



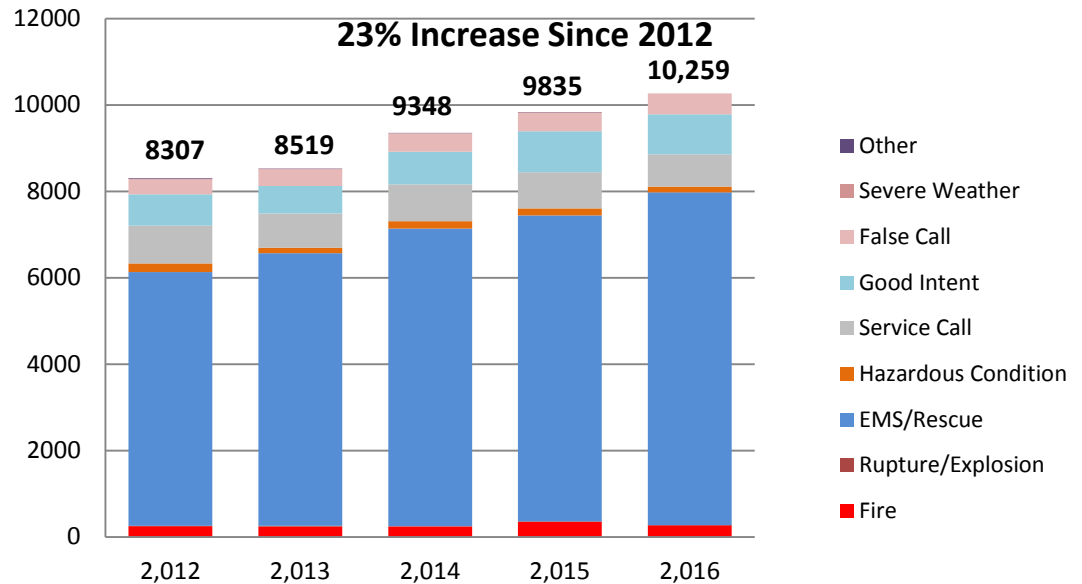
Responses to Eight Senior Housing Facilities



EMS Call Volume



EPFR Annual Call Volume



How do we Address Rising Service Demand?

- 5th Medic Unit is Needed
 - Requires Equivalent of 9 Employees
 - Approximately \$1,300,000 in Labor Costs
- Must Increase Engine Company Staffing Levels
 - Will allow less units dispatched to some incidents
 - Improves efficiency
 - Allows for immediate rescue operations



Fire Engines Under Staffed



National Standard	Regional Standard	Required to Enter Building for Rescue	EPFR Current Staffing on 5 Engines
 	 	 	 

15 Additional Positions Needed (22 Firefighters)



WAC 296-305 REQUIRES AT LEAST 3 FIREFIGHTERS ON SCENE TO ALLOW 2 TO ENTER BUILDING FOR A RESCUE



About \$2.9 Million Budget Increase

Facilities and Apparatus Needs

- Sta 111 – Bonney Lake
- Sta 112 – Prairie Ridge
- Sta 124? - Milton
- Ladder Truck
- Fire Engines
- Already Completed Using Reserves
 - Updated (re-chassis) Medic Units (5th to be done this summer).
 - Replaced 2 of 3 Brush Engines



How Do We Do All of That?

- Applied for SAFER Grant to Hire 9 Firefighters
 - Waiting to hear if awarded (Sept. 2017)
- Lift Fire and EMS Levies in August 2017
 - Multi Year Lifts for 4 years
 - Won't address all Staffing Needs
 - Provide Time to evaluate other funding options
- Bond Issue for Stations/Apparatus in 2018
 - Form Citizen Committee



One Step at a Time

- Lift Levy Lids in 2017 to Improve Staffing
 - Incremental increases in staffing only
 - Would take an M&O Levy or other source to address all staffing needs.
 - Applied for SAFER Grant (If Awarded will improve 3 out of 5 Engine Companies)
- Bond issue in 2018 for Vehicles and Facilities



How Do We Compare?

2017 Collection Rate Comparisons								
		EMS	Fire	M&O	Benefit Charge*	TOTAL OPERATIONAL	Bond	Total with Bond
1	West Pierce	0.5	1.5	1.226		3.226		
2	Riverside	0.453	1.5	0.826		2.779		
3	Orting	0.464	1.34	0.635		2.439		
4	Graham	0.5	1.5	0.392		2.392	0.206	2.598
5	Central Pierce	0.5	1		0.86	2.36	0.144	2.504
6	Key Peninsula	0.5	1.47	0.378		2.348		
7	Roy	0.5	1.5			2		
8	Gig Harbor	0.5	1.468			1.968		
9	Ashford	0.486	1.429			1.915		
10	East Pierce	0.5	1.387			1.887		
11	Fife (contract w/Tacoma)	0.482	1.368			1.85		
12	Browns Point	0.351	1			1.351		
*Benefit Charge is represented by an average rate/1,000. Actually charged by square ft.								



Lid Lift – Property Owner Impact

		1.385	1.5	6% Inc	6% Inc	6% Inc	
Estimated Fire Levy based on 6% AV Growth for 2018 (1.50/1,000)							
Property Value	2017	2018	2019	2020	2021		
\$ 300,000	415.5	477	506	536	568		
\$ 400,000	554	636	674	715	757		
\$ 500,000	692.5	795	843	893	947		
	0.5	0.5	6% Inc	6% Inc	6% Inc		
Estimated EMS Levy based on 6% AV Growth for 2018 (50/1,000)							
Property Value	2017	2018	2019	2020	2021		
\$ 300,000	150	159	169	179	189		
\$ 400,000	200	212	225	238	252		
\$ 500,000	250	265	281	298	316		
			Total Both Levies Increase over 2017				
			Prop. Value	2018	Monthly		
			\$ 300,000	70.5	5.88		
			\$ 400,000	94	7.83		
			\$ 500,000	117.5	9.79		



REVISED -- January 3, 2017

CODE ENFORCEMENT HANDBOOK FOR MUNICIPALITIES¹

by

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This publication is no substitute for legal advice.

This publication provides an overview of code enforcement practices and summaries of the law. Some attorneys may disagree about the issues addressed in this Handbook. Moreover, proposals to change the laws described herein are frequently introduced into the Washington State Legislature and new court decisions can alter the practices that a local government should follow. Accordingly:

Municipal Officials should always consult with their attorneys when confronted with specific situations related to land use laws; and

Attorneys representing municipalities using this publication as a resource should always read and update the authorities cited herein to ensure that their advice reflects a full examination of the current and relevant authorities.

1. Authority to Enforce the Code.

General. The Washington Constitution provides that: “[a]ny city, county, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.”²

Zoning. Cities and towns in Washington have long been required to adopt comprehensive plans which serve the public interest by anticipating and influencing the orderly and coordinated development of land and building uses.³ Zoning ordinances implement and give effect to the comprehensive plan by dividing the city into appropriate zones within which specific standards regulate the use, density, location, height, bulk, number of stories, size of buildings and structures, setbacks, parking, etc.⁴ These regulations ensure compatibility of uses and buildings within zones, predictability of impacts associated with the use and appropriate location of infrastructure and utilities, all of which is desirable to the public. To be constitutionally valid, a zoning regulation must provide a legitimate public benefit without being unduly burdensome on the individual property owner, and the adoption process must meet due process standards.⁵

In 1990, the Growth Management Act was adopted to address the “uncoordinated growth” and “lack of common goals expressing the public’s interest in the conservation and wise use of our lands” which poses a “threat to the environment, sustainable economic development and the health, safety and high quality of life enjoyed by the residents of Washington.”⁶ Highly structured comprehensive land use planning was mandated for certain municipalities, with citizen participation and cooperation in the planning process identified as one major goal to guide the development and adoption of such plans.⁷

In 1995, certain municipalities were also required to adopt ordinances establishing an integrated and consolidated permit project process, to be included in their development regulations.⁸ Notice to the public of the receipt of project permit applications is integral to this process, which notice includes substantial detail on the application, decisions made on the application to date, environmental information, statements of preliminary determinations on the application, as well as the date, time, place and type of hearing on the application.⁹ All of these procedures are calculated to provide notice to the public of the pending development application at the earliest possible stage. Usually, the municipality also allows at least one administrative appeal of the project permit application, which provides additional public input in the decision-making process.

Drafting enforceable development regulations and permit conditions is beyond the scope of this article. There are a number of tests that the courts apply to determine whether a code provision is valid and enforceable. For example, (a) there must be a public problem or evil that the regulation will address; (b) the regulation must tend to solve the problem; and (c) the regulation must not be unduly oppressive upon the person regulated.¹⁰ The tests may differ depending on whether the penalties to be imposed are criminal or civil.¹¹ In addition, the Washington courts have held that “[a]n ordinance is unconstitutionally vague if it does not provide fair warning and nondiscriminatory enforcement.”¹² “An

ordinance is void for vagueness if persons of common intelligence must necessarily guess at its meaning and differ as to its application.”¹³ There are also constitutional provisions and state laws which impose limitations on development regulations and permit conditions.¹⁴

In sum, every town and city must adopt a comprehensive plan, even those not planning under the Growth Management Act.¹⁵ Every town and city must adopt an official zoning map and development regulations.¹⁶ The development regulations adopted by every town and city in Washington, must be consistent with the comprehensive plan.¹⁷ State law requires that “[e]ach local government shall adopt procedures to monitor **and enforce** permit decisions and conditions.”¹⁸

Subdivisions. All subdivisions (division or redivision of land into 5 or more lots, except where a municipality has defined a short plat as a division or redivision of up to 9 lots)¹⁹ must comply with the State Subdivision Act (chapter 58.17 RCW).²⁰ Short plats must comply with the provisions of local regulations.²¹ Municipalities may adopt binding site plan ordinances as an alternative to the procedures in the Act.²²

Enforcement procedures in the State Subdivision Act (chapter 58.17 RCW), set the penalty for violation of any provision of the Act or a local subdivision ordinance as criminal (gross misdemeanor). There are other means of enforcement in chapter 58.17 RCW, such as the municipality’s ability to require bonds (RCW 58.17.130) and the refusal to issue development permits when land has been divided in violation of the Act (RCW 58.17.210).

Building. The State Building Code (which includes the International Building Code, the International Residential Code, the International Mechanical Code, The International Fire Code, and the Uniform Plumbing Code²³) is in effect in all cities and counties in Washington (and is updated on a regular basis). In order to enforce these codes and impose penalties, local jurisdictions must adopt them by ordinance.²⁴ These ordinances should include detailed procedures describing the code enforcement process²⁵ because the penalties and procedures for enforcement in the International Codes are either missing or presented only in summary fashion.

Fire. See, RCW 19.27.110.

Removal of vegetation overhanging sidewalks and streets. RCW 35.21.310.

Unfit Dwellings, Buildings and Structures. Chapter 35.80 RCW.

Nuisance. Chapter 7.48 RCW. Public nuisances are listed in RCW 7.48.140. Beyond this list, a city has the authority to “declare what shall be a nuisance, and to abate the same and to impose fines upon parties who may create, continue or suffer nuisances to exist.”²⁶

Junk Vehicles. Any ordinance adopted by a municipality on the subject of unauthorized, abandoned or impounded vehicles must include the provisions of chapter 46.55 RCW and RCW 46.55.240.

2. Are Municipalities **Required** to Enforce the Code?

If cities were required to enforce all codes all of the time, cities would have money, time or personnel devoted to little else. As a court outside Washington remarked: “The Constitution does not require states to enforce their laws (or cities their ordinances) with Prussian thoroughness as the price of being allowed to enforce them at all. Otherwise, few speeders would have to pay traffic tickets.”²⁷

Subdivisions. With regard to subdivisions, if land within a subdivision granted final approval is used in a manner or for a purpose which violates chapter 58.17 RCW (the State Subdivision Act) or any provision of the locally adopted subdivision code, or any condition of plat approval, and the municipality fails to act, the county prosecuting attorney or attorney general may commence an action “to restrain and enjoin each use and compel compliance” with state law, the local ordinance or the plat condition(s).²⁸

Building. While state law provides that “the state building code required by this chapter shall be enforced by the counties and cities,”²⁹ the Washington courts have held that in general, municipalities do not have a duty to enforce the building code.³⁰ The duty to *ensure compliance with the code* “rests with individual permit applicants, builders and developers.”³¹

Enforcement codes drafted by cities should state that the Community Development Director (or other director and/or designee) is given the *responsibility* to enforce the code, not the *duty* to enforce the code. This allows the Director the discretion to determine whether an enforcement action should be undertaken. Some of the factors the Director should consider when making this determination are: (1) has an actual duty to enforce arisen or is it possible that it may arise (see Duty to Enforce the Code below); (2) is there a health and safety issue that must be addressed; (3) is the alleged violation serious enough to warrant action; (4) does the municipality have sufficient time and resources to allocate to the enforcement action; and (5) should local considerations weigh in favor or against enforcement (for example, the municipality may not be interested in enforcing a particular code because it has future plans to adopt a code amendment that would legalize the current violation).

Sometimes, a person may sue the municipality, demanding that it enforce the code against a neighbor. These actions are usually unsuccessful, because code enforcement is discretionary in most cases.³² Neighbors have also filed lawsuits against municipalities demanding revocation of issued permits. Some of these have been rejected by the Washington courts based on a failure to timely file an appeal of the permit within a very short appeal period (21 days after issuance of the decision) under the Land Use Petition Act.³³ Courts will reject untimely challenges to land use decisions even where the decision is allegedly void.³⁴

In one case, a neighbor was so insistent and rude in his communications with a city code enforcement officer over a two year period that the officer was required to obtain a temporary order of protection from harassment against the neighbor.³⁵ In his calls to the city enforcement officer, the neighbor screamed, used threatening language, obscenities and called the officer names. Once the order issued, the neighbor argued that it should be dismissed because his complaints to the city were constitutionally-protected activities. The court disagreed, finding that “harassment is not protected speech.”³⁶

3. Duty to Enforce the Code.

If there is an actual duty to enforce the code, the municipality may be liable in tort for failure to take the necessary enforcement action. A duty to enforce the code may arise under certain limited circumstances, as discussed below. Some statutes or ordinances actually create a mandatory duty to take specific action to correct the violation.³⁷ No duty is created by a particular statute or ordinance if the same vests the public official with broad discretion.³⁸

The municipality’s duty to an individual to enforce the code is usually addressed by the courts in lawsuits brought against the municipality for negligence. “In order to recover in negligence against a municipal government, [the plaintiff] must prove all elements of the tort, including an existence of duty owed to him, breach of that duty, causation and damages.”³⁹ “Whether a duty exists is a question of law.”⁴⁰

However, immunity from liability in the negligence action may exist under the public duty doctrine, which “serves as a focusing tool for determining the scope of the duty owed.”⁴¹ Under this doctrine, no liability may be imposed for a public official’s negligent conduct unless it is shown that “the duty breached was owed to the injured person as an individual, and was not merely the breach of an obligation owed to the public in general (*i.e.*, a duty to all is a duty to no one).”⁴² Said another way, municipal ordinances impose a duty upon municipal officials which is owed to the public as a whole, so that a duty enforceable in tort is not owed to any particular individual.⁴³

There are four “exceptions” to the immunity afforded by the public duty doctrine. If there are facts to support the existence of any of these exceptions in a particular case, a court may impose liability on the municipality.

- *Failure to Enforce.* This exception recognizes that a general duty of care that is owed to the public can be owed to an individual where:

- [1] government agents responsible for enforcing statutory requirements [2] possess actual knowledge of a statutory violation, fail to take corrective action despite a statutory duty to do so, and [3] the plaintiff is within the class the statute is intended to protect.⁴⁴

“Knowledge [of the inherently dangerous condition] does not include what an official might have known if he had performed his duties more effectively or vigilantly.”⁴⁵ It is often difficult to supply direct evidence of actual knowledge. In one particularly tragic case, the court was required to make the determination whether the county building inspector had knowledge of a violation after he passed away.⁴⁶

In this case, a contractor hired to install a liquid propane furnace in the basement of a home called the county to request an inspection of the site and to advise him whether the proposed installation would conform to the code requirements.⁴⁷ The county’s inspector performed the inspection of the site and approved the proposed installation – although the Uniform Mechanical Code in effect at the time prohibited the installation of propane furnaces in basements. Later, the home was leased to a man who was severely injured in an explosion, which occurred when he tried to light the furnace. In the subsequent lawsuit, the issue of fact – whether the inspector actually knew that the installation violated the code – raised a genuine issue of fact that had to be resolved before liability could be imposed.⁴⁸

In another case, *Campbell v. City of Bellevue*,⁴⁹ a dead raccoon was observed in a creek, and when a neighbor attempted to remove the raccoon, she received an electrical shock. A property owner had installed flood lights in the creek, which were hooked up to switches and a circuit breaker in his garage. Apparently, the wiring had deteriorated, causing the problem.

A complaint was made to the city, and an inspector later visited the property to inspect the outdoor wiring. The inspector discovered the deteriorated wiring and affixed a red tag to the front door of the house, advising that the wiring running through the creek was unsafe and that the situation had to be corrected immediately or service would be disconnected. The inspector also called the caretaker, who assured the inspector that the outdoor wiring would be disconnected and not used until it was properly installed and inspected. Nothing further was done by the inspector to follow up on the violation.

The caretaker switched off the circuit breaker and put red tape over the switches as a reminder not to turn them on. However, he later switched them in order to open the garage door. At the same time, a 6 year old boy was playing in the creek and received a paralyzing electrical shock. His mother attempted to rescue him, but she also received a shock and fell into the stream. The boy survived, but his mother did not.

In a subsequent lawsuit brought against the City for negligence, the court noted that the language of the code created a duty which required that the inspector disconnect the lighting system until it was brought into compliance. The inspector’s failure to enforce the code under these circumstances resulted in municipal liability because the woman who was killed was within the class of persons that the code was intended to protect.⁵⁰

No liability was imposed on the City of Kelso in another case involving the failure to enforce exception. In *Smith v. Kelso*, homeowners claimed negligent subdivision plat and building permit approval, after a landslide destroyed their homes.⁵¹ The homeowners

alleged that the city adopted a code requiring the city engineer to prepare minimum construction standards based on a number of site conditions, including topography, soil conditions and geology. However, the code did not establish any requirements that the city could enforce against a developer or homeowner, so the court held that the city could not “fail to enforce anything.” In addition, even though the city engineer was required to “prepare standards,” the actual standards were within the engineer’s discretion, so the code did not impose any duty. With regard to the building permit issue, even if the city knew about the developer’s steep excavations or homes built on fill, the code did not require that the city take any specific action.⁵²

- *Legislative Intent.* This exception to immunity under the public duty doctrine applies when the statute or ordinance identifies and is intended to protect a particular and defined class of persons.⁵³ If the statute or regulation shows only the general intent to benefit a certain class (such as the people of the State of Washington), the legislative intent exception does not apply.⁵⁴

Every city’s code enforcement chapter should include language which clearly states that it is not intended to benefit any specifically identified group of people. Similarly, when the municipality adopts a zoning, property maintenance and/or subdivision code, it should not include any language which evidences a clear intent to identify and protect a particular class of persons. Nothing in the Building Code meets this standard, and the Washington courts have held that the Building Code’s building permit and inspection requirements impose a duty which is only owed to the general public *as a whole*.⁵⁵

Halvorson v. Dahl,⁵⁶ is an example of the operation of the legislative intent exception. This lawsuit was brought against the City of Seattle and a hotel owner, by a widow of a man who died in a hotel fire. She alleged that the City had been aware of the code violations in the hotel for at least 6 years prior to the fire. While the City had embarked on enforcement programs of the building, housing and safety codes on several occasions, it never followed through to force the owners of the hotel to bring the structure into compliance.

The *Halvorson* court noted that “most codes are enacted merely for purposes of public safety or for the general welfare,” but the Seattle Housing Code actually stated that it was enacted for the benefit of the occupants of the buildings as well as the general public.⁵⁷ This, and the “city’s long-term knowledge of, and inadequate response to, the inadequacy of the hotel’s compliance with code” allowed the court to find that the City breached its duty to the individual plaintiffs.⁵⁸

- *Special Relationship.* The third exception to the public duty doctrine⁵⁹ is the *special relationship exception*, which imposes a duty of care where: (1) there is direct contact between a public official and the plaintiff; (2) the public official provides express assurances, which (3) gives rise to justifiable reliance on the part of the plaintiff.⁶⁰ An express assurance “occurs where a direct inquiry is made by an individual and incorrect information is clearly set forth by the government, the government intends that it be relied upon and it is relied upon by the individual to his detriment.”⁶¹

*Radach v. Gunderson*⁶² involves a situation where the city's failure to enforce the zoning code resulted in liability under this exception. The Gundersons, who were not residents of Ocean Shores, hired a contractor to build their house, and left all the details to him. In November of 1977, their neighbors, the Radachs, noticed that the foundation was being constructed too close to the ocean. This was reported to the City's building department by Mr. Radach because there were no workmen on the site and he did not know the Gundersons. The City's building inspector visited the site and determined that he had approved the building in the wrong location. Then, the inspector left messages with the workmen on site for the contractor to contact him, but did not tell the workmen that the building violated the code. He did not attempt to contact the Gundersons, and by this time, the exterior walls and roof were nearly completed.

At this point, the City sent letters to the Gundersons and the contractor, urging them to review the situation with their neighbors before continuing construction. The letter did not state that the house violated the code or that construction could be stopped by the City. The City contacted the Gunderson's contractor who suggested that an application be filed for a zoning variance. At the public hearing, the Radachs and other property owners objected to the variance and the Board denied it. At this point, construction was stopped on the Gunderson house.

In early February, the City notified the Gundersons that the building permit would not be revoked and the City notified the property owners in the area that the City would allow the house to be completed. Because the City notified the Gundersons that it had no objections to their continued construction, the Gundersons completed the house.

In the subsequent lawsuit brought by the Radachs against the City and the Gundersons, the court determined that the City was negligent and that the Gundersons innocently violated the zoning code. The court ordered that the Gunderson's house be brought back into compliance with the zoning setback requirements, and the City was required to pay the expenses associated with the move.

The public duty doctrine provided immunity to the municipality's alleged negligence in *Taylor v. Stevens County*.⁶³ The Taylors knew prior to purchase of their home that it was built without a building permit, and were assured by the realtor that the permit would be obtained prior to closing. The realtor prepared the building permit application for the sellers and one day after the building permit issued, the Taylors purchased the home. Two years later, the Taylors discovered defects in the construction, and at the Taylor's request for an inspection, the county's building inspector found numerous violations of the county building code.

The *Taylor* court held that the legislative intent exception to the public duty doctrine did not apply, because "the State Building Code Act's building permit and inspection requirements impose a duty which is owed to the general public as a whole."⁶⁴ The special relationship exception was not applicable because the Taylors alleged negligence

in the issuance of the building permit and the performance of the after-the-fact inspection. As stated by the court:

We hold that no duty is owed by local government to a claimant alleging negligent issuance of a building permit or negligent inspection to determine compliance with the building codes. *The duty to ensure compliance rests with individual permit applicants, builders and developers.* . . . [B]uilding codes are designed to protect the public safety, health and welfare, not to protect individuals from economic loss caused by public officials while carrying on public duties.⁶⁵

In *Rogers v. Toppenish*,⁶⁶ the issue of justifiable reliance came into play. Rogers, a real estate agent, inquired of the City's building inspector (who had the responsibility of administering zoning ordinances) whether an apartment house could be built on a particular piece of property. The inspector stated that it was, even though the City's zoning map showed that only single family homes could be built on the property. Rogers later purchased the property and the City issued him a building permit for an apartment building. Neighbors complained to the City, and Rogers was informed that apartment use was prohibited and the building permit was rescinded. A proposed rezone of the property was denied.

The City argued that Rogers was not justified in relying upon the representation of the building inspector but the court disagreed. It held that "the most logical place to receive zoning information is from a zoning administrator who has the duty to give accurate information upon which a plaintiff has the right to rely."⁶⁷ The building inspector was held liable to Rogers and the City was held vicariously liable to Rogers as well.

- *Rescue.* The rescue exception to the public duty doctrine is not covered in this Article.

4. "Selective" Enforcement and Discrimination.

The purpose of the Fourteenth Amendment is to protect individuals from arbitrary and intentional discrimination.⁶⁸ In many cases, the defense raised by the property owner in the code enforcement action is that the municipality has denied him/her equal protection under the law because it has enforced the code against him, but not others. As this concept was expressed by one court:

Though the law itself be fair on its face and impartial in appearance . . . if it is applied and administered by public authority with an evil eye and an unequal hand, so as to practically make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution.⁶⁹

However, the courts have held that "the conscious exercise of some selectivity in enforcement is not in itself a federal constitutional violation."⁷⁰ With regard to zoning

enforcement, a defendant alleging discriminatory enforcement must meet a “heavy burden,” to show “deliberate or purposeful discrimination based on an unjustifiable standard, such as race, religion or other arbitrary classification.”⁷¹

Even so, a successful equal protection claim can be brought by a “class of one” when a plaintiff “alleges that she has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment.”⁷² Three elements must be met in such cases: (1) selective discriminatory state enforcement; (2) that is “intentional or purposeful” either on its “face” or in “design,” (3) for which “there is no rational basis for the difference in treatment.”⁷³

In a recent California case, a property owner obtained building permits to begin construction of a residence on his property.⁷⁴ The county held a hearing in which a code enforcement officer falsely testified to the county board of supervisors that there was an unapproved “shack” on the property, even though the building inspectors approved the construction of the “shack” at every phase. The board of supervisors then refused to renew the building permits for the residence and threatened to demolish the structure. In addition, the board required that the property owner file an application for a new building permit and comply with the new code requirement of including a sprinkler system in the structure. The board also refused to allow the property owner to live on the property in a temporary trailer while he worked on the project, even though the property owner claimed that other homeowners had been granted lengthy periods to complete their homes and also had been allowed to live in their temporary housing during the construction. Ultimately, the court held that the property owner had stated a “class of one” equal protection claim against the county because he was able to show that he was intentionally treated differently from others similarly situated, and that there was no rational basis for the difference in treatment.⁷⁵

Keep in mind that property owners may also sue the municipality under the Fair Housing Act (FHA), the Americans with Disabilities Act (ADA) and other applicable state and local laws for its code enforcement actions. In one case, a city inspector initiated a code enforcement action based on a nuisance condition on the property (trash and debris) and ordered the property owner to clean it up within one month.⁷⁶ The property owner had AIDS, and a patient advocate from an AIDS group attempted to contact the city inspector to discuss the enforcement action, but he didn’t return the call. Members of this group later assisted the property owner in removing some of the trash and debris, but the city determined the progress to be insufficient. A month after the deadline established by the city for the clean-up, the property owner was hospitalized with meningitis (an exacerbation of his disabling condition), and the patient advocate called the city inspector to request that the city stop the enforcement action. This request was refused, and four days after the property owner left the hospital, the city hired a contractor to clean up the property. After removal of the debris, the city charged the property owner \$1,818.83 for the cost of removal and placed a lien on the house for that amount.

Subsequently, the property owner sold the home and satisfied the lien with the city – but later filed a lawsuit against the city. The property owner alleged that the city

discriminated against him when it denied his request for additional time to clean up the yard, which he alleged was a violation of the FHA, ADA and other laws because a “reasonable accommodation” was not granted. In such lawsuits, the successful plaintiff can recover damages, penalties, attorneys’ fees and costs. This case had not been factually developed to the point where the court could make a determination whether the city violated these laws, so the court remanded it to the lower court for a determination “with regard to the extent of a public agency’s obligation to accommodate an individual’s disabilities in its enforcement of municipal codes.”⁷⁷

5. Who Enforces the Code?

Before adopting codes with enforcement sections, the municipality must decide who will have the authority to implement enforcement actions. The decision usually depends on the code being enforced (*i.e.*, the planning or community development director enforces the zoning code, the building official enforces the building code, the public works director enforces the public works standards). In addition, the municipality must determine whether an administrative appeal of Notice of Violation will be allowed (for violations subject to civil penalties) and who will be the decision-maker(s) in the administrative appeal.

Where the violation is subject to criminal penalties, the criminal citation is enforced in municipal court (depending on the code, penalties and the jurisdiction of the court). Some jurisdictions use the procedure in chapter 7.80 RCW to enforce violations subject to “civil infractions,” which carry a maximum penalty of \$250.00 for a class 1 civil infraction.⁷⁸

Other municipalities have adopted a procedure that allows for a public hearing on the Notice of Violation before a hearing examiner. Procedures for an administrative hearing/appeal of the Notice of Violation for violations subject to civil penalties is recommended, so that a record can be developed for use in the event a judicial appeal is filed. Administrative appeals are also useful because the municipality can correct any errors and mitigate possible damages before a judicial appeal is filed.⁷⁹ Allowing an administrative appeal is also advantageous to the property owner, because there is the possibility of receiving the requested relief in a short period of time (compared to the delays associated with an appeal to court). Also, the property owner can challenge the Notice of Violation in an informal administrative hearing without the expenses associated with hiring an attorney.

If an administrative hearing/appeal is allowed, and the mayor and city council are the decision-makers in this appeal, they cannot be involved in the code enforcement action prior to the public hearing. This is because the public hearing is quasi-judicial, and the appearance of fairness doctrine applies.⁸⁰ The appearance of fairness doctrine prohibits *ex parte* contacts (or communications outside of the public hearing) between any of the decision-makers, the appellant or any other “opponents or proponents.”⁸¹ If the property owner attempts to contact the mayor or councilmembers to discuss/complain about the subject violation, the latter should refuse to communicate about the code enforcement

action until the public hearing. The contact must also be disclosed at the outset of the public hearing by the decision-makers.⁸²

Even in situations where the municipality has designated a hearing examiner as the decision-maker, the mayor and city council should keep in mind that by adopting enforcement procedures in the code, they have delegated enforcement responsibilities to staff. The mayor or city council's interference with staff's enforcement activities could be interpreted as "actions in excess of their lawful authority."⁸³ Such involvement could result in adverse consequences for the city.⁸⁴

6. Types of Enforcement Programs – Complaint-driven, Structured.

Many municipalities do not have the resources to employ full-time code enforcement personnel, and so staff may only have the time and resources to respond to complaints made by the public. Usually, this involves the completion of a form describing the location of the alleged violation, date of complaint and other identifying information so that a staff member can schedule a visit and investigate the complaint. The complaint can be completed by the complainant in person, by fax, e-mail or if the complaint is called in, the staff person can fill out the form on behalf of the complainant. While the person making the complaint usually identifies him/herself, this information may be protected under the Public Records Act.⁸⁵ The form should have a box to check when the complainant requests confidentiality.

Some municipalities also schedule regular inspections of certain properties/uses to ensure code compliance. Or, the staff could engage in regulatory "touring" to spot code violations from public areas, such as driving through various neighborhoods.

In one "proactive" housing and building maintenance code enforcement program, a city selected 30 percent of its multi-family buildings for inspection, and then sent out letters to the owners and tenants, informing them of the upcoming inspection and asking whether they would consent to an inspection.⁸⁶ Other code enforcement programs have involved a random inspection process.⁸⁷ A city may decide that business licenses will not be granted until the municipality has performed an inspection of the premises to determine whether there are any code violations.⁸⁸

Municipalities may establish their own system of determining code violations (and providing for hearings, appeals, and penalties), or they may follow the procedures established by state law. Here are some examples:

Chapter 7.80 RCW relating to "Civil Infractions." This procedure involves the issuance of a notice of violation issued to the violator, which is "final" if it is not contested.⁸⁹ If the violator contests the determination that an infraction is committed, a hearing is held without a jury by a court of limited jurisdiction.⁹⁰ Under the procedures in chapter 7.80 RCW, the entire civil infraction system is administered and supervised by the courts, from issuance of the notice to the collection of penalties. Appeals of the court's

determination on these types of civil infractions are not appealable under the Land Use Petition Act (LUPA).⁹¹ This procedure may be less expensive for many municipalities (as opposed to hiring a hearing examiner) because they already operate a municipal court. In addition, the court may impose witness fees against a nonprevailing respondent, and attorney's fees may be awarded to either party.⁹²

RCW 7.48.120, et seq. Cities have the authority “to declare what shall be a nuisance,”⁹³ and nuisances (as defined in state law or city/county ordinances) may be abated under the procedures in state law.⁹⁴ However, not all code violations are nuisances, and the city will still need to adopt procedures for enforcing the zoning, subdivision, building, etc. codes. There are also a number of specific statutes addressing different types of nuisances, such as the overhanging or obstructing vegetation,⁹⁵ unfit dwellings and structures,⁹⁶ etc. These statutes include procedures for abatement of specific nuisances and cannot be used as a model to be used for all code violations. (For example, the RCW 35.21.310 provides for the city's entry onto private property and the summary destruction of overhanging vegetation, if the owner does not respond to the notice demanding compliance because of the possible health and safety issues. This type of procedure cannot be used to abate a zoning code violation such as a structure which encroaches two feet into the side yard setback.)

Code enforcement ordinances adopted locally. The adoption of ordinances by the municipality to enforce codes provides the most flexible means of enforcement.⁹⁷ First, it allows the municipality to tailor the ordinance to allow administrative/appeal hearings, which result in the development of an administrative record that is used in the judicial appeal. Judicial appeals of such code enforcement decisions (if not enforced in a court of limited jurisdiction) can then be made subject to the procedures in the Land Use Petition Act (LUPA, chapter 36.70C RCW).⁹⁸

Although the International Codes include some provisions relating to code enforcement, detail is lacking and there is a danger that non-attorney staff may implement procedures which avoid constitutional requirements. Therefore, it is recommended that municipalities adopt amendments to these enforcement provisions to address each step in the enforcement process.

7. Searches, Authority to Consent to Inspections.

The Fourth Amendment of the United States Constitution provides: “The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated.” Article 1, section 7 of the Washington Constitution provides: “[N]o person shall be disturbed in his private affairs, or his home invaded, without authority of law.”

While the Fourth Amendment prohibits unreasonable searches and seizures and provides that a warrant may not be issued without probable cause, the text of the Fourth Amendment does not specify when a search warrant must be obtained.⁹⁹ “A warrant is

generally required for a search of a home,”¹⁰⁰ but the ultimate touchstone of the Fourth Amendment is reasonableness.

The Washington courts have held that “a warrantless search is per se unreasonable, unless it fits within one of the . . . exceptions.”¹⁰¹ These exceptions include: “exigent circumstances, consent, and searches incident to a valid arrest, inventory searches, the plain view doctrine, and *Terry* investigative stops.”¹⁰² There are other narrow exceptions to the warrant requirement as well, including the community caretaking function and the health and safety check exception.¹⁰³ In addition, entry without a warrant may be reasonable under the “open fields” exception.¹⁰⁴

If consent is not given, a warrant is usually needed. The warrant requirement of the Fourth Amendment to the U.S. Constitution applies to entries on private land to search for and abate suspected nuisances.¹⁰⁵ “Generally, warrants are required for administrative searches of both private and commercial premises.”¹⁰⁶

Consent. Searches with consent do not require a warrant.¹⁰⁷ Under the Fourth Amendment, tenants, not landlords, have a privacy interest in leased residences and may consent to a search of both their individual apartment units and the common areas, notwithstanding the objections by their landlords.¹⁰⁸ With regard to common areas, “either of two parties who have common authority over the premises may consent to an entry or search.”¹⁰⁹

A warrantless search of a house or apartment is reasonable when the sole occupant of a house consents, but what happens when there are two or more occupants? Must they all consent? Must they all be asked? Is consent by one occupant enough? “The consent of one who possesses common authority over premises or effects is valid as against the absent, nonconsenting person with whom authority is shared.”¹¹⁰

Building, zoning and subdivision code enforcement usually involve either the plain view doctrine or a situation in which consent is given. Under the “open view” doctrine, no search occurs “when a law enforcement officer is able to detect something by utilization of one or more of his senses while lawfully present at the vantage point where those senses are used.”¹¹¹ As explained by the Washington courts:

The Fourth Amendment protects people, not places. What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protection. But what he seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected.¹¹²

People have a reasonable expectation of privacy in their homes.¹¹³ “Both the home and its traditional curtilage [are] given the highest protection against warrantless searches and seizures.”¹¹⁴ “Curtilage” is that area “so intimately tied to the home itself that it should be placed under the home’s umbrella of Fourth Amendment protection.”¹¹⁵ “Curtilage” questions are resolved with reference to four factors:

(1) the proximity of the area claimed as curtilage to the home; (2) whether the area is included in an enclosure surrounding the house; (3) the nature of the uses to which the area is put; (4) the steps taken by the resident to protect the area from passersby.¹¹⁶

“The primary focus is whether the area harbors those intimate activities associated with domestic life and the privacies of the home.”¹¹⁷ Where the public is invited onto property for commercial purposes, the courts have not found that the owner has a reasonable expectation of privacy, and there is no search.¹¹⁸

Consider these situations and the application of the above factors:

- A health inspector did not violate the Fourth Amendment when he entered the outdoor premises of a factory without a warrant or consent and observed smoke plumes from the factory’s chimneys.¹¹⁹ Although he was on the factory’s property, he was not on property from which the public was excluded.
- A code enforcement officer did not need a warrant where construction materials were in the property owner’s yard in a residential neighborhood, behind a wire fence.¹²⁰ “It is well-settled that if items within the curtilage are ‘readily visible,’ a warrant to search such an area is not required because officers [need not] shield their eyes when passing by a home on public thoroughfares.”¹²¹
- County environmental health officers in a clearly marked county vehicle parked on a private road which accessed a RV park, and videotaped the RV hookups. (The county had no records showing that the RV park owner had permits to construct a septic system, no records of an adequate water supply, etc., yet there were 15 RV hook-ups for water, sewer and electricity.) While the court found that the owner had a “subjective” expectation of privacy because he posted a “no trespassing” sign and the access road was private, this expectation was not reasonable because the road was open to the public.¹²²
- Police officers entered commercial property with an office building to search for derelict vehicles. The officers tagged several vehicles, including a bus, and mailed notices to the property owner identifying the vehicles as public nuisances. The property owner alleged that the search was illegal, but the court held that he had no legitimate expectation of privacy in the area where the bus was stored, because this area was open to people who wanted to transact business with the tenants of the lot. The property owners also routinely allowed people unknown to them to visit the area without prior authorization and did nothing to prevent these people from seeing the bus. “When a police officer enters a commercial area in the same manner as any member of the public and examines the area in the same way as might be expected of any other person, the officer has not conducted a ‘search’ within the meaning of the Fourth Amendment.”¹²³
- Homeless persons living in the Skid Row District of Los Angeles stored their personal possessions, including ID’s, birth certificates, medications, family memorabilia,

cell phones, sleeping bags and blankets in mobile containers provided to them by social services agencies. When the homeless persons stepped away from their personal property, leaving it on the sidewalk so that they could shower, eat, attend court, etc., city employees seized and destroyed their personal property.¹²⁴ The city employees were told by other people at the time of the seizure that the personal property was not abandoned, and these people implored the city employees not to destroy it. In a lawsuit brought by the persons whose property was destroyed, the court found that the city meaningfully interfered with the homeless persons' possessory interest in the property under the Fourth Amendment, regardless of whether there was any reasonable expectation of privacy in the seized personal effects.¹²⁵

When a municipality knows in advance that enforcement of the conditions of a permit yet to be issued may be problematic, consider obtaining advance consent to a search. In one case, the county held a public hearing on a conditional use permit, in which concern was expressed that the applicant would not comply with the conditions, given that the applicant had "shown that he does not follow directives" after years of dealing with the county.¹²⁶ The applicant responded that he was willing to allow a schedule of inspections to determine compliance with the permit conditions, and the hearing examiner approved the permit, subject to conditions, including one that required him to allow county staff to monitor the site to ensure compliance.¹²⁷ A right of entry was signed by the applicant, and on the third inspection two years later, the county observed several permit condition violations, resulting in a revocation of the permit.¹²⁸

The applicant sued the county for damages, claiming that the county had unconstitutionally searched his property because the county did not obtain a warrant and he did not consent to the search. However, the court found that the search was valid because the county did not conduct the search to obtain evidence for criminal prosecution, but instead to determine whether the applicant was complying with the conditional use permit. And, the right of entry signed by the applicant eliminated the county's need to obtain a warrant.¹²⁹

8. Obtaining a Search Warrant.

Municipal courts have no inherent authority to issue administrative search warrants, so they must rely on an authorizing statute or court rule to allow issuance of an administrative inspection warrant.¹³⁰ Therefore, the municipal court has authority to issue administrative search warrants supported by probable cause only if it is alleged there is a violation which constitutes a crime, rather than a civil infraction.¹³¹ This is true for entry in both residential and commercial premises.¹³²

9. Warning Letters.

A warning letter can be sent prior to initiating a code enforcement action if: (1) the violation is not serious; (2) does not pose a public health or safety threat to anyone; (3) the violation will not become more serious as a result of the municipality's inaction; and (4) the violation is not which the municipality has a duty to enforce.¹³³ In the typical

situation, the municipality can employ the procedures described below before initiating a formal code enforcement action.

Code enforcement officers usually send warning letters to property owners, explaining that failure to comply with the code by a date certain could result in the imposition of penalties. However, prior to sending a warning letter, the code enforcement officer should discuss the correct procedure with the municipality's attorney because there are situations in which the municipality is **required** to enforce the code without delay. Issuance of a warning letter without immediate follow-up may result in a public health/safety issue or liability to the municipality.¹³⁴

Repeated warning letters. If the municipality issues a warning letter and the violation is not corrected, the next step is to issue a Notice of Violation. Additional warning letters should not be sent.

Pre-deprivation "hearing." A property owner may allege that procedural due process requires that the municipality provide a "pre-deprivation hearing" prior to issuing a stop work order or notice of violation. To determine whether a "pre-deprivation hearing" is required, the courts weigh several factors:

First, the private interest that will be affected by the official action, second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.¹³⁵

However, "the pre-deprivation hearing need not be extensive, merely the opportunity for informal consultation with designated personnel empowered to correct a mistaken determination."¹³⁶ Keep in mind that "a pre-deprivation hearing is not required where the deprivation was not foreseeable or where it would otherwise be impracticable to provide such a hearing."¹³⁷

Informal meetings. In some instances, a code enforcement officer can convince a property owner to comply with the code in a meeting. In this meeting, the code enforcement officer usually explains the violation, what is needed to correct the violation, and the penalties for failing to comply with the code by a date certain. The code enforcement officer should document this meeting and the outcome, so that there is a complete record of the efforts made by the municipality to obtain compliance. Also, this is needed in case there is a claim that a pre-deprivation hearing was not provided.

10. Notice of Violation.

The Notice of Violation must include certain information in order to be enforceable, and it must be properly served on the property owner and/or the person responsible for the violation. The protections of due process apply to code enforcement activities.¹³⁸ "The

fundamental requisites of due process are the opportunity to be heard and notice, reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.”¹³⁹ At a minimum, due process demands that a deprivation of life, liberty or property be preceded by notice and opportunity for hearing appropriate to the nature of the case.¹⁴⁰ This opportunity must be granted at a meaningful time and in a meaningful manner.¹⁴¹

Issuance of the Notice of Violation (NOV) formally starts the code enforcement process. Here are the essential elements and the rationale for their inclusion in the NOV:

A. Address (and sometimes legal description if the NOV will be recorded against the property) of the property in violation of the code. A legal description is needed if the NOV is to be recorded against the property.

B. Property owner/persons responsible for the violation. The municipality issues the NOV to the property owner, because the property owner is ultimately responsible for the condition of his or her property.¹⁴² Tenants may also be included, if they caused the code violation. It is up to the municipality to decide who to cite, after considering the most efficient way to enforce compliance with the code.

C. Identification of the specific code violated. This should be the citation to the specific code violated, such as the provision in the code establishing that the minimum side yard setback for the principal structure in a residential zone is six feet.

D. Description of the specific violation. This is an “explanation” as to how the specific code section has been violated, such as: “the residence, located in the single family residential zone, encroaches in the residential zone six foot side yard setback by three feet.”

E. Description of the corrective action. This includes a statement that all necessary permits must be applied for and obtained. For example: “the property owner must apply for and obtain a variance to encroach on the six foot side yard setback by three feet, or the structure must be reduced in size to conform to the setback.” If there is no permit available to correct the violation, the corrective action must reflect this fact. For example, if the use of a structure on the property is inconsistent with the underlying zone, the corrective action might be to either change the use of the structure to be consistent with the zone or provide evidence that the current use of the structure is legally nonconforming.

F. Deadline for corrective action and compliance to take place.¹⁴³ Here, the code enforcement officer must estimate how much time it will take the property owner to comply with the code. The corrective action and deadlines must be drafted to only cover the property owner’s actions or actions that the property owner can control. For example, the corrective action could be that the property owner must submit a variance application to encroach in the side yard setback on or before a date certain (estimating how long it would take to prepare the application) or remove the encroachment in the side yard

setback on or before a date certain (estimating how long it would take to remove the encroachment). This time estimate for compliance doesn't include the time spent by the city between the property owner's submission of the application and issuance by the city.

G. Notice of the administrative appeal deadline and the code provision relating to appeals, which, among other things, describes what must be included in the appeal.

H. A description of the consequences for failing to comply with the NOV, and/or appeal, such as the imposition of penalties, an injunction to force compliance or a statement that the NOV will be final and enforceable in a subsequent court action.

I. A telephone number and name of the appropriate staff person to call in case the property owner has questions, or to schedule an inspection when compliance is achieved.

J. The NOV should have a notary block on it, and be signed by the staff person, in case the city decides to record the NOV against the property.

Recording the NOV against the property. Keep in mind that where the violation will be expensive to correct, a property owner may decide to sell in order to avoid compliance. If the municipality has not recorded the NOV against the property, the owner may be able to sell without providing notice to the subsequent purchaser of the violation. In addition, it may cost the municipality a significant amount of money and staff time to start the code enforcement process anew, against the new owner. For his/her part, the new owner may seek to rescind the sale, which could involve the municipality in litigation.¹⁴⁴ If a NOV has been recorded against the property, and the property owner corrects the violation, be sure to record a document against the property confirming compliance.

11. Service of the Notice of Violation.

One frequent defense raised by property owners in code enforcement actions is improper service of the NOV. "Notice must be reasonably calculated, under all circumstances, to apprise all interested parties of the action and afford them the opportunity to present their objections."¹⁴⁵ While there are no cases addressing the proper manner of service of a NOV in a municipal code enforcement action, the Washington courts have approved service which consisted of the sending of a notice of violation (of WISHA) by certified mail to the employer, together with a posting of the citation at or near each place where the violation occurred.¹⁴⁶ In a case challenging notice of suspension of a driver's license, the court held that service by regular mail furnished reasonable notice and an opportunity to be heard, where the penalty was a misdemeanor.¹⁴⁷

Because the enforcement action may be dismissed for the city's failure to provide proper service of the NOV, this step should be carefully handled. If service is improper, the city may be required to reinitiate the code enforcement process. Many cities perform administrative abatement activities (without a superior court order of abatement). If an

out-of-town property owner is improperly served and only learns of the city's demolition of her rental home when she next visits the property, the city will likely be involved in a damage lawsuit. For the procedures used to serve summons and complaints in judicial actions, *see*, RCW 4.28.080(15) & (16).

Personal service. The NOV can be delivered personally. If delivered personally by a staff member, an affidavit or declaration of service should be prepared, to document the date, time and any circumstances surrounding the service. For example, if the NOV was delivered to the violator at city hall during a meeting held with the code enforcement officer, this should be documented in the affidavit or declaration by the person who handed the NOV to the violator, together with the date and time.

Certified mail. If the NOV is sent by mail, it should be sent certified and appropriately marked, so that the violator is required to sign the receipt (not anyone else in the office or home). If the violator has experience with code enforcement processes, he/she may not accept any certified letters, so the municipality may wish to also send a copy of the NOV by regular mail. If the letter is returned, or if the violator is avoiding service, the municipality should consider a different method of service (such as publication).

Posting. The property should be posted, where possible. The facts and circumstances surrounding the posting should be noted, and a picture taken of the NOV as posted on the property, with the date. Posting is done in addition to personal service and is not a substitute for personal service (or publication under appropriate circumstances).

Publication. *See*, Civil Rule 4(d) and RCW 4.28.100, 4.28.110. Publication may be the only way to effect service, if these other methods don't work to achieve personal service.

12. Enforcement of the Notice of Violation.

Once the NOV is final (because no appeal was filed and service was proper, or once the decision on appeal is final) the NOV should be forwarded to the municipal attorney for further action. This may include filing a complaint in superior court to enforce the code, injunction and/or collection of penalties.

13. Stop Work Orders.

If the code enforcement officer or building official is notified (or visits the property and learns) that the activity taking place on the property violates the code, a stop work order should be posted and served, ordering that such activity stop immediately.¹⁴⁸ Stop work orders are also used when work is proceeding without a permit, under an expired permit,¹⁴⁹ or in situations where allowing the contractor/owner to continue with the work may make the violation worse and/or cause a public health and safety problem. Otherwise, consider the use of a NOV.

The stop work order forms (bright neon orange) that are used by most municipalities do not include all of the information that would normally be in a Notice of Violation. Some municipalities don't even keep a copy of the stop work order that they post on the property (and are surprised when it is removed and destroyed). It is therefore important that after posting a stop work order, the code enforcement officer should go back to city hall and issue a formal NOV, which will include all of the necessary information to initiate a code enforcement action. This will also provide notice to the property owner that he/she may request an expedited hearing on the stop work order (in appropriate instances).

14. Expedited Hearings on Stop Work Orders.

There are at least two good reasons to hold expedited hearing on stop work orders: (1) to eliminate an allegation that the local government violated the property owner's due process rights; and (2) to reduce the possibility that delays associated with the stop work order will translate into a subsequent damage claim. In addition, the courts have determined that a "pre-deprivation hearing" is required under circumstances affecting development permits. A court would likely find the building permit to be a "cognizable property interest."¹⁵⁰ If there is such a property interest, a hearing might be required before the local government revokes the permit.¹⁵¹ The factors to weigh in a determination whether a pre-deprivation hearing is required are listed in Section 9 of this Article.¹⁵²

The pre-deprivation hearing need not be extensive, "merely the opportunity for informal consultation with designated personnel empowered to correct a mistaken determination."¹⁵³ "Where the potential length or severity of the deprivation does not indicate the likelihood of serious loss and where the procedures are sufficiently reliable to minimize the risk of erroneous determination, a prior hearing may not be required."¹⁵⁴ "A pre-deprivation hearing is not required where the deprivation was not foreseeable or where it would otherwise be impracticable to provide such a hearing."¹⁵⁵

Therefore, it is not possible to provide a rule that must be followed in all circumstances on this issue. Staff should consult with the city attorney before issuing a stop work order and review the city's documentation regarding the notice that the city has already provided of the problem, as well as the nature of the problem. If the City decides to provide a "pre-deprivation hearing" or if the city decides to immediately issue a stop work order, an expedited appeal hearing should be allowed. This will give the property owner an opportunity to explain what he/she was doing and why he/she believed that it was consistent with the code, before significant delays on the jobsite are incurred. If there is no hearing and the stop work order is later determined to have been erroneous, the property owner could file a claim for damages associated with the construction delays. The longer the delay, the higher the potential damage claim. To ensure that this issue is discussed at the earliest possible stage in the process, the city should include a procedure in the code enforcement chapter allowing a property owner to request an expedited appeal hearing when a stop work order issues.

15. Abatement.

Failure to provide adequate notice, obtain warrants (when required), hold hearings or to follow established procedures for abatement can result in liability to the municipality and the individuals involved.¹⁵⁶ In a case decided in 1990, a jury awarded damages of \$71,000 and attorneys' fees to a property owner, after the city, without the property owner's consent, broke down their fence, entered their property, seized and eventually destroyed two vehicles.¹⁵⁷

Even if a warrant is not required in a particular circumstance for entry onto private property, "removing personal property is a seizure within the meaning of the Fourth Amendment."¹⁵⁸ A seizure "occurs when there is some meaningful interference with an individual's possessory interests in that property."¹⁵⁹ Furthermore, a court may find that a pre-deprivation hearing is required before the individual is finally deprived of a property interest.¹⁶⁰ Claims may also be made that the municipality deprived the individual of post deprivation procedural due process by failing to inform the individual about the manner in which he/she could retrieve his/her seized property before it was destroyed or donated.¹⁶¹

The author of this Article does not recommend that municipalities perform any abatement actions (except for removal of vegetation under RCW 35.21.310) without obtaining a warrant of abatement from the superior court, as provided in RCW 7.48.260. Another factor to consider is whether the warrant should require the property owner to perform the abatement action, rather than the municipality (through its own forces or hired contractor). If the court orders the property owner to perform the abatement action, the property owner will not be later suing the municipality for improper notice, unlawful entry onto the property, or unlawful destruction (or taking) of private property. The municipality can enforce the warrant of abatement by asking the court for an order of contempt if the property owner doesn't comply within the deadline established in the warrant.

In 2016, the Washington Legislature adopted a new law imposing certain notice requirements on nuisance abatement, which addresses a special assessment for the municipality's recovery of abatement costs.¹⁶² The notice must not only be sent to the property owner, but also to any identifiable mortgage holder that a special assessment will be levied on the property, and the estimated amount of the special assessment must be identified.¹⁶³

16. Revocation of Permits.

Before issuing a decision revoking a permit, the code enforcement official needs to decide whether the procedures for code enforcement will result in compliance. In all but

a few instances, a code enforcement action involving a notice of violation or stop work order is all that is needed.

Most municipalities do not have any code procedures addressing revocation, and they run into trouble by using an ad hoc, unwritten procedure, causing confusion and raising legal challenges.¹⁶⁴ For example, the property owner whose permit has been revoked may defend in the action by claiming that the code did not delegate authority to the decision-maker to revoke the permit.¹⁶⁵

Revocation is not appropriate in all instances and should be used only as a last resort. In one case, the court determined that revocation was appropriate because the developer knowingly and deliberately violated permit conditions of approval *that could not be remedied*.¹⁶⁶ (The court upheld the county's revocation of a preliminary plat because the developer had cut down rare white oak trees, and therefore could not satisfy the preliminary plat condition which specifically prohibited removal of trees and vegetation in specified areas. This meant that final plat could not be granted, because the municipality was required to make a finding at the final plat stage that all preliminary plat conditions have been met.¹⁶⁷)

Sometimes the permit conditions cannot be satisfied because the permit or approval has expired. As an example, consider the situation where a developer obtains final plat approval by posting a bond in lieu of construction of the improvements in the plat, fails to construct the improvements and the bond expires.¹⁶⁸ In cases outside Washington, the courts have held that if the conditions of final plat approval have not been satisfied (because the subdivider obtained a bond in lieu of construction in order to obtain final plat approval), the final plat approval could be revoked.¹⁶⁹

Extreme care should be used when opting to revoke an issued permit is because it usually provokes the property owner into filing a lawsuit against the municipality for damages.¹⁷⁰ A court may find that the property owner had a valid property interest in the issued permit, and that the municipality's revocation or vacation of the permit violates the property owner's constitutional due process rights. There are important steps that must be followed in a revocation action, such as a pre-deprivation hearing.¹⁷¹ Even with a pre-deprivation hearing, there is always the possibility that a municipality's decision may be reversed on appeal, and a damage action may result.

17. Erroneously Issued Permits.

Sometimes, a complaint will arise after a structure has been constructed, and it may be more than 21 days after the permit has issued. If the municipality made a mistake when it issued the permit, can it still enforce the code? Should the permit be revoked? These questions need to be considered by the local government's attorney, in light of confusing case law.

Recently, the Washington courts have developed a new rule that land use decisions are "unreviewable by the courts if not appealed to the superior court within LUPA's

specified 21 day time line.¹⁷² The courts have now held that “even illegal decisions under local land use codes must be challenged under LUPA in a timely appropriate manner. This includes defects in land use determinations that would have made the decision void under pre-LUPA cases.”¹⁷³ Therefore, a municipality is likely barred from taking any action to revoke a permit that was issued in error.

In older case law, a property owner applied for a building permit for the construction of a photo dark room above an existing garage.¹⁷⁴ The city issued and inspected the “photo dark room,” which was remodeled into an apartment with a living room, two bedrooms, a bathroom and a kitchen, with a separate outside entrance. Five years later, the city began an enforcement action because the underlying zone did not allow multi-family use. In this case, the court held that even though a building permit issued, the city could revoke the permit “at any time on the ground of invalidity of the structure of the use or from otherwise enforcing the ordinance.”¹⁷⁵ Here is the language the court used to uphold the city’s action:

[A] municipality is not precluded from enforcing zoning regulations if its officers have issued building permits allowing construction contrary to such regulations, have given general approval to violations of the regulations, or have remained inactive in the face of such violations. . . . The public has an interest in zoning that cannot thus be set at naught. The plaintiff landowner is presumed to have known of the invalidity of the exception and to have acted at his peril.¹⁷⁶

In addition, the language of the Building Code appears to allow the municipality to determine that the permit is invalid or to revoke it, regardless of the lapse of time since issuance of a permit.¹⁷⁷ Because the law is confusing, the municipality’s attorney should be consulted before issuing a NOV based on violations relating to erroneous permit issuance.

18. Burden of Proof.

The municipality has the initial burden of proof in cases involving regulatory orders and penalties. The decision-maker is required to make a written final decision which includes findings of fact and conclusions of law, based on the preponderance of the evidence (civil) standard.

19. Nonconformities.

A nonconforming use or structure is a use or structure which existed prior to the enactment of a zoning ordinance, and which is allowed to continue after the effective date of the ordinance, even though it does not comply with the applicable use restrictions. Each jurisdiction adopts its own definition of “nonconforming uses and structures” as there is no state-wide definition. If a property owner alleges that the use or structure is in compliance with the municipality’s code because the property’s development/use is legally nonconforming, the property owner has the burden to prove this claim.¹⁷⁸

20. Violator's Alleged Lack of Notice; Failure to File Administrative Appeal.

The property owner may allege that he/she did not receive notice of the NOV because service was not proper. (“Though the procedures may vary according to the interest at stake, the fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.”¹⁷⁹) This issue needs to be discussed with the municipality’s attorney to determine whether service was proper. If not, or if there is a question of fact, it may be a good idea to amend the original NOV to extend the deadline for filing an administrative appeal, re-serve it, and document the date and manner of service on the property owner.

21. Imposition of Penalties.

The State of Washington has delegated authority to cities and towns to impose penalties for code violations. Here is an example of the authority applicable to code cities:

The legislative body of each code city . . . may adopt and enforce ordinances of all kinds relating to and regulating its municipal affairs and impose penalties of fine not exceeding five thousand dollars or imprisonment for any term not exceeding one year or both, for the violation of such ordinances, constituting a misdemeanor or gross misdemeanor as provided therein. However, the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime. Such a body alternatively may provide that violation of such ordinances constitutes a civil violation subject to monetary penalty, but no act which is a state crime may be made a civil violation.¹⁸⁰

Under the above, a city can adopt penalties for violations of the zoning code that are either civil or criminal, because there is no state law establishing penalties for local zoning code violations. The State Subdivision Act provides that violations of the Act and local ordinances adopted pursuant to the Act are gross misdemeanors, so a city can’t establish civil penalties for violations of the city’s subdivision code. There is no limit on civil penalties.¹⁸¹

Some of the International Codes, such as the International Building and International Residential Codes do not establish penalties for violations, so a city could set them as either civil or criminal.¹⁸² The International Fire Code provides that violators are “guilty” of an offense and fine amount that must be identified by the municipality – which may limit the ability of the municipality to change the penalties from criminal to civil.¹⁸³

When the Washington State Building Code is updated (through the adoption of the latest versions of the International Codes and various other state amendments), some local enforcement officials question whether the municipality is required to pass an ordinance formally adopting them. There are at least two good reasons for this. First, the municipality is required to follow certain procedures in state law for the adoption of codes “by reference,” which include, but are not limited to, keeping a copy of the code in the city clerk’s office “for use and examination by the public” during the adoption process.¹⁸⁴ In addition, the municipality needs to insert the penalties for violations of each of the codes in the adopting ordinance. When determining the penalties, the municipality should consider: (1) the difference in the burden of proof that the municipality will have in order to show a violation subject to civil vs. criminal penalties; and (2) whether the municipality will be able to obtain a search warrant to enter the property for suspected serious public health and safety violations. If the penalty for violation of the particular codes is civil, the municipality will not be able to obtain an administrative search warrant to enter the property.¹⁸⁵

It is important that the code enforcement procedures be crafted to include constitutional protections, such as procedural due process. In a recent case, a court found that a city’s code enforcement procedures violated the property owner’s due process rights because it provided for an appeal only of the initial notice of violation and the first monetary penalty, and not any penalties assessed thereafter.¹⁸⁶ As stated by the court:

Where a local jurisdiction assesses civil penalties for noncriminal violations of law but provides no opportunity for civil defendants to be heard, the fundamental due process right to an opportunity to be heard at a meaningful time is violated. . . . where local jurisdictions issue infractions (finding violations and assessing penalties), there must be some express procedure available by which citizens may bring errors to the attention of their government and thereby guard against the erroneous deprivation of their interests.¹⁸⁷

The imposition of penalties by another city for code violations was sufficient for purposes of due process, where the daily penalties were automatic, and the property owner had a full opportunity to appeal the continuing fines for the specific violation.¹⁸⁸ The opportunity to appeal the entire assessment of fines was the step that was absent in the case described above.

22. Waiver of Penalties.

Most municipalities are concerned with code compliance, and set a policy that if the property owner corrects the violation prior to a certain point in time (such as the filing of a lawsuit to force compliance), it will not pursue the collection of the penalties. This policy relates only to penalties, as the municipality will still maintain a record of the violation as the second violation of the same code provision could result in the imposition of greater penalties (or result in criminal penalties). The penalty amount should also be considered in light of the predicted amount of staff time and expense involved in pursuit

of the violator for the penalties. In any event, the municipality's policy on this issue should be enforced equally to prevent equal protection claims.

23. Municipality's Recovery of Attorney's Fees.

Zoning and Building. If the municipality uses the procedure in chapter 7.80 RCW, the court may assess witness fees against a nonprevailing defendant and attorney's fees may be awarded to either party in a civil infraction case.¹⁸⁹ In other types of actions, if the municipality is the prevailing party, it will not be able to recover its attorneys' fees incurred in the lawsuit it files to enforce the NOV or the decision issued after an administrative appeal, other than statutory attorneys' fees under RCW 4.84.080. "Washington courts traditionally follow the American rule in not awarding attorney fees as costs or damages absent a contract, statute or recognized equitable exception."¹⁹⁰ The "equitable exceptions" to the American rule are: (1) the common fund theory; (2) actions by a third person subjecting a party to litigation; (3) bad faith or misconduct of a party; and (4) dissolving wrongfully issued temporary injunctions or restraining orders.¹⁹¹ The Washington courts have "not awarded attorney fees on an administrative appeal where there is no statutory authority."¹⁹²

In sum, there is no support for the argument that municipalities have the authority to change the common law by including, in their code enforcement ordinances, a requirement for violators to pay the municipality's attorney's fees.

Subdivision. Under RCW 58.17.310, when land within a subdivision granted final approval is used in a manner or for a purpose which violates any provision of the Subdivision Act (chapter 58.17 RCW) or any provision of the municipality's subdivision code, an enforcement action may be initiated by the prosecuting attorney or the attorney general if the prosecuting attorney fails to act. "The costs of such action may be taxed against the violator."

LUPA appeal. See, RCW 4.84.370. In an unreported case, the court held that the municipality was not entitled to attorneys' fees under RCW 4.84.370 because the appeal was of a code enforcement action (inoperable vehicles), not a development permit.¹⁹³

¹ This Article is intended for use by cities, towns and counties. The terms "city" and "municipality" may be used interchangeably.

² Article XI, Section 11 of the Washington Constitution.

³ RCW 35A.63.060. This article will include citations to the statutes applicable to code cities and code cities planning under GMA.

⁴ RCW 35A.63.100.

⁵ *Girton v. Seattle*, 97 Wash. App. 360, 368, 983 P.2d 1135 (1999).

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- ⁶ RCW 36.70A.010.
- ⁷ RCW 36.70A.020(11).
- ⁸ RCW 36.70B.060.
- ⁹ RCW 36.70B.110.
- ¹⁰ *Rhodes v. City of Battleground*, 115 Wash. App. 752, 763, 63 P.3d 142 (2002); *Burton v. Clark County*, 91 Wash. App. 505, 958 P.2d 343 (1998).
- ¹¹ For criminal ordinances, see, *City of Spokane v. Douglass*, 115 Wash.2d 171, 178-79, 795 P.2d 693 (1990); *City of Tacoma v. Luvene*, 118 Wash.2d 826, 827 P.2d 1374 (1992). For civil ordinances, see, *Anderson v. Issaquah*, 70 Wash. App. 64, 75, 851 P.2d 744 (1993); *Young v. Pierce County*, 120 Wash. App. 175, 84 P.3d 927 (2004).
- ¹² *Young v. Pierce County*, 120 Wash. App. 175, 182, 84 P.2d 927 (2004).
- ¹³ *City of Pasco v. Shaw*, 127 Wash. App. 417, 426, 110 P.3d 1200 (2005).
- ¹⁴ RCW 82.02.020; *Citizen's Alliance for Property Rights v. Sims*, 145 Wash. App. 649, 187 P.3d 786 (2008); *Stevens County v. Eastern Washington Growth Management Hearings Board*, 163 Wash. App. 680, 262 P.3d 507 (2011); *Olympic Stewardship Foundation v. Western Washington Growth Management Hearings Board*, 166 Wash. App. 172, 274 P.3d 1040 (2012).
- ¹⁵ RCW 35A.63.060 for code cities. RCW 35.63.100 for other cities and towns.
- ¹⁶ RCW 35A.63.100 for code cities. RCW 35.63.080, 110 for other cities and towns.
- ¹⁷ RCW 35.63.125, "development regulations" has the same meaning as set forth in RCW 36.70A.030. For code cities: RCW 35A.63.105.
- ¹⁸ RCW 36.70B.160.
- ¹⁹ RCW 58.17.020.
- ²⁰ RCW 58.17.030.
- ²¹ As long as they are adopted pursuant to RCW 58.17.060. RCW 58.17.030.
- ²² RCW 58.17.035.
- ²³ The State of Washington has also adopted amendments to these codes. See, chapters 51-51, 51-52, 51-54, 51-56 of the Washington Administrative Code.
- ²⁴ Many of the penalty provisions in these codes are blank. Local jurisdictions need to adopt penalties for violations consistent with their statutory authority. Also, these procedures need to be supplemented on a local level to address case law and relevant constitutional provisions – all explained in this article.
- ²⁵ The codes must be adopted by reference using the procedures in RCW 35A.12.140 for code cities and RCW 35.21.180 for other types of cities.
- ²⁶ RCW 35.22.280(30). While this is the authority delegated by the State to a first class city, keep in mind that code cities "have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law." RCW 35A.11.11.020. See also, RCW 35A.21.160: "A code city organized or reorganized under this title shall have all of the powers which any city of any class may have . . ."
- ²⁷ *Hameetman v. City of Chicago*, 776 F.2d 636, 641 (7th Cir. 1985).
- ²⁸ RCW 58.17.320.
- ²⁹ RCW 19.27.050. See also, RCW 19.27.110, which requires the county to enforce the International Fire Code in the unincorporated areas of the county.
- ³⁰ *Weston v. New Bethel Missionary Baptist Church*, 23 Wash. App. 747, 753, 598 P.2d 411 (1978).
- ³¹ *Taylor v. Stevens County*, 111 Wash.2d 159, 759 P.2d 447 (1998).
- ³² See, *Carkeek v. City of Seattle*, 53 Wash. App. 277, 766 P.2d 480 (1989).
- ³³ *Chelan County v. Nykreim*, 146 Wash.2d 904, 52 P.3d 1 (2002); but see, *Larsen v. Town of Colton*, 94 Wash. App. 383, 973 P.2d 1066 (1999) (neighbor's action for injunctive relief to prevent construction of a garage on a parcel of property without a residence was not untimely, even though it was filed more than 21 days after the building permit issued, because the "triggering event" was actual or constructive knowledge of the building permit. 94 Wash. App. at 394. *Larsen* issued prior to *Chelan County*, which includes a discussion of this timeliness issue.
- ³⁴ *Habitat Watch v. Skagit County*, 155 Wash.2d 397, 120 P.3d 56 (2005).
- ³⁵ *Emmerson v. Weilep*, 126 Wash. App. 930, 934, 110 P.3d 214 (2005).
- ³⁶ *Emmerson*, 126 Wash. App. at 939
- ³⁷ *Smith v. City of Kelso*, 112 Wash. App. 277, 282, 48 P.3d 372 (2002).
- ³⁸ *Id.*, 112 Wash. App. at 282.

³⁹ *Georges v. Tudor*, 16 Wash. App. 407, 409, 556 P.2d 564 (1976).
⁴⁰ *Smith v. Kelso*, 112 Wash. App. 277, 281, 48 P.3d 372 (2002).
⁴¹ *Moore v. Wayman*, 85 Wash. App. 710, 717, 934 P.2d 707 (1997).
⁴² *Taylor*, 111 Wash.2d at 163.
⁴³ *Weston v. New Bethel Missionary Baptist Church*, 23 Wash. App. 747, 753, 598 P.2d 411 (1978).
⁴⁴ *Waite v. Whatcom County*, 54 Wash. App. 682, 685, 775 P.2d 967 (1989).
⁴⁵ *Zimbelman v. Chausee Corp.*, 55 Wash. App. 278, 283, 777 P.2d 32 (1989). *See also, Atherton Condominium Apartment-Owners Ass'n Bd. Of Directors v. Blume Development Co.*, 115 Wn.2d 506, 533, 799 P.2d 250 (1990).
⁴⁶ *Id.*
⁴⁷ *Id.*, 54 Wash. App. at 684.
⁴⁸ *Id.*, 54 Wash. App. at 688.
⁴⁹ 85 Wash.2d 1, 530 P.2d 234 (1975).
⁵⁰ For a more recent case involving the court's determination that the failure to enforce exception to the public duty doctrine applied, *see, Gorman v. Pierce County*, 176 Wash. App. 63, 307 P.3d 795 (2013). In *Gorman*, the County's code regarding dangerous dogs required that if the County was made aware of a likely potentially dangerous dog, it had a duty to evaluate the dog to determine if it was potentially dangerous. *Id.*, 176 Wash. App. at 804. If it was declared potentially dangerous, the code mandated that the County take corrective action, seizing and impounding any dog whose owner allowed it to violate the restrictions. In this lawsuit brought by a dog attack victim, the jury found the County liable because the failure to enforce exception to the public duty doctrine applied. However, the jury also determined that the victim was contributorily negligent because she breached her duty by failing to exercise the care that a reasonable person would have exercised under the circumstances.
⁵¹ *Smith v. Kelso*, 112 Wash. App. 277, 48 P.3d 372 (2002).
⁵² *Id.*, 112 Wash. App. at 286.
⁵³ *Fishburn v. Pierce County Planning and Land Services Dept.*, 161 Wash. App. 452, 464, 250 P.3d 146 (2011).
⁵⁴ *Taylor*, 111 Wash.2d at 165.
⁵⁵ *Taylor*, 111 Wash.2d at 164.
⁵⁶ *Halvorson v. Dahl*, 89 Wash.2d 673, 574 P.2d 1190 (1978).
⁵⁷ *Id.*
⁵⁸ *Id.*
⁵⁹ The fourth exception to the public duty doctrine (rescue) will not be discussed here.
⁶⁰ *Fishburn v. Pierce County Planning and Land Services Dept.*, 161 Wash. App. 452, 471, 250 P.3d 146 (2011).
⁶¹ *Fishburn*. 161 Wash. App. at 471.
⁶² 39 Wash. App. 392, 695 P.2d 128 (1985).
⁶³ 111 Wash.2d 159, 759 P.2d 447 (1988).
⁶⁴ 111 Wash.2d at 166.
⁶⁵ 111 Wash.2d at 170-71.
⁶⁶ *Rogers v. Toppenish*, 23 Wash. App. 554, 596 P.2d 1096 (1979).
⁶⁷ *Id.*, 23 Wash. App. at 561.
⁶⁸ *Village of Willowbrook v. Olech*, 528 U.S. 562, 564-65, 120 S.Ct. 1073, 145 L.Ed.2d 1060 (2000).
⁶⁹ *Yick Wo v. Hopkins*, 118 U.S. 356, 373, 6 S.Ct. 1064, 1073, 30 L.Ed 220 (1886), cited in *Burlington v. Kutzer*, 23 Wash. App. 677, 681, 597, P.2d 1387 (1979).
⁷⁰ *Id.*, citing from *Oyler v. Boles*, 368 U.S. 448, 456, 82 S.Ct. 501, 506, 7 L.Ed2d 446 (1962).
⁷¹ *Id.*, citing from *Spokane v. Hjort*, 18 Wash. App. 606, 608, 569 P.2d 1230, 1231 (1977).
⁷² *N. Pacifica LLC v. City of Pacifica*, 526 F.3d 478, 486 (9th Cir. 2008).
⁷³ *Snowden v. Hughes*, 321 U.S. 1, 8, 64 S.Ct. 397, 88 L.Ed. 497 (1944).
⁷⁴ *Shanko v. Lake County*, 116 F.Supp.3d 1055 (N.D. Calif. 2015).
⁷⁵ *Shanko*, at 1063. The court also found that the property owner had been able to make out a procedural due process and substantive due process claim against the county.
⁷⁶ *McGary v. City of Portland*, 386 F.3d 1259, 1261 (9th Cir. 2004).
⁷⁷ *Id.*, 386 F.3d at 1270.
⁷⁸ RCW 7.80.120(1).

⁷⁹ See, *Brower v. Pierce County*, 96 Wash. App. 559, 984 P.2d 1036 (1999).

⁸⁰ See, RCW 42.36.010.

⁸¹ RCW 42.36.060.

⁸² RCW 42.36.060.

⁸³ See, *Choi v. Fife*, 60 Wash. App. 458, 464, 803 P.2d 1330 (1991). In *Choi*, a property owner alleged that he could continue use of this property as a legal, nonconforming use even though he had abandoned such use, because the mayor wrote him a letter authorizing the continuation of the use. *Choi*, 60 Wash. App. at 464. The *Choi* court noted that nothing in the city's code gave the mayor the authority to unilaterally allow the continuation of a nonconforming use, and only the city council could amend the code. Therefore, the mayor's letter was ultra vires and the City was not estopped from denying that the nonconforming use had been discontinued and was no longer legal. *Id.*, at 466.

⁸⁴ See, *Mission Springs, Inc. v. City of Spokane*, 134 Wash.2d 947, 961, 954 P.2d 250 (1998) (city council's delay of grading permit, after the council adopted an ordinance designating the building official as the official charged with the authority to issue grading permits, subjected the city and individual council members to liability for improper interference with the process by which a municipality issues grading permits). See also, *Caserta v. Zoning Board of Appeals of the City of Milford*, 23 Conn. App. 232, 580 A.2d 528 (1990), reversed on other grounds, *Caserta v. Zoning Board of Appeals of the City of Milford*, 219 Conn. 352, 593 A.2d 118 (1991) (planner issued a permit, but planning commissioners subsequently determined that permit violated code and that the permit should be revoked. Acting under orders of the planning commission chair, the planner revoked the permit. The property owner appealed the revocation and the court found that the planning commissioner's order to revoke the permit usurped the authority of the planning commission under the code, and was therefore void.)

⁸⁵ See, RCW 42.56.240(2), which is an exemption under the Public Records Act.

⁸⁶ *Seattle v. McCready*, 124 Wn.2d 300, 302, 877 P.2d 686 (1994).

⁸⁷ *Margola Associates v. Seattle*, 121 Wn.2d 625, 631, 854 P.2d 23 (1993).

⁸⁸ *Pasco v. Shaw*, 127 Wn. App. 417, 110 P.3d 1200 (2005).

⁸⁹ RCW 7.80.070.

⁹⁰ RCW 7.80.100.

⁹¹ *Post v. Tacoma*, 167 Wn.2d 300, 311, 217 P.3d 1179 (2009).

⁹² RCW 7.80.140.

⁹³ RCW 35.22.280(30) relating to first class cities, but applicable to code cities under RCW 35A.21.160.

⁹⁴ See, RCW 7.48.260.

⁹⁵ RCW 35.21.310.

⁹⁶ Chapter 35.80 RCW; see also, the Uniform Code for the Abatement of Dangerous Buildings.

⁹⁷ Please contact the author of this Article for examples of model code enforcement chapters.

⁹⁸ Because the author's experience and preference is for locally adopted code enforcement procedures, not the statutory procedures in chapter 7.80 RCW, this article will focus on the former.

⁹⁹ *Kentucky v. King*, 131 S.Ct. 1849, 179 L.Ed.2d 865 (2011), cited in *Fernandez v. California*, 134 S.Ct. 1126, 1132, 188 L.Ed.2d 25 (2014).

¹⁰⁰ *Id.*, *Fernandez v. California*, 134 S.Ct. at 1132.

¹⁰¹ *York v. Wahkiakum School District No. 200*, 163 Wash.2d 297, 310, 178 P.3d 995 (2008).

¹⁰² *York*, 163 Wash.2d at 310.

¹⁰³ *State v. Weller*, 185 Wash. App. 913, 922, 344 P.3d 695 (2015)

¹⁰⁴ *Hester v. United States*, 265 U.S. 57, 44 S.Ct. 445, 68 L.Ed. 898 (1924), cited in *Warkintine v. Soria*, 152 F.Supp.3d 1269 (E.D. Cal. 2016).

¹⁰⁵ *Camara v. Municipal Court*, 387 U.S. 523, 530, 87 S.Ct. 1727, 1731, 18 L.Ed.2d 930 (1967); *Conner v. City of Santa Ana*, 897 F.2d 1487 (1990). In *Conner*, the city, without the property owner's consent, broke down their fence, entered their property and seized their automobiles. The court held that the property owner had a reasonable expectation of privacy in their enclosed, fenced yard, and that the city's warrantless entry was unconstitutional.

¹⁰⁶ *Camara v. Mun. Court of San Francisco*, 387 U.S. 523, 533, 87 S.Ct. 1727, 18 L.Ed.2d 930 (1967).

¹⁰⁷ *Seattle v. McCready*, 124 Wn.2d 300, 304, 877 P.2d 686 (1994); *Schneckloth v. Bustamonte*, 412 U.S. 218, 36 L.Ed.2d 854, 93 S.Ct. 2041 (1973); *US v. Romero-Bustamante*, 337 F.3d 1104 (9th Cir. 2003) (small, enclosed backyard immediately adjacent to defendant's home qualified as part of "curtilage" of the kind protected by the Fourth Amendment).

¹⁰⁸ *Seattle v. McCready*, 124 Wn.2d at 306. See also, *Chapman v. U.S.*, 365 U.S. 610, 616-17, 5 L.Ed.2d 828, 81 S.Ct. 776 (1961) (landlord had no authority to consent to a search of property leased to and occupied by others; the tenant enjoyed the privacy right in the leased premises and only the tenant could waive that right); *Cranwell v. Seattle*, 77 Wash. App. 90, 890 P.2d 491 (1995) (tenants could consent to inspection of common areas and landlord's written refusal of consent to inspection of common areas did not override tenants' subsequent consents to those inspections).

¹⁰⁹ *Seattle v. McCready*, 124 Wn.2d at 306.

¹¹⁰ *United States v. Matlock*, 415 U.S. 164, 94 S.Ct. 988, 39 L.Ed.2d 242 (1974), cited in *Fernandez v. California*, 134 S.Ct. at 2233.

¹¹¹ *Peters v. Vinatieri and Lewis County*, 102 Wn. App. 641, 9 P.3d 909 (2000).

¹¹² *Peters*, 102 Wn. App. at 651.

¹¹³ *State v. Young*, 123 Wn.2d 173, 189, 867 P.2d 593 (1994).

¹¹⁴ *United States v. Warner*, 843 F.2d 401, 405 (9th Cir. 1988).

¹¹⁵ *State v. Ridgway*, 57 Wn. App. 915, 790 P.2d 1263 (1990).

¹¹⁶ *State v. Johnson*, 75 Wn. App. 692, 706-07, n. 7, 879 P.2d 984 (1994).

¹¹⁷ *U.S. v. Brady*, 734 F.Supp. 923 (E.D. Wash. 1990), citing, *U.S. v. Calabrese*, 825 F.2d 1342, 1350 (9th Cir. 1987).

¹¹⁸ *Peters*, 102 Wn.2d at 655.

¹¹⁹ *Air Pollution Variance Bd. of Colorado v. Western Alfalfa Corp.*, 416 U.S. 861, 862-65, 94 S.Ct. 2114, 40 L.Ed.2d 607 (1974).

¹²⁰ *Archer v. Gipson*, 108 F.Supp.3d 895, 906 (E.D. Cal. 2015).

¹²¹ *Archer*, 108 F.Supp.3d at 907.

¹²² *Peters*, 102 Wn. App. at 652.

¹²³ *Zimmerman v. City of Oakland*, 255 F.3d 734, 740 (9th Cir. 2001).

¹²⁴ *Lavan v. Los Angeles*, 693 F.3d 1022 (9th Cir. 2012).

¹²⁵ *Id.*

¹²⁶ *Bonneville v. Pierce County*, 148 Wash. App. 500, 505, 202 P.3d 309 (2008).

¹²⁷ *Id.*, 148 Wash. App. at 505.

¹²⁸ *Id.*, 148 Wash. App. at 506. Note the discussion in answer to Question 18 on permit revocation.

¹²⁹ *Id.*, 148 Wash. App. at 502-13.

¹³⁰ *Seattle v. McCready*, 124 Wn.2d at 309.

¹³¹ *Seattle v. McCready*, 124 Wn.2d at 310.

¹³² See *v. City of Seattle*, 387 U.S. 541, 87 S.Ct. 1737, 18 L.Ed.2d 943 (1967): "We therefore conclude that administrative entry, without consent, upon the portions of commercial premises which are not open to the public may only be compelled through prosecution or physical force within the framework of a warrant procedure."

¹³³ *Halvorson v. Dahl*, 89 Wn.2d 673, 574 P.2d 1190 (1978).

¹³⁴ *Radach v. Gunderson*, 39 Wn. App. 392, 395, 695 P.2d 128 (1985); *Campbell v. Bellevue*, 85 Wn.2d 1, 530 P.2d 234 (1975).

¹³⁵ *Zinerman v. Burch*, 494 U.S. 113, 127, 110 S.Ct. 975, 108 L.Ed.2d 100 (1990).

¹³⁶ *Weinberg v. Whatcom County*, 241 F.3d 746, 753 (9th Cir 2001).

¹³⁷ *Id.*

¹³⁸ The fourteenth amendment to the U.S. Constitution provides in part that no "State [shall] deprive any person of life, liberty or property, without due process of law. Article 1, section 3 of the Washington Constitution likewise states that: "no person shall be deprived of life, liberty or property without due process of law."

¹³⁹ *Olympic Forest Products, Inc. v. Chaussee Corp.*, 82 Wash.2d 418, 422, 511 p.2d 1002 (1973).

¹⁴⁰ *Id.*, quoting from, *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314, 70 S.Ct. 652, 657, 94 L.Ed 865 (1950).

¹⁴¹ *Id.*

¹⁴² See, *Seattle v. Koh*, 26 Wn. App. 708, 614 P.2d 665 (1980) (intent was not an element of the crime of violating the city's building code prohibiting changing the occupancy of any building without obtaining a separate permit, and so it was not necessary for the city to show that an apartment building owner

participated in, or was even aware of the building code violation in his apartment building in order to hold him liable).

¹⁴³ Review *McGary v. City of Portland*, 386 F.3d 1259 (9th Cir. 2004) on a city's alleged discrimination against a property owner with AIDS based on the city's refusal to allow additional time for the property owner to clean up a nuisance condition -- in other words, to provide a "reasonable accommodation" under the FHA, ADA and local/state laws on discrimination.

¹⁴⁴ Review RCW 58.17.210, which requires that the municipality issue a building permit, septic tank permit or other development permit for property that is illegally divided, when the applicant is an innocent purchaser without actual notice.

¹⁴⁵ *Washington Cedar & Supply Co., Inc. v. State*, 137 Wash. App. 592, 154 P.3d 287 (2007).

¹⁴⁶ *Id.*, 137 Wash. App. at 606.

¹⁴⁷ *State v. Thomas*, 25 Wash. App. 770, 610 P.2d 937 (1980).

¹⁴⁸ *Laymon v. Washington State Dept. of Natural Resources*, 99 Wash. App. 518, 994 P.2d 232 (2000).

¹⁴⁹ *Biermann v. City of Spokane*, 90 Wash. App. 816, 960 P.2d 434 (1998).

¹⁵⁰ *Weinberg v. Whatcom County*, 241 F.3d 746, 753 (9th Cir. 2001).

¹⁵¹ *Id. Zinnermon v. Burch*, 494 U.S. 113, 127, 110 S.Ct. 974, 108 L.Ed.2d 100 (1990).

¹⁵² *Zinnermon v. Burch*, 494 U.S. 113, 127, 110 S.Ct. 975, 108 L.Ed.2d 100 (1990), as quoted in *Weinberg v. Whatcom County*, 241 F.3d 746, 753, (9th Cir. 2001).

¹⁵³ *Weinberg*, at 753.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *See, Schneider v. County of San Diego*, 28 F.3d 89 (9th Cir. 1994). In *Schneider*, a vehicle owner brought a civil rights (1983) action against the county, dismantler and the dismantler's president to recover for destruction of vehicles in order to abate a nuisance. The court found that while a warrant was not required for the entry onto the property, the owner's due process right to notice was violated. "Loss of the use and enjoyment of a car deprives the owner of a property interest that may be taken from him only in accordance with the Due Process Clause." The car owner was notified that his vehicles were declared a public nuisance but only because they were parked in violation of the county's code, not because they were junk vehicles. Therefore, the county was required to follow its code which included a procedure for recovering the cost of the abatement, once the vehicles were removed – not dispose of the vehicles by sending them to a scrap yard.

¹⁵⁷ *Conner v. City of Santa Ana*, 897 F.2d 1487 (9th Cir. 1990).

¹⁵⁸ *Warkentine v. Soria*, 152 F.Supp.3d 1269, 1283 (E.D. Cal. 2016).

¹⁵⁹ *Id.*, 152 F. Supp.3d. at 1283.

¹⁶⁰ *Mathews v. Eldridge*, 424 U.S. 319, 333, 96 S.Ct. 893, 47 L.Ed2d 18 (1976).

¹⁶¹ *Warkentine*, 152 F.Supp.3d 1269 at 1290.

¹⁶² RCW 35.21.955.

¹⁶³ RCW 35.21.955(2).

¹⁶⁴ *See*, RCW 36.70C.130(1)(a), which allows a court in a LUPA appeal to grant relief to the petitioner because the "body or officer that made the land use decision engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless."

¹⁶⁵ *HJS Development, Inc. v. Pierce County*, 148 Wash.2d 451, 487, 61 P.3d 1141 (2003)

¹⁶⁶ *HJS*, 148 Wash.2d at 484.

¹⁶⁷ RCW 58.17.170.

¹⁶⁸ The use of the correct bond form to address this problem will not be addressed in this article. Many local jurisdictions accept "bonds" that are nothing more than personal promises.

¹⁶⁹ *Miller v. Board of County Commissioners of Santa Fe County*, 144 N.M. 841, 192 P.3d 1218 (2008) (court found that because the subdivider of a plat approved in 1984 never complied with the conditions of subdivision approval, the approval was not valid and the final plat could be revoked twenty years later); *Metropolitan Government of Nashville v. Barry Construction Co.*, 240 S.W.3d 840 (2007) (final plat was obtained on condition that a road be constructed, property in the plat changed hands, new owner argued that he did not have to construct road, but court held that failure to comply with plat conditions allowed the plat to be rescinded); *Lane County v. Oregon Builders*, 44 Or.App. 591, 606 P.2d 676 (1980) (subdivider could not assert laches as a defense to the county's action to compel construction of sidewalks in the plat as required by final approval); *Simpson Development Corp. v. City of Lebanon*, 153 N.H. 506, 899 A.2d 988

(2006) (city's approval of subdivision never became final because developer failed to perform conditions of subdivision approval); *Parker v. Board of County Commissioners of Dona Ana County*, 93 N.M. 641, 603 P.2d 1098 (1979) (where plat approval was subject to construction of a road, subdivider's failure to construct the road was appropriate, and did not violate due process); *Centex Homes LLC v. Township Committee of Township of Mansfield*, 372 N.J. Super. 186, 857 A.2d 649 (2004) (local jurisdiction could terminate final plat approval for 414 unit residential development because the developer failed to develop the project and the developer acknowledged that it was unable to develop project as approved).

¹⁷⁰ See, *Congregation ETZ Chaim v. City of Los Angeles*, 371 F.3d 1122, 1225 (9th Cir. 2004) (court finds that city is estopped from revoking permit pursuant to a settlement agreement); *Valley Wood Preserving, Inc. v. County of Stanislaus*, 785 F.2d 751 (9th Cir. 1986) (failure of conditional use permit holder to raise procedural due process claim before county board of supervisors, which revoked permit, barred permittee from later raising objection in a Section 1983 lawsuit against the board); *Habitat Watch v Skagit County*, 155 Wash.2d 397, 120 P.3d 56 (2005) (citizen group attempt to get county to revoke special use permit failed because it was not filed within 21 days after the county granted two permit extensions, even though the extensions were granted without public notice or hearing); *Alger v. City of Mukilteo*, 107 Wash.2d 541, 730 P.2d 1333 (1987) (city was liable for maliciously revoking permits allowing construction of houses, damage award of \$1,369,400); *Zink v. City of Mesa*, 137 Wash. App. 271, 152 P.3d 1044 (2007) (city stipulated that it wrongfully terminated the Zink's building permit, property owners are awarded over \$30,000 in attorneys' fees).

¹⁷¹ *Weinberg v. Whatcom County*, 241 F.3d 748, 754 (2001).

¹⁷² *Mercer Island v. Tent City*, 156 Wn. App. 393, 399, 232 P.3d 1163 (2010).

¹⁷³ *Asche v. Bloomquist*, 132 Wn. App. 784, 796, 133 P.3d 475 (2006)

¹⁷⁴ *Mercer Island v. Steinmann*, 9 Wn. App. 479, 481, 513 P.2d 80 (1973).

¹⁷⁵ *Id.*, 9 Wn. App. at 482.

¹⁷⁶ *Id.*, 9 Wn. App. at 483; see also, *Choi v. City of Fife*, 60 Wash. App. 458, 803 P.2d 1330 (1991) (doctrine of estoppel will not be applied to a governmental body where the act giving rise to the alleged reliance was ultra vires or void); *Laymon v. Washington State Dept. of Natural Resources*, 99 Wash. App. 518, 526, 994 P.2d 232 (2000) (where the representations allegedly relied upon are matters of law, rather than fact, equitable estoppel will not be applied).

¹⁷⁷ Sec. 105.6 of the International Building Code, 2009 Ed., provides:

The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

Sec. 105.4 of the same Code provides:

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 this jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building 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.

¹⁷⁸ *City of University Place v. McGuire*, 144 Wn.2d 640, 648, 30 P.3d 453 (2001) (the initial burden of proving the existence of a nonconforming use is on the land user making the assertion; once established, the burden shifts to the party claiming abandonment or discontinuance of the nonconforming use to prove such).

¹⁷⁹ *Mathews v. Eldridge*, 424 U.S. 319, 333, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976).

¹⁸⁰ RCW 35A.11.020; for first class cities, see, RCW 35.22.280(35), for second class cities, see, RCW 35.23.440(29), for towns, see, RCW 35.27.362(14).

¹⁸¹ See, *City of Seattle v. Sisley*, 164 Wash. App. 261, 266, 263 P.3d 610 (2011), interpreting RCW 35.20.030 for a first class city.

¹⁸² IBC Section 114.4; IRC Section R113.4, which states that violators shall be subject to penalties “as prescribed by law.”

¹⁸³ See, IFC Section. 109.4, which states that a violator shall be **guilty** of a _____ (specify offense) punishable by a fine of not more than _____ (amount) dollars or both such fine and imprisonment.

¹⁸⁴ RCW 35.21.180 for non-code cities; RCW 35A.12.140 for code cities.

¹⁸⁵ *Seattle v. McCready*, 124 Wn.2d 300, 877 P.2d 686 (1994).

¹⁸⁶ *Post v. City of Tacoma*, 167 Wash.2d 300, 312, 217 P.3d 1179 (2009).

¹⁸⁷ *Post*, 167 Wash.2d at 315.

¹⁸⁸ *City of Bonney Lake v. Kanany*, 185 Wash. App. 309, 318, 340 P.3d 965 (2014).

¹⁸⁹ RCW 7.80.140.

¹⁹⁰ *City of Seattle v. McCready*, 131 Wash.2d 266, 274, 931 P.2d 156 (1997).

¹⁹¹ *Id.*, 131 Wash.2d at 275. This case also lists cases addressing attorney fees as damages.

¹⁹² *Clark v. Washington Horse Racing Comm’n*, 106 Wash.2d 84, 720 P.2d 831 (1986).

¹⁹³ *Thompson v. Kittitas County*, 178 Wash. App. 1023 (not reported in P.3d) (2013); *Margitan v. Spokane Regional Health District*, 192 Wash. App. 1024 (unpublished 1-21-16).



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-018- PUBLIC HEARING

Date Action Requested: April 25, 2017

Title: **PUBLIC HEARING** for Ordinance 17-0497, relating to Land Use and Zoning, adopting procedures for the execution of development agreements with property owners, requiring consistency with existing development regulations as required by RCW 36.70B.170, identifying the elements of a complete application for a development agreement, describing the procedure for processing development agreements, clarifying the effect , format, requirements for Public Hearing on development agreements, recording, appeals and revisions to approved development agreements; adopting a new Chapter 18.55 to the Edgewood Municipal Code, repealing Section 18.50.090 and 18.90.015 of the Edgewood Municipal Code and establishing an effective date.

Attachments: Ordinance 17-0497

Submitted By: Kevin Stender, Community Development Director

Approved For Agenda By: Daryl Eidinger, Mayor

Prepared For Agenda By: Kevin Stender, Community Development Director

Recommendation: Move to adopt second reading and adoption of Ordinance 17-0497, relating to Land Use and Zoning, adopting procedures for the execution of development agreements with property owners, requiring consistency with existing development regulations as required by RCW 36.70B.170, identifying the elements of a complete application for a development agreement, describing the procedure for processing development agreements, clarifying the effect , format, requirements for Public Hearing on development agreements, recording, appeals and revisions to approved development agreements; adopting a new Chapter 18.55 to the Edgewood Municipal Code, repealing Section 18.50.090 and 18.90.015 of the Edgewood Municipal Code and establishing an effective date.

Discussion: As part of our ongoing code updates, Legal Counsel has suggested adopting revisions to the process for Development Agreements processing. More specifically, a Development Agreement cannot modify City adopted regulations. At this time our existing code allows for this to occur. The revised code addresses this along with providing clarification changes to how a request is reviewed. The Planning Commission

reviewed the DRAFT Ordinance at the February 27, 2017 Planning Commission meeting and a new DRAFT Ordinance at the March 6, 2017 Planning Commission meeting. The Planning Commission also held a Public Hearing on the revised Language at the March 20, 2017 Planning Commission meeting and recommends adoption of the DRAFT Ordinance. The City Council reviewed the DRAFT Ordinance at the April 4, 2017 Study Session, did not recommend any changes to the DRAFT and asked Staff to place the Ordinance on the agenda for first reading on April 11, 2017. The Council reviewed the DRAFT ordinance again at the April 18, 2017 Study Session and again had no changes to the DRAFT. Tonight the Council is conducting a Public Hearing on the Ordinance and the item will be heard for second reading and adoption consideration later in this meeting.

Alternatives: 1) Do not adopt. 2) Forward to Study Session for further review

Fiscal Impact: N/A

DRAFT – 3/29/2017

ORDINANCE NO. 17-~~XXXX~~0497

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING PROCEDURES FOR THE EXECUTION OF DEVELOPMENT AGREEMENTS WITH PROPERTY OWNERS, REQUIRING CONSISTENCY WITH EXISTING DEVELOPMENT REGULATIONS AS REQUIRED BY RCW 36.70B.170, IDENTIFYING THE ELEMENTS OF A COMPLETE APPLICATION FOR A DEVELOPMENT AGREEMENT, DESCRIBING THE PROCEDURE FOR PROCESSING DEVELOPMENT AGREEMENTS, CLARIFYING THE EFFECT, FORMAT, REQUIREMENTS FOR PUBLIC HEARING ON DEVELOPMENT AGREEMENTS, RECORDING, APPEALS AND REVISIONS TO APPROVED DEVELOPMENT AGREEMENTS; ADOPTING A NEW CHAPTER ~~18.55~~18.55 TO THE EDGEWOOD MUNICIPAL CODE, REPEALING SECTIONS 18.50.090 AND 18.90.015 OF THE EDGEWOOD MUNICIPAL CODE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Edgewood desires to amend its procedures allowing the City to enter into development agreements with property owners, so that such procedures are consistent with RCW 36.70B.170 through RCW 36.70B.200; and

WHEREAS, the City's existing code provisions are incomplete and inconsistent with law, and in addition, because ~~they~~ allow modifications of development regulations through a development agreement; and

WHEREAS, the City ~~further~~ desires to add provisions in its code relating to development agreements that will add provisions better enabling the City to evaluate and approve development agreements, such as a list of materials needed to process a development agreement; and

WHEREAS the SEPA Responsible Official has determined that this Ordinance is categorically exempt from SEPA as affecting only procedural and no substantive standards, pursuant to WAC 197-11-800(19); and

WHEREAS, after providing the requisite public notice, the Planning Commission held a public hearing on ~~_____~~, March 20, 2017, to consider this Ordinance, together with public testimony, and forwarded its recommendation to the City Council; and

WHEREAS, the City Council held an additional public hearing on April 25, 2017 to consider and gather additional public testimony; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting on ~~_____~~, April 25, 2017; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, ORDAINS
AS FOLLOWS:

Section 1. Section 18.50.090 of the Edgewood Municipal Code is hereby repealed.

Section 2. Section 18.90.015 of the Edgewood Municipal Code is hereby repealed.

Section 3. A new Chapter 18.55 is hereby added to the Edgewood Municipal Code, which shall read as follows:

**Chapter 18.55
DEVELOPMENT AGREEMENTS**

Sections:

<u>18.55.010</u>	Intent and Purpose.
<u>18.55.020</u>	Form of Agreement, Effect and General Provisions.
<u>18.55.030</u>	Application Requirements.
<u>18.55.040</u>	Public Notice of Public Hearing.
<u>18.55.050</u>	SEPA.
<u>18.55.060</u>	Phasing.
<u>18.55.070</u>	Processing Procedures and Appeals.
<u>18.55.080</u>	Revisions to Approved Development Agreements.

18.55.010 Intent and Purpose.

The purpose of this chapter is to authorize the use of development agreements, consistent with RCW 36.70B.170 through RCW 36.70B.210. The City may, but under no circumstances is required to, enter into a development agreement with a person having ownership or control of real property within the City (or real property lying outside the City limits but within the urban growth area). The development agreement may address such project elements as those set forth in RCW 36.70B.170B(3). The development agreement shall be consistent with the applicable portions of the comprehensive plan as well as the development regulations of the City. The consideration provided by the property owner for the City's decision to enter into the development agreement may vary, depending on the benefit the development agreement will provide to the City and/or the public in general.

18.55.020 Form of Agreement, Effect and General Provisions.

- A. **Form.** All development agreements shall be on the standard form approved in advance by the City Attorney for this purpose.
- B. **Effect.** Development agreements are not project permit applications and are not subject to the permit processing procedures in Chapter 36.70B RCW and Title ~~18.40~~ of the Edgewood Municipal Code. A development agreement shall constitute a binding contract between the City and the property owner and the subsequent owners of any later-acquired interests in the property identified in the development agreement. A development agreement governs the project identified in the development agreement during the term of the development agreement, or for all or that part of the build-out period specified in the development agreement, and may not be subject to an amendment to a zoning ordinance or development standard adopted after the effective date of the agreement. A permit or approval issued/granted by the City after execution of a valid development agreement must be consistent with the development agreement.
- C. **Limitations.** Any provision of the development agreement which requires the City to: (1) forego adoption of any development regulations affecting the property identified in the agreement; and/or (2) allow vesting beyond the applicable deadlines for a phased development; shall be limited to a period of five ~~(5)~~ years.¹ The development agreement shall also reserve authority to impose new or different regulations during the term of the development agreement, to the extent required by a serious threat to public health and safety. This proviso shall clearly state that the City may, without incurring any liability, engage in action that would otherwise be a breach if the City adopts findings of fact to support a determination on the record that the action is

necessary to avoid a serious threat to public health and safety, or if the action is required by federal or state law.

D. Developer's Compliance. The development agreement shall include a clause stating that the City's duties under the agreement are expressly conditioned upon the property owner's substantial compliance with each and every term, condition, provision and/or covenant in the development agreement, all applicable federal, state and local laws and regulations and the property owner's obligations as identified in any approval or project permit for the property identified in the development agreement.

E. No Third Party Rights. Except as otherwise provided in the development agreement, the development agreement shall create no rights enforceable by any party who/which is not a party to the development agreement.

F. Liability. The development agreement shall include clause providing that any breach of the development agreement by the City shall give rise only to damages under state contract law and shall not give rise to any liability under chapter 64.40 RCW, the Fifth and Fourteenth Amendments to the U.S. Constitution or similar state constitutional provisions.

G. Termination. Every development agreement shall have an identified, specific termination date. Upon termination, any further development of the property shall conform to the development regulations applicable to the property.

~~18.55.030~~ **18.55.030 Application Requirements.** A complete application for a development agreement shall consist of the following:

A. Name, address, telephone number and e-mail address of the property owner. If the applicant is not the property owner, the applicant must submit a verified statement from the property owner that the applicant has the property owner's permission to submit the application. Only the property owner has authority to sign the development agreement;

B. Address, parcel number and legal description of the property proposed to be subject to the development agreement;

C. Recent title report confirming that the property identified in the application is owned by the applicant-property owner;

D. Identification of any application (project permit application, comprehensive plan amendment application, development regulation amendment application) that is related to the proposed development agreement;

E. SEPA Checklist;

F. A completed application form and the application fee established by the City for this purpose;

G. Description of the purpose of the development agreement, or the proposed language to be included in the development agreement, and how it complies with both the City's comprehensive plan and development regulations; and

H. Any other information requested by the Community Development Director relevant to the processing of the development agreement.²

18.55.040 Public Notice of the Public Hearing.

A. Project Permit Applications. Public notice of the public hearing on a development agreement associated with an underlying project permit application shall be provided consistent with Section 18.40.190 EMC.

B. Legislative Action. Public notice of the public hearing on development agreements associated with an underlying legislative action or application shall be provided consistent with Section 18.40.190 EMC.

C. No Underlying Application or Action. Public notice of the public hearing on development agreements for which there is no underlying application or action, such as revisions to development agreements, shall be provided consistent with both Chapter Sections 18.55 and Section 18.40.190 EMC.

18.55.050 SEPA. The City shall comply with SEPA, chapter 20.05 EMC, in order to process a development agreement to a final decision. Appeals of the City's SEPA threshold decision shall be consolidated with the public hearing on the underlying project permit application or legislative application/action and addressed as set forth in chapter 20.05 EMC (SEPA).

18.55.060 Phasing.

A. In order to phase a development, and to extend the vested rights associated with an underlying project permit application, a development agreement is required. This ensures the availability of public facilities and services to all of the property in the identified individual phases, allows tracking of the available capacity of public facilities and utilities during each phase of construction, and with the extension of the vested rights associated with the project, provides certainty to the developer in the subsequent development approval process.

B. The deadlines in the City's code relating to each type of project permit application must be consulted to establish the baseline vesting period. The City is not required to extend the vesting period, and the City shall not extend any vested rights to regulations relating to stormwater. If the City decides to do so through a

development agreement, it must be in exchange for the property owner's provision of corresponding benefits to the City in the form of, for example, contributions to public facilities and amenities over and above what would normally be required. In any event, the City shall not allow vesting to extend beyond the established ~~five~~ (5) year period in Section ~~18.55.020~~(C) after approval of the project permit application.

C. A development agreement for a phased development (such as a subdivision) shall include (in addition to all of the information in Section ~~18.55.030~~), all of the following:

1. identification of the phasing schedule;
2. identification of the number of phases and all lots included in each phase;
3. identification of the approximate dates for construction of public streets, public utilities and other improvements in each phase;
4. identification of the approximate dates for commencement of development of each lot, lot sales and building occupancy;
5. identification of the benefits that the property owner will provide to the City in exchange for permission to phase the development according to the proposed schedule;
6. establishment of the deadline for the property owner to submit development applications, including building permit applications, for each phase;
7. a description of the manner in which each phase is designed such that all site requirements are satisfied independently of phases yet to be given final approval and constructed;
8. a description of the manner in which the property owner will ensure that adequate public facilities are available when the impact of development occurs. The property owner shall acknowledge in the development agreement that if the demand for public facilities or services needed to accommodate a subsequent development phase increases following the issuance of a development permit for a prior phase in the approval process, or if public facilities or services included in a concurrency or SEPA determination are not constructed as scheduled in the City's capital facilities plan, final development approval may have to be delayed for future phases pending the achievement of the adopted levels of service.

~~18.55.070~~ **Processing Procedures and Appeals.** Development agreements are not defined as "project permit applications," in RCW 36.70B.020 and are not subject to the permit processing procedures in chapter 36.70B RCW.

A. Project Permit Applications. Development agreements associated with project permit applications shall be processed as follows.

1. *Consolidation.* Whenever possible, the development agreement shall be consolidated for processing with an underlying project permit application

or other application for approval. If the development agreement is consolidated with a project permit application, the property owner must agree to waive the deadline in RCW 36.70B.080 ~~and EMC Section _____~~ for issuance of a final decision on the underlying application, as well as the prohibition on no more than one open record hearing and one closed record hearing on the underlying project permit application in RCW 36.70B.060(3). ~~and EMC Section _____~~.

2. *Recommendation, Public Hearing and Final Decision.*

a. Hearing Examiner makes final decision. If the final decision on the underlying project permit application is made by the hearing examiner, then he/she shall consider both the project permit application and the proposed development agreement together, during the public hearing. The hearing examiner shall make a recommendation to the council on the development agreement, and his/her decision on the underlying permit application shall be held in abeyance until the city council considers the proposed development agreement in a public hearing. If the city council approves the development agreement, the council shall, by resolution or ordinance, authorize the mayor to execute the development agreement on behalf of the city. At this point, the hearing examiner may issue his/her final decision on the underlying project permit application. Nothing in this section obligates the hearing examiner to forward a recommendation to the city council on the development agreement if the hearing examiner denies the underlying project permit application.

b. Staff makes final decision. If the final decision on the underlying project permit application is made by the city administrative staff, then the city staff shall consider both the project permit application and the proposed development agreement together. The city staff shall make a recommendation to the city council on the development agreement, and the city staff's decision on the underlying project permit application shall be held in abeyance until the city council considers the proposed development agreement in a public hearing. If the city council approves the development agreement, the council shall, by resolution or ordinance, authorize the mayor to execute the development agreement on behalf of the city. At this point, the city staff may then issue its final decision on the underlying project permit application. Nothing in this section obligates the city staff to forward a recommendation to the city council on the development agreement if the city staff denies the underlying project permit application.

B. Legislative Applications. A development agreement associated with a legislative action such as a comprehensive plan amendment or area-wide rezone shall be processed in accordance with the procedures established for legislative actions. The planning commission shall make its recommendation to the city council on any development agreement relating to legislative action. A public hearing shall be held on the development agreement (and underlying legislative action) and if consistent with this chapter, the council may pass a resolution or

ordinance authorizing the mayor to execute the development agreement on behalf of the city.

C. Appeal.

1. A development agreement associated with an underlying project permit application may be judicially appealed in the same manner and within the same deadline as the underlying project permit application.

2. A development agreement associated with a legislative approval, such as a comprehensive plan amendment, may be appealed in the same manner and within the same deadline as the legislative approval. Appeals may be directed to the Growth Management Hearings Board, the Shoreline Hearings Board or to the Superior Court, but there is no further administrative appeal before the City.

D. Recording Against the Property. The City shall record the development agreement against the property (at the property owner's cost) in the real property records of the Pierce County Auditor.

~~18.55.080~~ **Revisions to Approved Development Agreements.** All of the provisions of EMC Section ~~18.55.020~~ shall apply to revisions to approved development agreements. A complete application for a revision to an approved development agreement shall consist of the materials described in EMC Section ~~18.55.030~~.

A. Criteria for Approval. The proposed revision to the Development Agreement must be consistent with: (1) the applicable portions of the Comprehensive Plan in effect at the time the revision application is submitted; (2) the applicable portions of the development regulations at the time the revision application is submitted; (3) the decision in the underlying project permit application or the underlying legislative decision. If the revision involves an extension of the termination date, the City Council must make findings and conclusions after evaluation of all of the information in subsection (B) below. The City Council shall not approve any revision of an approved development agreement involving an extension of the termination date for purposes of extension of the applicant's vested rights, unless the Council makes a finding that the extension is in the public interest.

B. Extension of Termination Date. If the applicant requests an extension of the termination date in order to extend his/her vested rights with regard to phasing of the development, the application materials submitted by the applicant shall provide the following additional information for the Council to review:

1. A list of the development regulations that have been amended by the City since the development agreement was originally approved;

2. A comparison of the effect of the amended development regulations (identified in subsection B(1) above) with the development regulations used to approve the original development agreement; and

3. An up-to-date concurrency evaluation of the City's water rights, sewer capacity and transportation system as applied to the proposed revision, and the effect that approval of the proposed revisions to the development agreement would have on the City's water availability, sewer capacity and transportation concurrency.

C. Public Hearing. In order to revise an approved development agreement, the City must follow the procedures associated with approval of the original development agreement. See, EMC Section ~~18.55.050~~18.55.050(A).

D. Recording Against the Property and Appeals. Appeals of a revised development agreement shall follow the procedures in EMC Section ~~18.55.050~~18.55.050(C). The development agreement shall be recorded against the property as set forth in EMC Section ~~18.55.070~~18.55.070(D).

Section 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective five days after publication as provided by law.

PASSED by the Council and approved by the Mayor of the City of Edgewood, this ____th day of _____, 201_.

CITY OF EDGEWOOD

|

Mayor

ATTEST/AUTHENTICATED:

City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:

ORDINANCE NO. 17-0497

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING PROCEDURES FOR THE EXECUTION OF DEVELOPMENT AGREEMENTS WITH PROPERTY OWNERS, REQUIRING CONSISTENCY WITH EXISTING DEVELOPMENT REGULATIONS AS REQUIRED BY RCW 36.70B.170, IDENTIFYING THE ELEMENTS OF A COMPLETE APPLICATION FOR A DEVELOPMENT AGREEMENT, DESCRIBING THE PROCEDURE FOR PROCESSING DEVELOPMENT AGREEMENTS, CLARIFYING THE EFFECT, FORMAT, REQUIREMENTS FOR PUBLIC HEARING ON DEVELOPMENT AGREEMENTS, RECORDING, APPEALS AND REVISIONS TO APPROVED DEVELOPMENT AGREEMENTS; ADOPTING A NEW CHAPTER 18.55 TO THE EDGEWOOD MUNICIPAL CODE, REPEALING SECTIONS 18.50.090 AND 18.90.015 OF THE EDGEWOOD MUNICIPAL CODE, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Edgewood desires to amend its procedures allowing the City to enter into development agreements with property owners, so that such procedures are consistent with RCW 36.70B.170 through RCW 36.70B.200; and

WHEREAS, the City's existing code provisions are incomplete and inconsistent with law, and in addition, they allow modifications of development regulations through a development agreement; and

WHEREAS, the City desires to add provisions in its code relating to development agreements that will add provisions better enabling the City to evaluate and approve development agreements, such as a list of materials needed to process a development agreement; and

WHEREAS the SEPA Responsible Official has determined that this Ordinance is categorically exempt from SEPA as affecting only procedural and no substantive standards, pursuant to WAC 197-11-800(19); and

WHEREAS, after providing the requisite public notice, the Planning Commission held a public hearing on March 20, 2017, to consider this Ordinance, together with public testimony, and forwarded its recommendation to the City Council; and

WHEREAS, the City Council held an additional public hearing on April 25, 2017 to consider and gather additional public testimony; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting on April 25, 2017;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 18.50.090 of the Edgewood Municipal Code is hereby repealed.

Section 2. Section 18.90.015 of the Edgewood Municipal Code is hereby repealed.

Section 3. A new Chapter 18.55 is hereby added to the Edgewood Municipal Code, which shall read as follows:

**Chapter 18.55
DEVELOPMENT AGREEMENTS**

Sections:

18.55.010	Intent and Purpose.
18.55.020	Form of Agreement, Effect and General Provisions.
18.55.030	Application Requirements.
18.55.040	Public Notice of Public Hearing.
18.55.050	SEPA.
18.55.060	Phasing.
18.55.070	Processing Procedures and Appeals.
18.55.080	Revisions to Approved Development Agreements.

18.55.010 Intent and Purpose.

The purpose of this chapter is to authorize the use of development agreements, consistent with RCW 36.70B.170 through RCW 36.70B.210. The City may, but under no circumstances is required to, enter into a development agreement with a person having ownership or control of real property within the City (or real property lying outside the City limits but within the urban growth area). The development agreement may address such project elements as those set forth in RCW 36.70B.170B(3). The development agreement shall be consistent with the applicable portions of the comprehensive plan as well as the development regulations of the City. The consideration provided by the property owner for the City's decision to enter into the development agreement may vary, depending on the benefit the development agreement will provide to the City and/or the public in general.

18.55.020 Form of Agreement, Effect and General Provisions.

A. **Form.** All development agreements shall be on the standard form approved in advance by the City Attorney for this purpose.

B. **Effect.** Development agreements are not project permit applications and are not subject to the permit processing procedures in Chapter 36.70B RCW and

Title 18.40 of the Edgewood Municipal Code. A development agreement shall constitute a binding contract between the City and the property owner and the subsequent owners of any later-acquired interests in the property identified in the development agreement. A development agreement governs the project identified in the development agreement during the term of the development agreement, or for all or that part of the build-out period specified in the development agreement, and may not be subject to an amendment to a zoning ordinance or development standard adopted after the effective date of the agreement. A permit or approval issued/granted by the City after execution of a valid development agreement must be consistent with the development agreement.

C. Limitations. Any provision of the development agreement which requires the City to: (1) forego adoption of any development regulations affecting the property identified in the agreement; and/or (2) allow vesting beyond the applicable deadlines for a phased development; shall be limited to a period of **five (5) years**.¹ The development agreement shall also reserve authority to impose new or different regulations during the term of the development agreement, to the extent required by a serious threat to public health and safety. This proviso shall clearly state that the City may, without incurring any liability, engage in action that would otherwise be a breach if the City adopts findings of fact to support a determination on the record that the action is necessary to avoid a serious threat to public health and safety, or if the action is required by federal or state law.

D. Developer's Compliance. The development agreement shall include a clause stating that the City's duties under the agreement are expressly conditioned upon the property owner's substantial compliance with each and every term, condition, provision and/or covenant in the development agreement, all applicable federal, state and local laws and regulations and the property owner's obligations as identified in any approval or project permit for the property identified in the development agreement.

E. No Third Party Rights. Except as otherwise provided in the development agreement, the development agreement shall create no rights enforceable by any party who/which is not a party to the development agreement.

F. Liability. The development agreement shall include clause providing that any breach of the development agreement by the City shall give rise only to damages under state contract law and shall not give rise to any liability under chapter 64.40 RCW, the Fifth and Fourteenth Amendments to the U.S. Constitution or similar state constitutional provisions.

G. Termination. Every development agreement shall have an identified, specific termination date. Upon termination, any further development of the property shall conform to the development regulations applicable to the property.

18.55.030 Application Requirements. A complete application for a development agreement shall consist of the following:

- A. Name, address, telephone number and e-mail address of the property owner. If the applicant is not the property owner, the applicant must submit a verified statement from the property owner that the applicant has the property owner's permission to submit the application. Only the property owner has authority to sign the development agreement;
- B. Address, parcel number and legal description of the property proposed to be subject to the development agreement;
- C. Recent title report confirming that the property identified in the application is owned by the applicant-property owner;
- D. Identification of any application (project permit application, comprehensive plan amendment application, development regulation amendment application) that is related to the proposed development agreement;
- E. SEPA Checklist;
- F. A completed application form and the application fee established by the City for this purpose;
- G. Description of the purpose of the development agreement, or the proposed language to be included in the development agreement, and how it complies with both the City's comprehensive plan and development regulations; and
- H. Any other information requested by the Community Development Director relevant to the processing of the development agreement.²

18.55.040 Public Notice of the Public Hearing.

- A. Project Permit Applications. Public notice of the public hearing on a development agreement associated with an underlying project permit application shall be provided consistent with Section 18.40.190 EMC.
- B. Legislative Action. Public notice of the public hearing on development agreements associated with an underlying legislative action or application shall be provided consistent with Section 18.40.190 EMC.
- C. No Underlying Application or Action. Public notice of the public hearing on development agreements for which there is no underlying application or action, such as revisions to development agreements, shall be provided consistent with both Chapter 18.55 and Section 18.40.190 EMC.

18.55.050 SEPA. The City shall comply with SEPA, chapter **20.05 EMC**, in order to process a development agreement to a final decision. Appeals of the City's SEPA threshold decision shall be consolidated with the public hearing on the underlying project permit application or legislative application/action and addressed as set forth in chapter 20.05 EMC (SEPA).

18.55.060. Phasing.

A. In order to phase a development, and to extend the vested rights associated with an underlying project permit application, a development agreement is required. This ensures the availability of public facilities and services to all of the property in the identified individual phases, allows tracking of the available capacity of public facilities and utilities during each phase of construction, and with the extension of the vested rights associated with the project, provides certainty to the developer in the subsequent development approval process.

B. The deadlines in the City's code relating to each type of project permit application must be consulted to establish the baseline vesting period. The City is not required to extend the vesting period, and the City shall not extend any vested rights to regulations relating to stormwater. If the City decides to do so through a development agreement, it must be in exchange for the property owner's provision of corresponding benefits to the City in the form of, for example, contributions to public facilities and amenities over and above what would normally be required. In any event, the City shall not allow vesting to extend beyond the established five **(5)** year period in Section 18.55.020(C) after approval of the project permit application.

C. A development agreement for a phased development (such as a subdivision) shall include (in addition to all of the information in Section 18.55.030), all of the following:

1. identification of the phasing schedule;
2. identification of the number of phases and all lots included in each phase;
3. identification of the approximate dates for construction of public streets, public utilities and other improvements in each phase;
4. identification of the approximate dates for commencement of development of each lot, lot sales and building occupancy;
5. identification of the benefits that the property owner will provide to the City in exchange for permission to phase the development according to the proposed schedule;
6. establishment of the deadline for the property owner to submit development applications, including building permit applications, for each phase;

7. a description of the manner in which each phase is designed such that all site requirements are satisfied independently of phases yet to be given final approval and constructed;

8. a description of the manner in which the property owner will ensure that adequate public facilities are available when the impact of development occurs. The property owner shall acknowledge in the development agreement that if the demand for public facilities or services needed to accommodate a subsequent development phase increases following the issuance of a development permit for a prior phase in the approval process, or if public facilities or services included in a concurrency or SEPA determination are not constructed as scheduled in the City's capital facilities plan, final development approval may have to be delayed for future phases pending the achievement of the adopted levels of service.

18.55.070 Processing Procedures and Appeals. Development agreements are not defined as "project permit applications," in RCW 36.70B.020 and are not subject to the permit processing procedures in chapter 36.70B RCW.

A. Project Permit Applications. Development agreements associated with project permit applications shall be processed as follows.

1. *Consolidation.* Whenever possible, the development agreement shall be consolidated for processing with an underlying project permit application or other application for approval. If the development agreement is consolidated with a project permit application, the property owner must agree to waive the deadline in RCW 36.70B.080 for issuance of a final decision on the underlying application, as well as the prohibition on no more than one open record hearing and one closed record hearing on the underlying project permit application in RCW 36.70B.060(3).

2. *Recommendation, Public Hearing and Final Decision.*

a. Hearing Examiner makes final decision. If the final decision on the underlying project permit application is made by the hearing examiner, then he/she shall consider both the project permit application and the proposed development agreement together, during the public hearing. The hearing examiner shall make a recommendation to the council on the development agreement, and his/her decision on the underlying permit application shall be held in abeyance until the city council considers the proposed development agreement in a public hearing. If the city council approves the development agreement, the council shall, by resolution or ordinance, authorize the mayor to execute the development agreement on behalf of the city. At this point, the hearing examiner may issue his/her final decision on the underlying project permit application. Nothing in this section obligates the hearing examiner to forward a recommendation to the city council on the development agreement if the hearing examiner denies the underlying project permit application.

b. Staff makes final decision. If the final decision on the underlying project permit application is made by the city administrative staff, then the city staff shall consider both the project permit application and the proposed development agreement together. The city staff shall make a recommendation to the city council on the development agreement, and the city staff's decision on the underlying project permit application shall be held in abeyance until the city council considers the proposed development agreement in a public hearing. If the city council approves the development agreement, the council shall, by resolution or ordinance, authorize the mayor to execute the development agreement on behalf of the city. At this point, the city staff may then issue its final decision on the underlying project permit application. Nothing in this section obligates the city staff to forward a recommendation to the city council on the development agreement if the city staff denies the underlying project permit application.

B. Legislative Applications. A development agreement associated with a legislative action such as a comprehensive plan amendment or area-wide rezone shall be processed in accordance with the procedures established for legislative actions. The planning commission shall make its recommendation to the city council on any development agreement relating to legislative action. A public hearing shall be held on the development agreement (and underlying legislative action) and if consistent with this chapter, the council may pass a resolution or ordinance authorizing the mayor to execute the development agreement on behalf of the city.

C. Appeal.

1. A development agreement associated with an underlying project permit application may be judicially appealed in the same manner and within the same deadline as the underlying project permit application.

2. A development agreement associated with a legislative approval, such as a comprehensive plan amendment, may be appealed in the same manner and within the same deadline as the legislative approval. Appeals may be directed to the Growth Management Hearings Board, the Shoreline Hearings Board or to the Superior Court, but there is no further administrative appeal before the City.

D. Recording Against the Property. The City shall record the development agreement against the property (at the property owner's cost) in the real property records of the Pierce County Auditor.

18.55.080 Revisions to Approved Development Agreements. All of the provisions of EMC Section 18.55.020 shall apply to revisions to approved development agreements. A complete application for a revision to an approved development agreement shall consist of the materials described in EMC Section 18.55.030.

A. Criteria for Approval. The proposed revision to the Development Agreement must be consistent with: (1) the applicable portions of the Comprehensive Plan in effect at the time the revision application is submitted; (2) the applicable portions of the development regulations at the time the revision application is submitted; (3) the decision in the underlying project permit application or the underlying legislative decision. If the revision involves an extension of the termination date, the City Council must make findings and conclusions after evaluation of all of the information in subsection (B) below. The City Council shall not approve any revision of an approved development agreement involving an extension of the termination date for purposes of extension of the applicant's vested rights, unless the Council makes a finding that the extension is in the public interest.

B. Extension of Termination Date. If the applicant requests an extension of the termination date in order to extend his/her vested rights with regard to phasing of the development, the application materials submitted by the applicant shall provide the following additional information for the Council to review:

1. A list of the development regulations that have been amended by the City since the development agreement was originally approved;

2. A comparison of the effect of the amended development regulations (identified in subsection B(1) above) with the development regulations used to approve the original development agreement; and

3. An up-to-date concurrency evaluation of the City's water rights, sewer capacity and transportation system as applied to the proposed revision, and the effect that approval of the proposed revisions to the development agreement would have on the City's water availability, sewer capacity and transportation concurrency.

C. Public Hearing. In order to revise an approved development agreement, the City must follow the procedures associated with approval of the original development agreement. See, EMC Section 18.55.050(A).

D. Recording Against the Property and Appeals. Appeals of a revised development agreement shall follow the procedures in EMC Section 18.55.050(C). The development agreement shall be recorded against the property as set forth in EMC Section 18.55.070(D).

Section 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective five days after publication as provided by law.

PASSED by the Council and approved by the Mayor of the City of Edgewood, this 25th day of April, 2017.

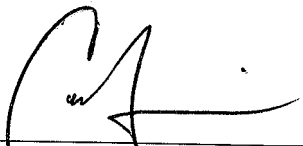
CITY OF EDGEWOOD

Daryl Eiding, Mayor

ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:



Carol Morris, City Attorney

PASSED BY THE CITY COUNCIL: 04/25/17

PUBLISHED: 04/27/17

EFFECTIVE DATE: 05/02/17

ORDINANCE NO: 17-0497



**CITY OF EDGEWOOD
REGULAR COUNCIL MEETING SUMMARY**

Tues., April 11, 2017 – 7:00 p.m. ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

Mayor Eidinger called the meeting to order at 7:00pm. Deputy Mayor Christopherson led the attendees in the Pledge of Allegiance.

ROLL CALL

Present: Mayor Daryl Eidinger (Not voting), Councilmember Mark Creley, Councilmember Luke Meyers, Deputy Mayor Tyron Christopherson, Councilmember Rosanne Tomin, Councilmember Nate Lowry. **Excused:** Councilmember Donna O'Ravez, Councilmember Stephanie Shook.

Staff Present: Assistant City Administrator Dave Gray, Assistant City Administrator Aaron Nix, City Clerk Rachel Pitzel, Community Development Director Kevin Stender, Police Chief Micah Lundborg, Carol Morris, City Attorney.

Additions/Deletions to the Agenda

There were no additions or deletions to the agenda.

2. PRESENTATION

Mt. View/Edgewood Water Company

Mayor Eidinger introduced Jacki Masters from MTVE who announced they have won the Best Tasting Water Award.

3. PUBLIC HEARING

Ordinance No. 17-0496 – Land Use and Zoning in the Town Center, Commercial, and Mixed Use Residential Zones

Mayor Eidinger read the rules for the hearing.

Mayor Eidinger opened the public hearing at 7:06pm.

Community Development Director Stender gave an update on Ordinance No. 17-0496.

Mayor Eidinger asked for public comments. There were no comments made. There were no additional staff comments.

Mayor Eidinger closed the public hearing at 7:08pm.

4. AUDIENCE COMMENT

Nancy Todd - discussed burglaries in the neighborhood; traffic on Dechaux Road; trucks parking on the N. side of Todd Road; garage being dumped, drug deals, etc.; signage saying no parking would be appreciated.

Sheila Fix – discussed not feeling safe in her neighborhood, burglaries, homeless people dumping garbage; big trucks parking on the side of the road and you are not able to see pulling out of Todd Road; homelessness problems.

Cory Chavez – discussed the same issues that the others stated. Asked what the neighbors can do to help police things.

Ken Farthing – discussed the last 6-10 month declining neighborhood he lives in. He stated the same complaints the others noted regarding their neighborhood. He asked what they can do to protect their properties.

Lori Main – discussed Puyallup moving out the homeless, they have moved up to their neighborhood, there has been tons of garbage, burglaries, etc. Stated they don't know what to do and how to fix the problem.

Assistant City Administrator Nix stated he has heard from other residents, and staff are looking into various things that can be done as far as the road is concerned. He noted some options and what could be done, and mentioned the use of signage is enforcement heavy. He also noted, physical deterrents are what would help, such as, physical barriers, like concrete blocks etc., also citizens can look at vacating the road, (which means, you as citizens would need to maintain it); he suggested residents come in to City Hall and meet with the Chief and staff, on what can be done. Mr. Nix handed out his business cards to all of the residents.

Warren Bees – issue of the homeless and transient population; trees being cut down so people cannot access the back road, he noted unless something is done- someone is going to get hurt.

Pete Flint – discussed the traffic situation on Dechaux Rd..

5. MAYOR'S REPORT

Mayor Eidinger noted Council had received his report earlier by email and asked if they had any questions.

6. CONSENT AGENDA

The consent agenda includes items that are routine in nature and are adopted by one motion. Should Council wish to discuss a consent agenda item, the item would be removed from the consent agenda and discussed under Council Business.

The following items are presented for Council approval:

A. Regular City Council Meeting Minutes of March 28, 2017

B. Study Session Meeting Minutes of April 4, 2017

C. AB17-017, a motion approving April 2017 Budgeted Expenditures as follows: Nationwide Retirement Solutions Check Numbers 10600-10601 in the amount of \$4,689.52; IRS 941 ACHs; AWC Employee Benefit Trust; Deferred Compensations Program; Dept. of Retirement Systems; AWC Employee Benefit Trust; Employment Security Dept.; and Payroll Direct Deposit in the amount of \$74,585.37; and Vendor Check Numbers 21907-21930 with EFT Payments in the amount of \$33,581.80. Voided Check Numbers 21753, 21768 in the amount of (\$2,948.47). Total distributions submitted for review & authorization in the amount of \$109,908.22

D. AB17-0363, a motion approving Resolution No. 17-0363, amending the City of Edgewood Personnel Policies to incorporate a move from a city sponsored Supplemental Retirement Plan

(457) currently with Nationwide to the State of Washington DCP Program, and to make changes to the Medical Benefits Plan

Motion: As Read, **Action:** Approve, **Moved by** Deputy Mayor Tyron Christopherson, **Seconded by** Councilmember Rosanne Tomin. **Motion passed unanimously (5-0).**

7. COUNCIL BUSINESS

- A. **AB17-0496**, a motion to accept the second reading and adoption of Ordinance No. 17-0496, relating to Land Use and Zoning in the Town Center, Commercial, and Mixed Use Residential Zones, amending Section 18.80.080 of the Edgewood Municipal Code including revising the Use Table, Densities, location of Mixed Uses, and providing for Variances; providing for severability; and establishing an effective date

Community Development Director Stender briefed on the agenda item.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Nate Lowry, **Seconded by** Councilmember Rosanne Tomin. **Motion passed unanimously (5-0).**

- B. **AB17-0364**, a motion adopting Resolution No. 17-0364, relating to Land Use and Zoning, adopting a Public Participation Program as required by the Growth Management Act, RCW 36.70A.140, which identifies procedures adopted by the City in its codes providing for early and continuous public participation in the development and amendment of Comprehensive Land Use Plans and Development Regulations implementing such plans.

Community Development Director Stender briefed on the agenda item.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Rosanne Tomin, **Seconded by** Councilmember Luke Meyers. **Motion passed unanimously (5-0).**

- C. **AB17-0365**, a motion adopting Resolution No. 17-0365, authorizing the Mayor to execute a Professional Services Agreement associated with Surface Water Management Plan Updates with Herrera Environmental Consultants (Herrera)

Senior Engineer Metzler briefed on the agenda item.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Rosanne Tomin, **Seconded by** Councilmember Nate Lowry. **Motion passed unanimously (5-0).**

- D. **AB17-0497**, a motion to accept the first reading of Ordinance 17-0497, relating to Land Use and Zoning, adopting procedures for the execution of Development Agreements with property owners, requiring consistency with existing development regulations as required by RCW 36.70B.170, identifying the elements of a complete application for a development agreement, describing the procedure for processing development agreements, clarifying the effect, format, requirements for Public Hearing on development agreements, recording, appeals and revisions to approved development agreements; adopting a new Chapter 18.55 to the Edgewood Municipal Code, repealing Section 18.50.090 and 18.90.015 of the Edgewood Municipal Code and establishing an effective date

Community Development Director Stender briefed on the agenda item.

Motion: Accept first reading, **Action:** Approve, **Moved by** Deputy Mayor Tyron Christopherson, **Seconded by** Councilmember Mark Creley. **Motion passed unanimously (5-0).**

- E. **AB17-0498**, a motion to adopt Ordinance 17-0498, relating to land use and zoning, adopting findings and conclusions to support the City's adoption of Interim Zoning Ordinance 17-0494 relating to Quasi-Judicial Map Amendments, which repeals Section 18.40.110 of the Edgewood Municipal Code; describing the elements of a complete application, the criteria for approval, deadline for issuance of a final decision, and expiration of the approval for a period of six months after adoption of Ordinance No. 17-0494 on February 28, 2017 establishing findings of fact associated with Interim Ordinance 17-0494 establishing an Interim Ordinance regarding Quasi-Judicial Map Changes

Community Development Director Stender briefed on the agenda item.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Nate Lowry, **Seconded by** Councilmember Luke Meyers. **Motion passed unanimously (5-0).**

- F. **AB17-0495**, a motion to adopt Ordinance 17-0495, relating to Development Standards and Subdivision Code Enforcement, adopting new Development Standards and Subdivision Code Enforcement procedures which describe violations, explain the process for investigation and enforcement of violations, listing the elements of a notice of violation, describing the procedures for issuance and service of notices violation, stop work orders and emergency orders, providing for hearings on appeals, describing the hearing process, setting penalties for violations, amending sections 16.01.130, 16.01.200 and repealing section 18.30.130 of the Edgewood Municipal Code and adding a new Chapter 18.85 to the Edgewood Municipal Code

Assistant City Administrator Nix briefed on the agenda item.

Motion: As Read with change to section E adding email 18.85.080 E and removing the double E. , **Action:** Approve, **Moved by** Councilmember Nate Lowry, **Seconded by** Councilmember Rosanne Tomryn. **Motion passed unanimously (5-0).**

Mayor Eidinger asked Chief Lundborg if he would like to update Council on his Department, since he was pulled away from the Council meeting earlier.

Chief Lundborg gave thanks to the community for the Public Community Safety event that occurred it was a huge success; the online reporting tool should be ready by the end of the week; discussed crime incidents; reminded everyone of the Annual Shredding Event on April 29th.

8. COUNCIL COMMENTS

Councilmember Meyers noted a house on West Valley Ave. that was for sale and now there is a burnt car in driveway, piles of trash; he stated in regards to the homelessness issue, he is worried about residents taking "arms up," asked if there is policies on moving people off or relocating from city properties.

Councilmember Creley discussed being approached by a citizen driving down Meridian and the bikini barista's and looking at our codes for that.

Mr. Stender stated what our code currently states and that he can look at the City of Everett's code to see if it is any different from ours.

Mayor Eidinger reminded folks of Connect over Council this Saturday 9:30-11:30am.

9. EXECUTIVE SESSION

Mayor Eidinger asked City Attorney Carol Morris if there was an executive session.

City Attorney Morris stated there would be an Executive Session pursuant to RCW 42.30.110(1)(i), the City Council will now convene an executive session for the purpose of discussing potential litigation with legal counsel. The Executive Session will last approximately 10 minutes.

Mayor Eidinger recessed the meeting to Executive Session at 8:23pm for 10 minutes.

Mayor Eidinger extended the Executive Session at 8:33pm for 5 minutes.

Mayor Eidinger called the meeting back to order at 8:38pm.

10. ADJOURN

Mayor Eidinger adjourned the meeting at 8:39 pm.

Rachel Pitzel, City Clerk

Daryl Eidinger, Mayor



**CITY OF EDGEWOOD
COUNCIL STUDY SESSION SUMMARY**

Tues., April 18, 2017 – 7:00 PM ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

Mayor Eiding called the meeting to order at 7:00pm and Councilmember Shook led attendees in the Pledge of Allegiance.

ROLL CALL

Present: Mayor Daryl Eiding (Not voting), Councilmember Mark Creley, Councilmember Luke Meyers, Deputy Mayor Tyron Christopherson, Councilmember Stephanie Shook, Councilmember Rosanne Tomyn, Councilmember Nate Lowry. **Excused:** Councilmember Donna O'Ravez.

Staff Present: Assistant City Administrator Dave Gray, Assistant City Administrator Aaron Nix, City Clerk Rachel Pitzel, Community Development Director Kevin Stender, Police Chief Micah Lundborg.

2. COUNCIL BUSINESS

A. Discussion – Brian Levenhagen – PRAB Annual Work Program

Mr. Brian Levenhagen updated Council on projects and events provided by the PRAB and presented Council the PRAB 2017 annual work program.

Discussion Followed between staff and the Council regarding the 36th park; discussion took place regarding incorporating 1-3 Councilmembers to attend the meetings; and movie nights.

B. Discussion/Review – Development Agreement Updates

Community Development Director Kevin Stender briefed Council on this agenda item. Discussion followed between staff and the Council.

C. Discussion/Review – Map Error Fix

Community Development Director Kevin Stender briefed Council on this agenda item. Discussion followed between staff and the Council.

D. Discussion – 1st Quarter 2017 Budget to Actual Financial Review

Assistant City Administrator Dave Gray briefed Council on this agenda item and passed out material that he would be discussing with Council.

Discussion followed between staff and the Council.

E. Discussion/Review – Ordinance – Lakehaven ILA Map Revision

Assistant City Administrator Aaron Nix briefed Council on this agenda item. Discussion followed between staff and the Council.

F. Discussion – Verizon Franchise Agreement

Assistant City Administrator Aaron Nix briefed Council on this agenda item. Discussion followed between staff and the Council.

G. Discussion/Review – Community Services Manager position/job description

Assistant City Administrator Dave Gray briefed Council on this agenda item.

Discussion followed between staff and the Council.

Council action: Council recommended staff to

H. Discussion/Review – Vehicle Use Policy

Assistant City Administrator Aaron Nix briefed Council on this agenda item.

Discussion followed between staff and the Council.

I. Discussion/Review – Social Media Policy

City Clerk Pitzel briefed Council on this agenda item.

Discussion followed between staff and the Council.

J. Discussion – Park Reservation Policy

Mayor Eidingen discussed with Council the fees and the park reservation policy.

Discussion followed between staff and the Council.

3. OTHER COUNCIL ISSUES

Councilmember Lowry and Mayor Eidingen discussed their letters for the next summer edition of the Edgewood magazine.

Mayor Eidingen asked Council if they were interested in having a study session, regarding lowering the speed limits on city roads.

Mayor Eidingen asked Council who was interested in the July, August and September Connect over Coffee dates and asked them to fill their names on the paper going around the table.

Councilmember Meyers discussed Decheaux and Todd Road and his concern there are three houses on Todd road that are red tagged or boarded up, stated this seems to him places that would encourage people to inhabit.

4. ADJOURN

Mayor Eidingen adjourned the meeting at 9:24pm.

Rachel Pitzel, City Clerk

Daryl Eidingen, Mayor



**CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-019**

Date Action Requested: April 25, 2017

Title: **AB 17-019**, a motion approving April 2017 Budgeted Expenditures as follows: Nationwide Retirement Solutions Check Numbers 10602-10603 in the amount of \$4,686.78; Dept. of Labor & Industry; IRS 941 ACHs; Deferred Compensations Program; Dept. of Retirement Systems; and Payroll Direct Deposit in the amount of \$51,529.77; and Vendor Check Numbers 21931-21961 with EFT Payments in the amount of \$57,789.75. Total distributions submitted for review & authorization in the amount of \$114,006.30

Attachments: Payment Distribution Review & Authorization, Voucher Directory

Submitted By: Dave Gray, Assistant City Administrator, Finance

Approved For Agenda By: Mayor Daryl Eiding

Prepared For Agenda By: Rachel Pitzel, City Clerk

Recommendation: Move to Approve AB17-019

Discussion: Approval of Claims and Payroll Expenditures.

Alternatives: 1) Do not approve. 2) Refer to Council Study Session for Further Review.

Fiscal Impact: An increase in the sum of \$114,006.30 to authorized Budgeted Expenditures.

Number	Name	Print Date	Amount
US Bank PAYROLL ACCOUNT DISTRIBUTION			
10601 Last Number Issued Previous Authorization			
<u>10602</u>	Nationwide Retirement Solutions-401	4/14/2017	\$4,649.28
<u>10603</u>	Nationwide Retirement Solutions-Council	4/14/2017	\$37.50
	Total		\$4,686.78
<u>1st Qtr L&I EFT</u>	Dept of Labor & Industry	4/14/2017	\$3,521.37
<u>DCP 4/15/17</u>	Deferred Compensation Program	4/14/2017	\$1,545.34
<u>Direct Deposit Run -</u>	Payroll Vendor	4/14/2017	\$34,279.91
<u>DRS 4/15/17</u>	Dept of Retirement Systems	4/14/2017	\$6,786.70
<u>IRS 941 4/15/17</u>	IRS 941	4/14/2017	\$5,396.45
	Total		\$51,529.77
	Grand Total		\$56,216.55

Number	Name	Print Date	Amount
CLAIM VOUCHER ACCOUNT DISTRIBUTION			
21930 Last Number Issued Previous Authorization			
<u>21931</u>	Backflows Northwest	4/25/2017	\$405.00
<u>21932</u>	City of Fife	4/25/2017	\$5,113.16
<u>21933</u>	Code Publishing Inc.	4/25/2017	\$856.12
<u>21934</u>	Copiers Northwest	4/25/2017	\$29.60
<u>21935</u>	Daryl Eiding	4/25/2017	\$160.50
<u>21936</u>	Environmental Science Associates	4/25/2017	\$5,598.75
<u>21937</u>	General Mechanical	4/25/2017	\$411.92
<u>21938</u>	Gray & Osborne, Inc	4/25/2017	\$1,301.41
<u>21939</u>	Lakehaven Water & Sewer District	4/25/2017	\$4,110.14
<u>21940</u>	McCarthy & Causseaux	4/25/2017	\$2,278.46
<u>21941</u>	McLendon's Hardware	4/25/2017	\$249.01
<u>21942</u>	Morris Law PC	4/25/2017	\$7,038.00
<u>21943</u>	Mt. View-Edgewood Water Co.	4/25/2017	\$304.05
<u>21944</u>	National Barricade Co., LLC	4/25/2017	\$651.53
<u>21945</u>	Northwest Landscape Services	4/25/2017	\$826.74
<u>21946</u>	Office Depot	4/25/2017	\$312.98
<u>21947</u>	Pacific Safety Supply Inc.	4/25/2017	\$2,026.85
<u>21948</u>	Philips Publishing Group	4/25/2017	\$4,669.91
<u>21949</u>	Pierce County Budget & Finance Court	4/25/2017	\$4,500.00
<u>21950</u>	Pitney Bowes	4/25/2017	\$500.00
<u>21951</u>	Pro-Vac	4/25/2017	\$806.83
<u>21952</u>	Puget Sound Energy	4/25/2017	\$4,727.69
<u>21953</u>	Eric Larson	4/25/2017	\$4.50
<u>21954</u>	Sewall Wetland Consulting, Inc.	4/25/2017	\$560.00
<u>21955</u>	Smarsh, Inc.	4/25/2017	\$171.55
<u>21956</u>	Spectra Laboratories	4/25/2017	\$112.50
<u>21957</u>	Systems for Public Safety, Inc.	4/25/2017	\$963.91
<u>21958</u>	TCMS Corp.	4/25/2017	\$5,169.42
<u>21959</u>	Transpo Group	4/25/2017	\$925.00
<u>21960</u>	Walter Ann Designs	4/25/2017	\$1,923.25
<u>21961</u>	WMCA	4/25/2017	\$75.00
<u>EFT Payment 4/19/2017</u>	Shell	4/25/2017	\$553.55
<u>EFT Payment 4/19/2017</u>	Wells Fargo Financial Leasing	4/25/2017	\$85.93
<u>EFT Payment 4/19/2017</u>	Wells Fargo Vendor Fin Serv	4/25/2017	\$366.49
	Grand Total		\$57,789.75

Total Claims Voucher Distribution	\$57,789.75
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Total Distribution Submitted for Review & Authorization	\$114,006.30
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Authorization Adjustments:

Total Distribution Net of Prior Authorized Adjustments	\$114,006.30
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Claims Voucher Approval : I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed

Mayor, Daryl Eiding

Council Member



Voucher Directory

Vendor	Number	Reference	Account Number	Description	Amount
Backflows Northwest	21931			2017 - April - 2nd Council Meeting	
		B3078			
			April Services		
			001-018-000-518-20-41-01	Professional Service	\$180.00
			001-076-000-576-80-41-01	Professional Services	\$135.00
			101-000-000-542-70-48-04	Road Maint ROW Veg Maint Contractor	\$90.00
		Total B3078			\$405.00
	Total 21931				\$405.00
Total Backflows Northwest					\$405.00
City of Fife	21932			2017 - April - 2nd Council Meeting	
		0144756			
			Q1 2017 Equipment Reimbursement		
			001-014-000-518-80-49-03	Computer Subscriptions	\$605.46
				Barracuda Email Archiver	
		Total 0144756			\$605.46
		0144757			
			Q1 2017 IT Services		
			001-014-000-518-80-41-01	Contracted IT Services	\$4,507.70
		Total 0144757			\$4,507.70
	Total 21932				\$5,113.16
Total City of Fife					\$5,113.16
Code Publishing Inc.	21933			2017 - April - 2nd Council Meeting	
		56047			
			March Updates		
			001-014-000-514-30-41-01	Professional Services	\$856.12
				EMC Updates	
		Total 56047			\$856.12
	Total 21933				\$856.12
Total Code Publishing Inc.					\$856.12
Copiers Northwest	21934			2017 - April - 2nd Council Meeting	
		INV1552970			
			3/14-4/13/17 Overage Charges		
			001-018-000-518-30-45-06	Copier Lease	\$29.60

Vendor	Number	Reference	Account Number	Description	Amount
				Overage Charges-Lexmark Printers	
		Total INV1552970			\$29.60
	Total 21934				\$29.60
Total Copiers Northwest					\$29.60
Daryl Eiding					
	21935			2017 - April - 2nd Council Meeting	
		041017-DE			
			Mileage Reimbursement		
			001-013-000-513-10-43-03	Mileage Reimbursement	\$160.50
				Yakima-Truck Inspection	
		Total 041017-DE			\$160.50
	Total 21935				\$160.50
Total Daryl Eiding					\$160.50
Environmental Science Associates					
	21936			2017 - April - 2nd Council Meeting	
		127369			
			3/22-4/7/17 Svcs-Prj D170117.00		
			001-058-000-558-60-41-23	Professional Serv-GMA	\$5,598.75
				Critical Areas Code Update	
		Total 127369			\$5,598.75
	Total 21936				\$5,598.75
Total Environmental Science Associates					\$5,598.75
General Mechanical					
	21937			2017 - April - 2nd Council Meeting	
		1534			
			April Svcs-Contract 17.0273		
			001-076-000-576-80-48-05	Maintenance-Tank Pumping	\$411.92
				Trailhead Restroom-Air Regulator	
		Total 1534			\$411.92
	Total 21937				\$411.92
Total General Mechanical					\$411.92
Gray & Osborne, Inc					
	21938			2017 - April - 2nd Council Meeting	
		3-G&O prj 16463.05			
			March Services		
			001-058-000-558-60-41-03	Prof. Services (Non-reimbursable)	\$150.70
				Wampold Short Plat	
		Total 3-G&O prj 16463.05			\$150.70

Vendor	Number	Reference	Account Number	Description	Amount
		33-G&O prj 14590.00			
		March Services			
			340-000-000-595-80-41-02	STPUL HLP 3290(010) Jovita Seismic Walls Construction Mgmt	\$441.66
		Total 33-G&O prj 14590.00			\$441.66
		4-G&O prj 16463.03			
		March Services			
			001-058-000-558-60-41-03	Prof. Services (Non-reimbursable)	\$709.05
				Westridge Slope Monitoring	
		Total 4-G&O prj 16463.03			\$709.05
	Total 21938				\$1,301.41
Total Gray & Osborne, Inc					\$1,301.41
Lakehaven Water & Sewer District					
21939					
				2017 - April - 2nd Council Meeting	
		3579001 12/1/16-1/31/17			
		Suelo Marina			
			401-000-000-589-00-00-00	Nonexpenditure Suspense	\$2,929.40
				Suelo Marina	
		Total 3579001 12/1/16-1/31/17			\$2,929.40
		3579101 1/4-3/2/17			
		Suelo Marina			
			401-000-000-589-00-00-00	Nonexpenditure Suspense	\$1,180.74
				Suelo Marina	
		Total 3579101 1/4-3/2/17			\$1,180.74
	Total 21939				\$4,110.14
Total Lakehaven Water & Sewer District					\$4,110.14
McCarthy & Causseaux					
21940					
				2017 - April - 2nd Council Meeting	
	185				
		March Services			
			001-015-000-515-32-41-14	Hearing Examiner Legal Fees	\$2,278.46
				Hearing Examiner Svcs	
	Total 185				\$2,278.46
	Total 21940				\$2,278.46
Total McCarthy & Causseaux					\$2,278.46
McLendon's Hardware					
21941					
				2017 - April - 2nd Council Meeting	
	605979/3				
		April Purchases			
			001-076-000-576-80-31-01	Operational Supplies	\$32.74
				Scrub Brushes, Graffiti Remover, Grill Scrub Pad	
	Total 605979/3				\$32.74

Vendor	Number	Reference	Account Number	Description	Amount
		606381/3			
			April Purchases		
			001-076-000-576-80-31-01	Operational Supplies	\$17.48
				Concrete Bag	
		Total 606381/3			\$17.48
		606441/3			
			April Purchases		
			001-076-000-576-80-31-01	Operational Supplies	\$52.43
				Concrete Bags	
		Total 606441/3			\$52.43
		606529/3			
			April Purchases		
			001-076-000-576-80-31-01	Operational Supplies	\$24.02
				Duct Tape, Gloves	
		Total 606529/3			\$24.02
		606650/3			
			April Purchases		
			101-000-000-542-90-35-01	Small Tools/Minor Equipment	\$122.34
				Safety Glasses, Gloves, Broom, Faceshield, File	
		Total 606650/3			\$122.34
	Total 21941				\$249.01
Total McLendon's Hardware					\$249.01
Morris Law PC					
	21942			2017 - April - 2nd Council Meeting	
		040517-MOR			
			March Services		
			001-015-000-515-32-41-01	Legal Services	\$7,038.00
		Total 040517-MOR			\$7,038.00
	Total 21942				\$7,038.00
Total Morris Law PC					\$7,038.00
Mt. View-Edgewood Water Co.					
	21943			2017 - April - 2nd Council Meeting	
		15690-6429 2/11-4/10/17			
			2/11-4/10/17 Services		
			001-018-000-518-20-47-02	Water	\$82.17
				Nelson Farm	
		Total 15690-6429 2/11-4/10/17			\$82.17
		19143-7198 2/11-4/10/17			
			2/11-4/10/17 Services		
			001-018-000-518-20-47-02	Water	\$57.40
				Nature Park	
		Total 19143-7198 2/11-4/10/17			\$57.40

Vendor	Number	Reference	Account Number	Description	Amount
		2-3001 2/11-4/10/17			
			2/11-4/10/17 Services		
			001-018-000-518-20-47-02	Water	\$164.48
				Edgemont Park	
		Total 2-3001 2/11-4/10/17			\$164.48
	Total 21943				\$304.05
Total Mt. View-Edgewood Water Co.					\$304.05
National Barricade Co., LLC					
	21944			2017 - April - 2nd Council Meeting	
		269453			
			101-000-000-542-30-31-01	Operational Supplies	\$651.53
				Road Closed Signs	
		Total 269453			\$651.53
	Total 21944				\$651.53
Total National Barricade Co., LLC					\$651.53
Northwest Landscape Services					
	21945			2017 - April - 2nd Council Meeting	
		RC000022392			
			April Services		
			101-000-000-542-70-48-04	Road Maint ROW Veg Maint Contractor	\$826.74
		Total RC000022392			\$826.74
	Total 21945				\$826.74
Total Northwest Landscape Services					\$826.74
Office Depot					
	21946			2017 - April - 2nd Council Meeting	
		918243104001			
			April Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$13.16
				Vinyl Letters/Numbers	
		Total 918243104001			\$13.16
		918243105001			
			April Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$91.96
				USB Data Sticks	
		Total 918243105001			\$91.96
		918243106001			
			April Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$81.74
				USB's	
		Total 918243106001			\$81.74
		981243067001			
			April Purchases		
			001-018-000-518-20-31-01	Office & Operational Supplies	\$126.12

Vendor	Number	Reference	Account Number	Description	Amount
				Tape Flags, Folders, Storage Files	
		Total 981243067001			\$126.12
	Total 21946				\$312.98
Total Office Depot					\$312.98
Pacific Safety Supply Inc.					
	21947			2017 - April - 2nd Council Meeting	
		717087			
			101-000-000-542-64-31-11	Signs	\$1,013.43
			410-000-000-531-38-31-01	Operational Supplies	\$1,013.42
				Signs	
		Total 717087			\$2,026.85
	Total 21947				\$2,026.85
Total Pacific Safety Supply Inc.					\$2,026.85
Philips Publishing Group					
	21948			2017 - April - 2nd Council Meeting	
		26103			
			Edgewood Spring Magazine		
			001-018-000-518-20-49-05	Printing & Binding	\$4,669.91
				Spring 2017 Magazine	
		Total 26103			\$4,669.91
	Total 21948				\$4,669.91
Total Philips Publishing Group					\$4,669.91
Pierce County Budget & Finance Court					
	21949			2017 - April - 2nd Council Meeting	
		CI-230670			
			2nd Qtr 2017 Court Services		
			001-018-000-512-50-51-01	Court Services	\$4,500.00
		Total CI-230670			\$4,500.00
	Total 21949				\$4,500.00
Total Pierce County Budget & Finance Court					\$4,500.00
Pitney Bowes					
	21950			2017 - April - 2nd Council Meeting	
		041717-PB			
			Acct 20298881-Postage Refill		
			001-018-000-518-30-42-03	Postage	\$500.00
				City Postage	
		Total 041717-PB			\$500.00
	Total 21950				\$500.00
Total Pitney Bowes					\$500.00

Vendor	Number	Reference	Account Number	Description	Amount
Pro-Vac	21951			2017 - April - 2nd Council Meeting	
		170224-017			
			2/27/17 Services		
			410-000-000-531-38-51-02	Drain Maint (Intergov)	\$806.83
			Jovita & 114th		
		Total 170224-017			\$806.83
	Total 21951				\$806.83
Total Pro-Vac					\$806.83
Puget Sound Energy	21952			2017 - April - 2nd Council Meeting	
		300000011233	March 2017		
			March Statement		
			001-018-000-518-20-47-01	Electricity	\$4,727.69
		Total 300000011233	March 2017		\$4,727.69
	Total 21952				\$4,727.69
Total Puget Sound Energy					\$4,727.69
Refunds/Reimbursements Vendor	21953			2017 - April - 2nd Council Meeting	
		041317-EL		Eric Larson	
			Refund Overpayment-SP #5100		
			001-000-000-345-89-00-20	Engineering Fee	\$4.50
			Overpayment-Short Plat #5100; Receipt 1655		
		Total 041317-EL			\$4.50
	Total 21953				\$4.50
Total Refunds/Reimbursements Vendor					\$4.50
Sewall Wetland Consulting, Inc.	21954			2017 - April - 2nd Council Meeting	
		42164			
			March Svcs-Job 17-128		
			001-058-000-558-60-41-01	Reim.Engineering - Prof. Serv	\$560.00
			17-128 Edgewood Terrace		
		Total 42164			\$560.00
	Total 21954				\$560.00
Total Sewall Wetland Consulting, Inc.					\$560.00
Shell		EFT Payment 4/19/2017 3:58:13 PM - 1		2017 - April - 2nd Council Meeting	
		8000093974704			
			March Statement		
			001-018-000-518-30-32-01	Fuel	\$553.55
		Total 8000093974704			\$553.55
	Total EFT Payment 4/19/2017 3:58:13 PM - 1				\$553.55
Total Shell					\$553.55

Vendor	Number	Reference	Account Number	Description	Amount
Smarsh, Inc.					
	21955			2017 - April - 2nd Council Meeting	
		INV00221546			
			March Services		
			001-014-000-518-80-49-03	Computer Subscriptions	\$171.55
		Total INV00221546			\$171.55
	Total 21955				\$171.55
Total Smarsh, Inc.					\$171.55
Spectra Laboratories					
	21956			2017 - April - 2nd Council Meeting	
		118930			
			March Svcs-Project 2017030782		
			410-000-000-531-38-49-09	Misc. Fees & Charges	\$112.50
				Lake Chalet Water Testing	
		Total 118930			\$112.50
	Total 21956				\$112.50
Total Spectra Laboratories					\$112.50
Systems for Public Safety, Inc.					
	21957			2017 - April - 2nd Council Meeting	
		30859			
			April Services		
			001-018-000-518-30-48-07	Maintenance & Repairs-Vehicles	\$963.91
				1998 Chevy 1/2 Ton-Light Bar	
		Total 30859			\$963.91
	Total 21957				\$963.91
Total Systems for Public Safety, Inc.					\$963.91
TCMS Corp.					
	21958			2017 - April - 2nd Council Meeting	
		068454			
			2/1-4/30/17 Svcs-Contract #G6477		
			001-018-000-518-30-48-03	Maintenance/Repairs - Buildings	\$5,169.42
		Total 068454			\$5,169.42
	Total 21958				\$5,169.42
Total TCMS Corp.					\$5,169.42
Transpo Group					
	21959			2017 - April - 2nd Council Meeting	
		20182			
			March Svcs-Prj 0.13312.00		
			001-058-000-558-60-41-01	Reim.Engineering - Prof. Serv	\$925.00
				Volente Plat #16-5459	
		Total 20182			\$925.00
	Total 21959				\$925.00
Total Transpo Group					\$925.00

Vendor	Number	Reference	Account Number	Description	Amount
Walter Ann Designs	21960			2017 - April - 2nd Council Meeting	
		92648			
			April Purchase-Genie Man Lift		
			501-000-000-591-59-75-03	City Equipment	\$1,923.25
			Genie Man Lift		
		Total 92648			\$1,923.25
	Total 21960				\$1,923.25
Total Walter Ann Designs					\$1,923.25
Wells Fargo Financial Leasing					
	EFT Payment 4/19/2017 3:58:13 PM - 2			2017 - April - 2nd Council Meeting	
	5003867224				
			5/4-6/3/17 Lease		
			001-018-000-518-30-45-06	Copier Lease	\$85.93
			Lexmark Printers		
		Total 5003867224			\$85.93
	Total EFT Payment 4/19/2017 3:58:13 PM - 2				\$85.93
Total Wells Fargo Financial Leasing					\$85.93
Wells Fargo Vendor Fin Serv					
	EFT Payment 4/19/2017 3:58:13 PM - 3			2017 - April - 2nd Council Meeting	
	6661099				
			May Lease Payment		
			001-018-000-518-30-45-06	Copier Lease	\$366.49
			Kyocera Copier		
		Total 6661099			\$366.49
	Total EFT Payment 4/19/2017 3:58:13 PM - 3				\$366.49
Total Wells Fargo Vendor Fin Serv					\$366.49
WMCA	21961			2017 - April - 2nd Council Meeting	
		041717-WMCA			
			2017 Dues-Rachel Pitzel		
			001-014-000-514-30-49-01	Memberships	\$75.00
			Dues-Rachel Pitzel		
		Total 041717-WMCA			\$75.00
	Total 21961				\$75.00
Total WMCA					\$75.00
Grand Total		Vendor Count	34		\$57,789.75



**CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-0366 under Consent Agenda**

Date Action Requested: April 25, 2017

Title: Resolution No. 17-0366, Social Media Policy

Attachments: Resolution and Social Media Policy

Submitted By: Rachel Pitzel, City Clerk

Approved For Agenda By: Daryl Eidinger, Mayor

Discussion: In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the City of Edgewood, as well as any other form of electronic communication.

This policy is intended to help staff make appropriate decisions and to establish rules and expectations for the appropriate use of social media by City of Edgewood employees, whether the use is personal, or work related.

This policy is also referenced in the new Wireless Voice and Data Device Policy that will be forthcoming.

Recommendation: Move to accept this item at the April 25th Regular Council Meeting under the Consent Agenda action.

Fiscal Impact: N/A

RESOLUTION NO. 17-0366

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, AMENDING THE CITY'S PERSONNEL MANUAL ADOPTED ON MAY 27, 2014 AND ADDING A NEW SECTION 2.(L) ENTITLED SOCIAL MEDIA POLICY

WHEREAS, the City of Edgewood approved Resolution No. 96-09 on March 14, 1996 adopting a Personnel Manual; and

WHEREAS, the City Council last amended the Personnel Manual by approval of Resolution No. 14-0313 on May 27, 2014; and

WHEREAS, the City Council now wishes to amend this Personnel Manual by adding a new section 2(L) entitled "Social Media Policy"; and

WHEREAS, the use of social media by the City of Edgewood will further the goals and missions of the City and to provide information online; and

WHEREAS, the public seeks information about the community through Social Media Sites, and Social Media Sites provide an informative way of relaying information to the City of Edgewood Citizens and surrounding Neighbors about emergencies, local events, proposed resolutions, ordinances and another information available; and

WHEREAS, it is in the best interest of the City to have a Social Media Policy in place to allow designated employees of the City of Edgewood the ability to post information on said Social Media Sites and allow commentary from the community;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Social Media Policy attached hereto as Exhibit A is hereby adopted as part of the City of Edgewood Personnel Manual, as Section 2. (L) - Social Media Policy and is applicable to all City of Edgewood employees.

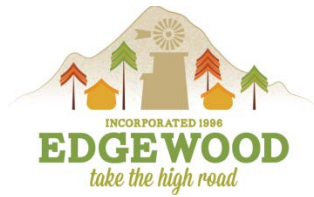
Section 2. Effective Date. This resolution will take effect immediately upon passage by the City Council.

ADOPTED THIS 25TH DAY OF APRIL, 2017

Daryl Eiding, Mayor

ATTEST:

Rachel Pitzel, City Clerk



**CITY OF EDGEWOOD
POLICIES AND PROCEDURES**

TITLE: Social Media Policy	POLICY MANUAL SECTION & NO. Section 2 (L)	
APPROVED BY	REVISES OR SUPERSEDES New Content	EFFECTIVE DATE:

1. **Purpose:** The purpose of this policy is to establish rules and expectations for the appropriate use of social media by City of Edgewood employees, whether the use is personal, or work-related.
2. **Applicability:** This policy applies to all users of City of Edgewood communications and computing resources on the City's behalf. The City Clerk along with the Communications Coordinator (herein after referred to as "Coordinators") will be given access to the City's Social Media sites (Facebook, Twitter and the City website) by the Mayor only after this policy has been reviewed and signed. Coordinators may access City social media sites from City computers or City devices and only post content. The Mayor will review and approve all content before it has been posted.
3. **Background:** The City of Edgewood encourages the use of social media technologies to enhance communication, involvement, and information exchange in support of the mission of the City of Edgewood. As the technology evolves, this document will evolve, but in general terms, this document defines guiding principles for use of these technologies by Coordinators using these resources on the City's behalf. The use of social media technology follows the same standards of professional practice and conduct associated with everything else we do. Common sense and sound judgment help avoid the most vexing issues.
4. **Definitions:** "Social media" is an umbrella term that encompasses the various activities that integrate technology, social interaction, and content creation. Social media uses many technologies and forms, for example blogs, wikis, photo and video sharing, podcasts, social networking, and virtual worlds, whether or not associated or affiliated with the City, as well as any other form of electronic communication.
5. **Guiding Principles:**
 - a) Know and follow City of Edgewood conduct guidelines, such as Chapter 2. General Policies and Procedures and Chapter 9. Employee Responsibilities and Conduct in the City of Edgewood Personnel Manual. These standards cover topics of prohibited activities such as: engaging in vulgar or abusive language, personal attacks of any

kind, or offensive terms targeting individuals or groups; endorsement of commercial products, services, or entities; endorsement of or opposition to political parties, candidates, groups or ballot initiatives; lobbying members of the legislature using City of Edgewood or any other appropriated resource.

- b) When you are representing the City of Edgewood in an official capacity, the City of Edgewood is responsible for the content you publish on blogs, wikis or any other form of user-generated media. Assume your communications are in the public domain, available for publishing or discussion in all forms of media.
- c) If you publish content to any website outside of City of Edgewood's official online presence (this may include City of Edgewood websites as well as City of Edgewood's official presence on third party sites) and it has something to do with subjects associated with City of Edgewood, consider a disclaimer such as this: "The postings are my own and do not necessarily represent City of Edgewood's positions, strategies or opinions." Never use or reference your formal position when writing in a non-official capacity.
- d) Those with leadership responsibilities, by virtue of their position, must consider whether personal thoughts they publish, even in clearly personal venues, may be misunderstood as expressing City of Edgewood positions. They should assume that their team and those outside the City of Edgewood will read what is written. A public blog is not the place to communicate the City of Edgewood policies to the City of Edgewood employees. Assume your thoughts are in the public domain and can be published or discussed in all forms of media. Presume you have no expectation of privacy.
- e) Respect copyright, fair use and financial disclosure laws. Always protect sensitive information, such as protected acquisition and personally identifiable information. Do not publish or report on conversations that are meant to be pre-decisional or internal to the City of Edgewood unless given permission by management.
- f) Be aware of your City of Edgewood association in online social networks. If you identify yourself as a City of Edgewood employee or have a public facing position for which your City of Edgewood association is known to the general public, ensure your profile and related content (even if it is of a personal and not an official nature) is consistent with how you wish to present yourself as a City of Edgewood professional, appropriate with the public trust associated with your position, and conforms to existing standards, as referenced in the City of Edgewood Personnel Policy. Presume you have no expectation of privacy.
- g) Remain focused on customers, existing commitments, and achieving City of Edgewood's mission. Your use of social media tools should never interfere with your primary duties.
- h) Employees are to refrain from taking action via social media that is intended, or would reasonably be expected, to negatively affect the City, its reputation, services, management or employees. These disparaging or derogatory actions include but are not limited to, inappropriate or offensive postings or comments (for example, postings that include discriminatory remarks, harassment, language that could contribute to a hostile work environment on the basis of race, gender, disability, religion or any other status protected by law or city policy, or harm or disgrace the City's or an employee's reputation).

Keep in mind that while you are employee, your words and actions reflect upon the City, but at no point should you purport to speak for the City. Do not make statements or comments claiming to represent the City or City positions unless you have prior written authorization from the Mayor.

6. City Use of Social Media:

All of the City's social media shall clearly indicate it is maintained by the City, have the City logo and contact information prominently displayed, and be linked to this Social Media Policy. It will also contain the following language:

The City of Edgewood, Washington is a municipal corporation of the State of Washington. This site is intended to serve as a mechanism for communication between the public and the City on the listed topics related to the City's municipal government services. The opinions expressed by visitors to this site do not reflect the opinions of the City. Any comments submitted to this site and any lists of users or links are public records subject to disclosure pursuant to RCW 42.56. Users recognize that there is no expectation of privacy in the use of the City's Social Media and users are cautioned to never disclose private or confidential information on this site.

Communications made on this site do not constitute official notice to the City or any City personnel. Public Record Act requests may not be made on this site and must be submitted to the City's Public Records Officer consistent with the City's Public Records Policy.

The City is not responsible for the content that appears on outside links and provides links as a convenience only.

All information and materials generated by the City and provided on City Social Media pages are the property of the City. The City retains copyright on all text, graphic images and other content that was produced by the City and found on the page. You may print copies of information and material for your own non-commercial use, provided that you retain the copyright symbol or other such proprietary notice intact on any copyrighted materials you copy. Please include a credit line reading: "Courtesy of City of Edgewood, Washington."

Commercial use of text, City logos, photos and other graphics are prohibited without the express written permission of the City. Use of the City logo is prohibited for any non-governmental purpose. Any person reproducing or redistributing a third party copyright must adhere to the terms and conditions of the third party copyright holder. If you are a copyright holder and you feel that the City did not use an appropriate credit line please notify the City's Communications Coordinator with detailed information about the circumstances, so that the copyright information can be added or the material in question can be removed.

In addition, all City social media will contain the following Public Use Guidelines (or a link to these Public Use Guidelines):

- a) Any individual accessing, using, posting or commenting on this site accepts without limitation or qualification, the City's Social Media Policy including but not limited to these Public Use Guidelines. The City retains the right to modify its Policies without notice and any such modification shall be effective immediately. Users of City Social Media further recognize that such use is governed by the terms of service and privacy policies of the underlying social media service provider.
- b) Any individual accessing, using, posting or commenting on this site recognizes that Social Media use is not private and that the City is subject to the Washington State Public Records Act (chapter 42.56 RCW).
- c) The City's Social Media constitutes a limited public forum. The City monitors this site on a regular basis and reserves the right to restrict or remove any content that is deemed in violation of the City's social media policy, these Public Use Guidelines or any applicable law. Public posts, comments or links that contain any of the following forms of content shall not be allowed:
- Comments not topically related to the particular post being commented upon.
 - Uses for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Such a use of City Social Media is specifically prohibited by this Policy and RCW 42.17A.555, subject to the exceptions stated therein.
 - Posts and comments that include vulgar, offensive, threatening or harassing language, personal attacks or unsupported accusations.
 - Posts and comments that promote, foster or perpetuate discrimination on the basis of creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
 - Obscene or sexual content or links to obscene or sexual content;
 - Illegal activity or encouragement of illegal activity;
 - Information that may tend to compromise the safety or security of the public or public systems;
 - Comments from children under 13 cannot be posted in order to comply with the Children's Online Privacy Protection Act. By posting on a City social media site, users acknowledge that they are at least 13 years old. Those 12 years old or younger may e-mail the City instead;
 - Content that violates a legal ownership interest of any other party; or Anonymous posts.
 - Content that violates the privacy policies or terms of use of the specific social media platform being used.

Any content removed based on these guidelines must be retained, including the time, date, and identity of the poster when available.

Social media content shall adhere to all applicable laws, regulations, and policies. Content is subject to the Washington State Public Records Act and the Department of Archives record retention requirements for social media formats and content. Any content maintained in City

social media that is related to City business, including a list of subscribers and posted communication, and all City images are public records.

7. Personal Use of Social Media:

The City does not seek to censor employees who are active on social media on their own time and using their own computer resources. However, there are situations in which employees may be held accountable or disciplined for their off-duty social media activity when the activity violates City policies and rules. The following guidelines apply to employees' personal use of social media:

1. Even when a communication occurs on personal time and/or away from work, employees should carefully distinguish between postings or comments made in their individual capacity versus their capacity as someone professionally affiliated with the City. If any confusion is reasonably likely, the employee should expressly state with a disclaimer that he/she is speaking in his individual capacity and not for or on behalf of the City.
2. Employees must adhere to the same ethical obligations that govern their other off-duty behavior. For example, confidential City information or documents must not be disclosed or discussed.
3. Employees shall not post, share or support comments or other content that negatively affects City operations or the City's ability to serve the public such as:
 - postings that include harassment, threats of violence, or similar conduct;
 - postings that ridicule, disparage, or express bias on the basis of race, religion, gender, sexual orientation, national origin, or other legally protected class; or
 - postings that otherwise violate a law or City policy.

If you have questions about this policy, please discuss them with your supervisor.



**CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-0367 under Consent Agenda**

Date: April 25, 2017

Title: Vehicle Use and Driving Policy

Attachments: Resolution 17-0367 and Vehicle Use and Driving Policy

Submitted By: Mayor Daryl Eiding
Management Staff

Approved For Agenda By: Daryl Eiding, Mayor

Prepared For Agenda By: Aaron C. Nix, ACA – Municipal Services

Recommendation: Move that the City Council approve the attached vehicle use and driving policy to ensure employee safety and help reduce potential liability in the use of these resources.

Discussion: The City has utilized vehicles in order to aide Staff in carrying out daily duties as required of their positions with the City. This offers a cost savings, helps curb liability to the City and provides efficiencies. It also helps ensure that these resources will be available when needed and are reliable. Instituting a Vehicle Use and Driving Policy is essential in ensuring the safe use of these resources, as well as helping protect the citizen's investment in these resources. Staff have drafted this working policy that has been vetted with both the City's insurance carrier (WCIA), as well as the City Attorney and is being brought forward to the Council for their review and approval for implementation as there are potential financial implications associated with this type of policy.

Alternatives: 1) Do not adopt. 2) Forward to Study Session for further review

Fiscal Impact: N/A

RESOLUTION NO. 17-0367

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, APPROVING THE CITY VEHICLE USE AND DRIVING POLICY FOR THE USE OF CITY VEHICLES AND DRIVING RELATED TO CONDUCTING CITY BUSINESS.

WHEREAS, some positions of employment with the City of Edgewood require the use of vehicles and other driving equipment in order to meet required objectives as a condition of their employment with the City of Edgewood; and

WHEREAS, the City Council has deemed it appropriate that in certain circumstances, vehicles are required to complete components of Staff's work priorities and deems it appropriate that vehicles be made available to them in the fulfillment of these duties in serving the public within the City of Edgewood ; and

WHEREAS, in support of this, the Mayor and Council believe that it is appropriate to establish a vehicle use and driving policy in order to provide procedures that provide vehicles for business use, to allow employees to operate vehicles on City business, including expected maintenance/monitoring requirements, training, evaluation and to reimburse employees for business use of personal vehicles;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. (Vehicle Use and Driving Policy). Guidelines and policies as it pertains to the use and appropriate operation of city-owned and personal vehicles that are utilized for city-related business by Staff in the fulfillment of their duties for the City of Edgewood. Vehicle Use and Driving Policy (Exhibit A).

Section 2. Effective Date. This resolution will take effect immediately upon passage by the City Council.

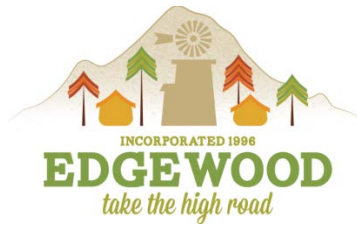
ADOPTED THIS 25TH DAY OF APRIL, 2017

Daryl Eiding, Mayor

ATTEST:

Rachel Pitzel, City Clerk

Exhibit A
Vehicle Use and Driving Policy



**CITY OF EDGEWOOD
POLICIES AND PROCEDURES**

TITLE: Vehicle Use and Driving Policy

POLICY MANUAL SECTION & NO.
Section 9(G)

APPROVED BY

REVISES OR SUPERSEDES

EFFECTIVE DATE:

A. PURPOSE: To provide procedures that provide vehicles for business use, to allow employees to operate vehicles on City business, including expected maintenance/monitoring requirements, training, evaluation and to reimburse employees for business use of personal vehicles according to the guidelines below.

B. ORGANIZATIONS EFFECTED: All Departments/Divisions, except Police and Fire.

C. REFERENCES: N/A

D. POLICY: It is the policy of the City of Edgewood to provide vehicles for business use, to allow employees to drive on City of Edgewood business, and to reimburse employees for business use of personal vehicles according to the guidelines below.

The term “vehicle” as used in these guidelines includes, but is not limited to, cars, trucks, and vans.

1. Employees may not operate any vehicle for City of Edgewood business without prior approval of their supervisor. Before approving a driver, and periodically throughout employment, each supervisor should verify the existence of a valid driver's license and request from the driver a copy of a current Abstract of Driving Record (ADR).
2. Employees approved to drive on City of Edgewood business are required to inform their supervisor immediately of any changes that may affect either their legal or physical ability to drive or their continued insurability. Employees are not permitted, under any circumstances, to operate a City of Edgewood vehicle, or a personal vehicle for City of Edgewood business, if their driver's license has been suspended or revoked or when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of injury, illness, or medication. In all cases an employee shall not operate a vehicle illegally.

3. Employees in job positions requiring regular driving for business as an essential job function must, as a condition of employment, be able to meet the driver approval standards. For job positions that require periodic driving for City of Edgewood business, driver approval standards should be met prior to the employee's initial trip.
4. Employees who drive a vehicle on City of Edgewood business must, in addition to meeting approval requirements, exercise due diligence to drive safely and to maintain the security of the vehicle and its contents.
5. Employees may use City of Edgewood vehicles for non-business purposes only with the approval of a supervisor. Such operation shall be limited to facilitating use, for the convenience of the City or employee, where a return to the base of operations is neither practical nor cost effective.
6. Non-employee, non-business passengers are prohibited from riding in City of Edgewood vehicles without prior approval. Non-employee, non-business passengers are prohibited from riding in the employee's personal vehicle, without prior approval, when the vehicle is being used for City of Edgewood business. Such operation shall be limited to facilitating use, for the convenience of the City or employee, where an alternative is neither practical nor cost effective.
7. The City of Edgewood prefers and encourages employees to use City vehicles for all approved business use. Employees may use their own vehicles for business purposes with prior approval of a supervisor, when a City vehicle is not available or the mixed use of City business and personal business are better served by use of a personal vehicle. Auto liability coverage follows the vehicle. Therefore, the employee's personal vehicle insurance is primary, and the City's liability coverage is excess. Employees who operate personal vehicles for City of Edgewood business should obtain auto liability coverage for bodily injury and property damage and any other required coverage determined by the employee's personal auto insurance agent or broker. Employees who use their personal vehicle for approved business purposes will receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance.
8. Employees must report any accident, theft, or malicious damage involving a City of Edgewood vehicle to their supervisor, Fleet Manager or the Personnel Department, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than twenty-four (24) hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should avoid making voluntary statements regarding the accident; other than reply to questions of investigating officers.
9. Employees who are on call on a 24-hour basis and are allowed to take a City of Edgewood vehicle home are to provide written acknowledgment that they fully understand that the vehicle should only be used as part of an emergency response.
10. The City of Edgewood has a zero tolerance policy prohibiting employees from operating a City of Edgewood vehicle or any personal vehicle while on City of Edgewood business while using, consuming or under the influence of alcohol, illegal drugs, prescription

medications and over the counter medications that may affect ability their ability to drive. (Refer to drug and alcohol policy.)

11. Employees shall not smoke, vape or allow others to smoke and/or vape in any City of Edgewood vehicle.
12. Employees are personally responsible for all tickets, citations, or infractions issued for moving violations or parking violations while using a City of Edgewood vehicle or a personal vehicle for City of Edgewood business. Employees should advise their supervisor of any such tickets, citations, or infractions received.
13. Employees should obey all safety laws and regulations while operating a City of Edgewood vehicle or a personal vehicle on City of Edgewood business. This would include the proper use of seat belt, the prohibition on using cell phones without a proper hands free device, and obeying applicable traffic laws.
14. To protect the safety of employees, reduce accidents, extend the life of the fleet, and promote good public relations, the City of Edgewood requires regular inspections and maintenance of vehicles as an element of its Fleet Program.
 - a. Management - The management of the City of Edgewood supports the inspection and maintenance program. .
 - b. Managers and Supervisors - Managers and supervisors are responsible for:
 - i. Supporting the inspection and maintenance program.
 - ii. Providing equipment, tools and adequate shop facilities
 - iii. Supervising drivers for compliance with the fleet inspection and maintenance requirements. This may include but not limited to establishment of an incentive and award program to encourage employee participation and compliance.
 - c. Drivers - Drivers are responsible for safe operation of their assigned vehicles. The City of Edgewood requires drivers to inspect their vehicles for defects and unsafe conditions to report them according to policy.

DRIVER SELECTION, TRAINING, PERFORMANCE EVALUATION & MONITORING

A. Driver Selection - Although driving may be incidental to the employee's primary job responsibilities, the considerations given to driver selection are often the most important factor that will affect municipal vehicle accidents.

Therefore, the City of Edgewood expects managers and supervisors to comply with the following when hiring individuals who will drive vehicles:

1. Evaluate driver qualifications through the following:
 - a. Previous Employer's Reference. Check to verify employment and to help determine the driving qualifications and history of the applicant.
 - b. Abstract Driving Records (ADR) checked through the Washington Department of Licensing, Government Subscription Service to verify validity of their Driver's License.

- c. Personnel File if current employee. Review to consider driver training received, record of preventable accidents, driving history, driving certifications, vehicle operator record, etc.
- d. Demonstrated proficiency with the type of vehicle or equipment they will operate.

2. Managers and supervisors should take reasonable action to verify that all employees who operate any vehicle within the course and scope of employment meet all licensing, driving qualifications, fitness and training requirements. Employees holding jobs which require regular driving for business must, as condition of employment, be able to meet the Member's driver approval standards at all times.

- a. The following is a partial list of conditions or convictions that can include but are not limited to the following:
 - ☐ Two at fault accidents in the past three years, or
 - ☐ Two minor traffic convictions in the past three years, or
 - ☐ A combination of one at fault accident and one minor traffic conviction in the past three years, or
 - ☐ Operating under the influence of liquor or drugs, or
 - ☐ Operating with an unlawful blood alcohol content, or
 - ☐ Failure to stop or report an accident, or
 - ☐ Negligent homicide, manslaughter, assaults involving the operation of a motor vehicle, or
 - ☐ driving on a suspended or revoked license.
- b. Verify that applicants possess, or are eligible to obtain, any special license endorsements the law requires for the type or types of vehicle they will operate in performing their duties. Here we speak primarily of the Commercial Driver's License (CDL) requirements.

3. Supervisors are responsible for reporting vehicle operator information to the Human Resources Manager, which will then be placed in the employee's personnel file.

B. Driver Training - To evaluate and assist drivers in maintaining an acceptable level of performance, the City of Edgewood shall periodically administer or arrange for attendance at a Defensive Driving Course. The City of Edgewood shall make assignments for the course as follows:

- 1. Mandatory attendance for employees who have been involved in a "preventable accident."
- 2. Voluntary attendance for employees who have not attended a Defensive Driving Course in the past three (3) years.

C. Performance Evaluation and Monitoring - Because careless or poor driving may lead to worker injuries and to decreased public confidence in the City of Edgewood, we require managers and supervisors to monitor and evaluate employees who operate vehicles. They must:

- 1. Check all employees' ADR's at a minimum of one time per year.
- 2. Assign a specific individual to oversee the license review and screening process. This individual should also manage the entity's compliance with Commercial Driver's

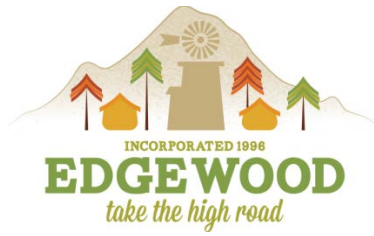
License, federal random drug testing and other legal requirements. The review should conform to the guidelines in your motor vehicle operations policy.

3. Take appropriate corrective action for current employees with unacceptable driving records.

Corrective actions may range from reassignment to non-driving related positions up to and including termination. . Falsification of information regarding driving records by employees is cause for immediate termination.

4. Document all corrective actions taken and forward it upon completion to Human Resources.

Please read and sign the VEHICLE USE AND DRIVING POLICY ACKNOWLEDGEMENT on the next page.



CITY OF EDGEWOOD
VEHICLE USE AND DRIVING POLICY ACKNOWLEDGEMENT

I acknowledge receiving, reading, and understanding the Vehicle Use and Driving Policy and accept all the terms of and conditions stipulated in the policy. I understand that failure to comply with the stated policies may lead to disciplinary actions, including the possibility of termination of my employment.

Print Employee Name

Employee Signature

Date



CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-0497

Date Action Requested: April 25, 2017

Title: Ordinance 17-0497, relating to Land Use and Zoning, adopting procedures for the execution of development agreements with property owners, requiring consistency with existing development regulations as required by RCW 36.70B.170, identifying the elements of a complete application for a development agreement, describing the procedure for processing development agreements, clarifying the effect, format, requirements for Public Hearing on development agreements, recording, appeals and revisions to approved development agreements; adopting a new Chapter 18.55 to the Edgewood Municipal Code, repealing Section 18.50.090 and 18.90.015 of the Edgewood Municipal Code and establishing an effective date.

Attachments: Ordinance 17-0497

Submitted By: Kevin Stender, Community Development Director

Approved For Agenda By: Daryl Eiding, Mayor

Prepared For Agenda By: Kevin Stender, Community Development Director

Recommendation: Move to adopt second reading and adoption of Ordinance 17-0497, relating to Land Use and Zoning, adopting procedures for the execution of development agreements with property owners, requiring consistency with existing development regulations as required by RCW 36.70B.170, identifying the elements of a complete application for a development agreement, describing the procedure for processing development agreements, clarifying the effect, format, requirements for Public Hearing on development agreements, recording, appeals and revisions to approved development agreements; adopting a new Chapter 18.55 to the Edgewood Municipal Code, repealing Section 18.50.090 and 18.90.015 of the Edgewood Municipal Code and establishing an effective date.

Discussion: As part of our ongoing code updates, Legal Counsel has suggested adopting revisions to the process for Development Agreements processing. More specifically, a Development Agreement cannot modify City adopted regulations. At this time our existing code allows for this to occur. The revised code addresses this along with providing clarification changes to how a request is reviewed. The Planning Commission

reviewed the DRAFT Ordinance at the February 27, 2017 Planning Commission meeting and a new DRAFT Ordinance at the March 6, 2017 Planning Commission meeting. The Planning Commission also held a Public Hearing on the revised Language at the March 20, 2017 Planning Commission meeting and recommends adoption of the DRAFT Ordinance. The City Council reviewed the DRAFT Ordinance at the April 4, 2017 Study Session, did not recommend any changes to the DRAFT and asked Staff to place the Ordinance on the agenda for first reading on April 11, 2017. The Council reviewed the DRAFT ordinance again at the April 18, 2017 Study Session and again had no changes to the DRAFT. Tonight the Council conducted a Public Hearing on the Ordinance and has the item before them for second reading and adoption consideration.

Alternatives: 1) Do not adopt. 2) Forward to Study Session for further review

Fiscal Impact: N/A

ORDINANCE NO. 17-0497

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING PROCEDURES FOR THE EXECUTION OF DEVELOPMENT AGREEMENTS WITH PROPERTY OWNERS, REQUIRING CONSISTENCY WITH EXISTING DEVELOPMENT REGULATIONS AS REQUIRED BY RCW 36.70B.170, IDENTIFYING THE ELEMENTS OF A COMPLETE APPLICATION FOR A DEVELOPMENT AGREEMENT, DESCRIBING THE PROCEDURE FOR PROCESSING DEVELOPMENT AGREEMENTS, CLARIFYING THE EFFECT, FORMAT, REQUIREMENTS FOR PUBLIC HEARING ON DEVELOPMENT AGREEMENTS, RECORDING, APPEALS AND REVISIONS TO APPROVED DEVELOPMENT AGREEMENTS; ADOPTING A NEW CHAPTER 18.55 TO THE EDGEWOOD MUNICIPAL CODE, REPEALING SECTIONS 18.50.090 AND 18.90.015 OF THE EDGEWOOD MUNICIPAL CODE, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Edgewood desires to amend its procedures allowing the City to enter into development agreements with property owners, so that such procedures are consistent with RCW 36.70B.170 through RCW 36.70B.200; and

WHEREAS, the City's existing code provisions are incomplete and inconsistent with law, and in addition, they allow modifications of development regulations through a development agreement; and

WHEREAS, the City desires to add provisions in its code relating to development agreements that will add provisions better enabling the City to evaluate and approve development agreements, such as a list of materials needed to process a development agreement; and

WHEREAS the SEPA Responsible Official has determined that this Ordinance is categorically exempt from SEPA as affecting only procedural and no substantive standards, pursuant to WAC 197-11-800(19); and

WHEREAS, after providing the requisite public notice, the Planning Commission held a public hearing on March 20, 2017, to consider this Ordinance, together with public testimony, and forwarded its recommendation to the City Council; and

WHEREAS, the City Council held an additional public hearing on April 25, 2017 to consider and gather additional public testimony; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting on April 25, 2017;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 18.50.090 of the Edgewood Municipal Code is hereby repealed.

Section 2. Section 18.90.015 of the Edgewood Municipal Code is hereby repealed.

Section 3. A new Chapter 18.55 is hereby added to the Edgewood Municipal Code, which shall read as follows:

**Chapter 18.55
DEVELOPMENT AGREEMENTS**

Sections:

18.55.010	Intent and Purpose.
18.55.020	Form of Agreement, Effect and General Provisions.
18.55.030	Application Requirements.
18.55.040	Public Notice of Public Hearing.
18.55.050	SEPA.
18.55.060	Phasing.
18.55.070	Processing Procedures and Appeals.
18.55.080	Revisions to Approved Development Agreements.

18.55.010 Intent and Purpose.

The purpose of this chapter is to authorize the use of development agreements, consistent with RCW 36.70B.170 through RCW 36.70B.210. The City may, but under no circumstances is required to, enter into a development agreement with a person having ownership or control of real property within the City (or real property lying outside the City limits but within the urban growth area). The development agreement may address such project elements as those set forth in RCW 36.70B.170B(3). The development agreement shall be consistent with the applicable portions of the comprehensive plan as well as the development regulations of the City. The consideration provided by the property owner for the City's decision to enter into the development agreement may vary, depending on the benefit the development agreement will provide to the City and/or the public in general.

18.55.020 Form of Agreement, Effect and General Provisions.

A. **Form.** All development agreements shall be on the standard form approved in advance by the City Attorney for this purpose.

B. **Effect.** Development agreements are not project permit applications and are not subject to the permit processing procedures in Chapter 36.70B RCW and

Title 18.40 of the Edgewood Municipal Code. A development agreement shall constitute a binding contract between the City and the property owner and the subsequent owners of any later-acquired interests in the property identified in the development agreement. A development agreement governs the project identified in the development agreement during the term of the development agreement, or for all or that part of the build-out period specified in the development agreement, and may not be subject to an amendment to a zoning ordinance or development standard adopted after the effective date of the agreement. A permit or approval issued/granted by the City after execution of a valid development agreement must be consistent with the development agreement.

C. Limitations. Any provision of the development agreement which requires the City to: (1) forego adoption of any development regulations affecting the property identified in the agreement; and/or (2) allow vesting beyond the applicable deadlines for a phased development; shall be limited to a period of **five (5) years**.¹ The development agreement shall also reserve authority to impose new or different regulations during the term of the development agreement, to the extent required by a serious threat to public health and safety. This proviso shall clearly state that the City may, without incurring any liability, engage in action that would otherwise be a breach if the City adopts findings of fact to support a determination on the record that the action is necessary to avoid a serious threat to public health and safety, or if the action is required by federal or state law.

D. Developer's Compliance. The development agreement shall include a clause stating that the City's duties under the agreement are expressly conditioned upon the property owner's substantial compliance with each and every term, condition, provision and/or covenant in the development agreement, all applicable federal, state and local laws and regulations and the property owner's obligations as identified in any approval or project permit for the property identified in the development agreement.

E. No Third Party Rights. Except as otherwise provided in the development agreement, the development agreement shall create no rights enforceable by any party who/which is not a party to the development agreement.

F. Liability. The development agreement shall include clause providing that any breach of the development agreement by the City shall give rise only to damages under state contract law and shall not give rise to any liability under chapter 64.40 RCW, the Fifth and Fourteenth Amendments to the U.S. Constitution or similar state constitutional provisions.

G. Termination. Every development agreement shall have an identified, specific termination date. Upon termination, any further development of the property shall conform to the development regulations applicable to the property.

18.55.030 Application Requirements. A complete application for a development agreement shall consist of the following:

- A. Name, address, telephone number and e-mail address of the property owner. If the applicant is not the property owner, the applicant must submit a verified statement from the property owner that the applicant has the property owner's permission to submit the application. Only the property owner has authority to sign the development agreement;
- B. Address, parcel number and legal description of the property proposed to be subject to the development agreement;
- C. Recent title report confirming that the property identified in the application is owned by the applicant-property owner;
- D. Identification of any application (project permit application, comprehensive plan amendment application, development regulation amendment application) that is related to the proposed development agreement;
- E. SEPA Checklist;
- F. A completed application form and the application fee established by the City for this purpose;
- G. Description of the purpose of the development agreement, or the proposed language to be included in the development agreement, and how it complies with both the City's comprehensive plan and development regulations; and
- H. Any other information requested by the Community Development Director relevant to the processing of the development agreement.²

18.55.040 Public Notice of the Public Hearing.

- A. Project Permit Applications. Public notice of the public hearing on a development agreement associated with an underlying project permit application shall be provided consistent with Section 18.40.190 EMC.
- B. Legislative Action. Public notice of the public hearing on development agreements associated with an underlying legislative action or application shall be provided consistent with Section 18.40.190 EMC.
- C. No Underlying Application or Action. Public notice of the public hearing on development agreements for which there is no underlying application or action, such as revisions to development agreements, shall be provided consistent with both Chapter 18.55 and Section 18.40.190 EMC.

18.55.050 SEPA. The City shall comply with SEPA, chapter **20.05 EMC**, in order to process a development agreement to a final decision. Appeals of the City's SEPA threshold decision shall be consolidated with the public hearing on the underlying project permit application or legislative application/action and addressed as set forth in chapter 20.05 EMC (SEPA).

18.55.060. Phasing.

A. In order to phase a development, and to extend the vested rights associated with an underlying project permit application, a development agreement is required. This ensures the availability of public facilities and services to all of the property in the identified individual phases, allows tracking of the available capacity of public facilities and utilities during each phase of construction, and with the extension of the vested rights associated with the project, provides certainty to the developer in the subsequent development approval process.

B. The deadlines in the City's code relating to each type of project permit application must be consulted to establish the baseline vesting period. The City is not required to extend the vesting period, and the City shall not extend any vested rights to regulations relating to stormwater. If the City decides to do so through a development agreement, it must be in exchange for the property owner's provision of corresponding benefits to the City in the form of, for example, contributions to public facilities and amenities over and above what would normally be required. In any event, the City shall not allow vesting to extend beyond the established five **(5)** year period in Section 18.55.020(C) after approval of the project permit application.

C. A development agreement for a phased development (such as a subdivision) shall include (in addition to all of the information in Section 18.55.030), all of the following:

1. identification of the phasing schedule;
2. identification of the number of phases and all lots included in each phase;
3. identification of the approximate dates for construction of public streets, public utilities and other improvements in each phase;
4. identification of the approximate dates for commencement of development of each lot, lot sales and building occupancy;
5. identification of the benefits that the property owner will provide to the City in exchange for permission to phase the development according to the proposed schedule;
6. establishment of the deadline for the property owner to submit development applications, including building permit applications, for each phase;

7. a description of the manner in which each phase is designed such that all site requirements are satisfied independently of phases yet to be given final approval and constructed;

8. a description of the manner in which the property owner will ensure that adequate public facilities are available when the impact of development occurs. The property owner shall acknowledge in the development agreement that if the demand for public facilities or services needed to accommodate a subsequent development phase increases following the issuance of a development permit for a prior phase in the approval process, or if public facilities or services included in a concurrency or SEPA determination are not constructed as scheduled in the City's capital facilities plan, final development approval may have to be delayed for future phases pending the achievement of the adopted levels of service.

18.55.070 Processing Procedures and Appeals. Development agreements are not defined as "project permit applications," in RCW 36.70B.020 and are not subject to the permit processing procedures in chapter 36.70B RCW.

A. Project Permit Applications. Development agreements associated with project permit applications shall be processed as follows.

1. *Consolidation.* Whenever possible, the development agreement shall be consolidated for processing with an underlying project permit application or other application for approval. If the development agreement is consolidated with a project permit application, the property owner must agree to waive the deadline in RCW 36.70B.080 for issuance of a final decision on the underlying application, as well as the prohibition on no more than one open record hearing and one closed record hearing on the underlying project permit application in RCW 36.70B.060(3).

2. *Recommendation, Public Hearing and Final Decision.*

a. Hearing Examiner makes final decision. If the final decision on the underlying project permit application is made by the hearing examiner, then he/she shall consider both the project permit application and the proposed development agreement together, during the public hearing. The hearing examiner shall make a recommendation to the council on the development agreement, and his/her decision on the underlying permit application shall be held in abeyance until the city council considers the proposed development agreement in a public hearing. If the city council approves the development agreement, the council shall, by resolution or ordinance, authorize the mayor to execute the development agreement on behalf of the city. At this point, the hearing examiner may issue his/her final decision on the underlying project permit application. Nothing in this section obligates the hearing examiner to forward a recommendation to the city council on the development agreement if the hearing examiner denies the underlying project permit application.

b. Staff makes final decision. If the final decision on the underlying project permit application is made by the city administrative staff, then the city staff shall consider both the project permit application and the proposed development agreement together. The city staff shall make a recommendation to the city council on the development agreement, and the city staff's decision on the underlying project permit application shall be held in abeyance until the city council considers the proposed development agreement in a public hearing. If the city council approves the development agreement, the council shall, by resolution or ordinance, authorize the mayor to execute the development agreement on behalf of the city. At this point, the city staff may then issue its final decision on the underlying project permit application. Nothing in this section obligates the city staff to forward a recommendation to the city council on the development agreement if the city staff denies the underlying project permit application.

B. Legislative Applications. A development agreement associated with a legislative action such as a comprehensive plan amendment or area-wide rezone shall be processed in accordance with the procedures established for legislative actions. The planning commission shall make its recommendation to the city council on any development agreement relating to legislative action. A public hearing shall be held on the development agreement (and underlying legislative action) and if consistent with this chapter, the council may pass a resolution or ordinance authorizing the mayor to execute the development agreement on behalf of the city.

C. Appeal.

1. A development agreement associated with an underlying project permit application may be judicially appealed in the same manner and within the same deadline as the underlying project permit application.

2. A development agreement associated with a legislative approval, such as a comprehensive plan amendment, may be appealed in the same manner and within the same deadline as the legislative approval. Appeals may be directed to the Growth Management Hearings Board, the Shoreline Hearings Board or to the Superior Court, but there is no further administrative appeal before the City.

D. Recording Against the Property. The City shall record the development agreement against the property (at the property owner's cost) in the real property records of the Pierce County Auditor.

18.55.080 Revisions to Approved Development Agreements. All of the provisions of EMC Section 18.55.020 shall apply to revisions to approved development agreements. A complete application for a revision to an approved development agreement shall consist of the materials described in EMC Section 18.55.030.

A. Criteria for Approval. The proposed revision to the Development Agreement must be consistent with: (1) the applicable portions of the Comprehensive Plan in effect at the time the revision application is submitted; (2) the applicable portions of the development regulations at the time the revision application is submitted; (3) the decision in the underlying project permit application or the underlying legislative decision. If the revision involves an extension of the termination date, the City Council must make findings and conclusions after evaluation of all of the information in subsection (B) below. The City Council shall not approve any revision of an approved development agreement involving an extension of the termination date for purposes of extension of the applicant's vested rights, unless the Council makes a finding that the extension is in the public interest.

B. Extension of Termination Date. If the applicant requests an extension of the termination date in order to extend his/her vested rights with regard to phasing of the development, the application materials submitted by the applicant shall provide the following additional information for the Council to review:

1. A list of the development regulations that have been amended by the City since the development agreement was originally approved;

2. A comparison of the effect of the amended development regulations (identified in subsection B(1) above) with the development regulations used to approve the original development agreement; and

3. An up-to-date concurrency evaluation of the City's water rights, sewer capacity and transportation system as applied to the proposed revision, and the effect that approval of the proposed revisions to the development agreement would have on the City's water availability, sewer capacity and transportation concurrency.

C. Public Hearing. In order to revise an approved development agreement, the City must follow the procedures associated with approval of the original development agreement. See, EMC Section 18.55.050(A).

D. Recording Against the Property and Appeals. Appeals of a revised development agreement shall follow the procedures in EMC Section 18.55.050(C). The development agreement shall be recorded against the property as set forth in EMC Section 18.55.070(D).

Section 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective five days after publication as provided by law.

PASSED by the Council and approved by the Mayor of the City of Edgewood, this 25th day of April, 2017.

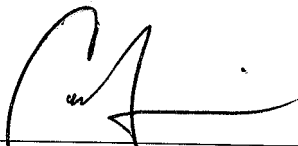
CITY OF EDGEWOOD

Daryl Eidinger, Mayor

ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:



Carol Morris, City Attorney

PASSED BY THE CITY COUNCIL: 04/25/17

PUBLISHED: 04/27/17

EFFECTIVE DATE: 05/02/17

ORDINANCE NO: 17-0497



**CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
AGENDA BILL NO. : 17-020**

Date Action Requested: April 25, 2017

Title: 1ST Quarter Financial Position Statements

Attachments: 1ST Quarter Financial Position Statement, Budget to Actual Summary & Line Item Detail, Key Revenue Year-to-Date Comparative Charts.

Submitted By: Dave Gray, ACA/Finance Director

Approved For Agenda By: Daryl Eiding, Mayor

Recommendation: To authorize the Mayor to cause the 1ST Quarter Financial Position Statements & Attachments to be posted on the City Web Site and made available as a public document.

Fiscal Impact: All fiscal impacts are stated as a variance of budget to actual. Significant impacts upon the 2017 Budget are noted in the Position Statement Narrative.

CITY OF EDGEWOOD
QUARTERLY FINANCIAL DISCLOSURE TO THE COUNCIL
FIRST QUARTER 2017 REVIEW OF FINANCIAL POSITION

Submitted for Council Review April 25, 2017

Dave Gray, ACA/Finance Director

General Statement of Financial Position:

The City has a strong Fund Balance position for all current expense funds for General Government operations, Street and Surface Water operations, Equipment Replacement needs and the ability to fund 2017 Budgeted Capital needs.

The Sustained General Fund Revenues are on budget showing positive revenue of about \$22,000 above year-to-date budget expectations. General Fund Sustained Overhead Costs are under budget due to lower Central Services General Expenses Year-to-Date and lower Actuals for Law Enforcement.

The Cyclical (Building & Inspection) General Fund Revenues are much higher than budgeted expectations, about \$257,000 because of building permit submissions on single-family homes; mostly from the Residential Developments, but also single-family submissions. Please note these submissions are very unpredictable, and staff may be working for several months on the process where the permit fees are collected up-front. Pass through fees for outside engineering expertise are down, as is the expenditure side, which follows in kind dollar for dollar (hence the pass through). Cyclical Expenditures are lower than budgeted, about \$144,000, of which the pass through engineering reduction is \$47,000, and a variety of professional service expenses likely to pick up further into the year.

Debt Service for the City Hall bond is fully funded for 2017 via ongoing 2017 Budgeted revenues and the Sewer LID is overfunded from early payoffs of various parcels. Council will consider authorizing the pay-down of the USDA loan to reduce overall interest expense to the LID Fund later this month.

The Strategic Reserve Fund balance, which can only be expended via Council resolution, is \$1,002,749.25 as of March 31, 2017. Council has resolved to guarantee the availability of \$100,000 to secure a Pierce County Conservation Grant from the Strategic Reserve Fund, to send a message to the Grantor the money for matching grant purposes is banked and available. Should the Grant be funded matching dollars would likely come from the Park Impact Fee Fund, leaving the Strategic Reserve fund balance intact. Council will consider authorizing the purchase of long term securities to improve the interest return on the fund, which is expected to remain at the current balance for the foreseeable future.

The Street Fund revenues are lower than budgeted, some of which is a reduction in Motor Vehicle Fuel Tax receipts. Expenditures are quite low, as the County Public works have not invoiced the City for what work they have done, year-to-date. Staff has a plan to obtain actual costs prior to invoicing and will implement this prior to the 2ND Quarter Financial Position Statement.

Sewer Fund revenue is up, as more connections come on line. The last Lake Haven count shows 125 either installed or in process, which I believe is up from about 88 prior year.

The Surface Water Fund revenue is biannual, collected with the County Property Tax. Expenditures are quite low, again, as with Streets, due to not receiving bills from the County Public Works Department. Same fix for future Quarters, we will get the work report and value it and use it for the Summary Position Statement. As the City is a Cash Basis Accounting City, this will create a Summary variance from the Line Item Detail Budget to Actual, which only shows actual payment activity.

Capital Expenditures, which are funded through REET, Impact Fees, Grants, PEG Fees and the General Fund, have very little activity to date. REET revenues are on Budget. Impact Fees are quite higher than budget, the final Jovita Boulevard Grant slid over into 2017 and will require a Budget Amendment staff will submit with 2017 BA-1. PEG fees, which were not budgeted as we just began receiving them in 2017, are looking like about \$24,000 for the year.

I am proposing the following codified language for the Internal Accounting and Administrative Code (IAAC), to help build standard operating processes for the City to communicate its financial position and manage Budget Amendment activity throughout the year.

IAAC POLICY NO. _____

APPROVED: May 9, 2017

Quarterly Reporting:

- Council has chosen to receive formalized financial position statements quarterly throughout the fiscal year. The Mayor will advise Council of any interim financial concern if/when they occur. Council and the Public have full access to any interim financial data including the City's month end closing documents, as well as any ongoing financial documents such as invoices paid or receipts received, all of which are public records and available by contacting staff. The goal is to provide total access of all financial documentation and tracking information at any point on any day, while streamlining the information into a formalized standardized quarterly update that gives Council and the Public a succinct picture of the City's financial health.
- Quarterly financial disclosure documents will be posted to the City Web site after review by Council in a Study session and review and distribution to the public in a Regular Council Meeting.
- The Mayor and/or the Council have the ability to modify the presentation format and/or the timing of the release of financial information at any time or on an ad hoc basis.

Budget Amendments:

Adjustments to the Budget, which are a normal governmental process, happen through a formalized Budget Amendment presented to Council by the Mayor, specifically amending budget line items, requiring approval of a Budget Amendment Ordinance

FINANCIAL POSITION

1ST QUARTER**Fiscal: 2017 - March****Revenues:**

	Budgeted	Actual	Budget vs.	Budget vs.
	Quarter-To-Date	Year-To-Date	Actual \$	Actual %
Taxes	\$320,603	\$348,235	\$27,632	8.6%
GF Shared Programs	\$65,178	\$55,672	-\$9,506	-14.6%
GF Services	\$538	\$180	-\$358	-66.5%
Investments	\$1,875	\$1,268	-\$607	-32.4%
Police	\$45,127	\$49,938	\$4,811	10.7%
Total Sustained Revenues	\$433,320	\$455,292	\$21,972	5.1%
Fees For Service	\$217,003	\$473,492	\$256,489	118.2%
Reimbursements	\$72,500	\$25,277	-\$47,223	-65.1%
Total One Time Revenues	\$289,503	\$498,769	\$209,266	72.3%
Street Revenues	\$132,757	\$98,906	-\$33,851	-25.5%
Sewer Revenues	\$3,750	\$9,148	\$5,398	144.0%
Surface Water Revenues	\$16,795	\$19,490	\$2,694	16.0%
Reet1	\$62,502	\$61,963	-\$539	-0.9%
Reet2	\$62,506	\$61,989	-\$517	-0.8%
Park Impact	\$50,011	\$168,738	\$118,727	237.4%
Transportation Impact	\$67,322	\$189,065	\$121,743	180.8%

RECAP:

General Fund	\$722,823	\$954,061	\$231,238	32.0%
Public Works	\$153,302	\$127,544	-\$25,758	-16.8%
Capital	\$242,341	\$481,755	\$239,414	98.8%

Expenses:

General Fund Overhead	\$288,747	\$206,433	-\$82,314	-28.5%
Law Enforcement	\$489,171	\$469,479	-\$19,691	-4.0%
Total Sustained Expenses	\$777,918	\$675,912	-\$102,006	-13.1%
Fees For Service Overhead	\$290,794	\$146,419	-\$144,374	-49.6%
Public Works & PW Capital	\$536,551	\$168,855	-\$367,696	-68.5%
Capital	\$0	\$10,273	\$10,273 Budget Amend	

FINANCIAL POSITION

1ST QUARTER

Fiscal: 2017 - March

Unaudited Financial Data Used For Quarterly Interim Disclosure: some activity has been eliminated for internal transfers, investment transfers & fund balances.

Account Number	Description	Budget 2016	Actual 2016	Budget 2017	Actual 2017	Quarter to Date Budget	Actual Over/(Under)	Actual % Over/(Under)
001-000-000-311-10-00-01	Property Tax	\$1,506,712.00	\$1,531,292.46	\$1,577,690.00	\$36,672.90	\$36,672.90	\$0.00	0.0%
001-000-000-313-11-00-01	Sales & Use Tax	\$800,000.00	\$876,627.43	\$875,000.00	\$229,980.98	\$218,750.00	\$11,230.98	5.1%
001-000-000-313-17-10-02	Local Parks - Sales/Use Tax	\$77,700.00	\$89,389.76	\$85,000.00	\$24,011.00	\$21,250.00	\$2,761.00	13.0%
001-000-000-313-71-00-01	Local Criminal Justice	\$143,986.00	\$159,496.15	\$150,000.00	\$42,279.23	\$37,500.00	\$4,779.23	12.7%
001-000-000-317-20-00-01	Leasehold Excise Tax Revenue	\$713.00	\$95.16					
	001-000-000-31 Total	\$2,529,111.00	\$2,656,900.96	\$2,687,690.00	\$332,944.11	\$314,172.90	\$18,771.21	6.0%
001-000-000-321-60-00-04	Conditional Use Permit	\$0.00	\$5,730.00	\$3,820.00	\$2,865.00	\$955.00	\$1,910.00	200.0%
001-000-000-321-60-00-05	Temporary Use Permit	\$0.00	\$3,035.00	\$2,826.67	\$0.00	\$706.67	(\$706.67)	-100.0%
001-000-000-321-60-00-06	Sign Permit	\$0.00	\$1,141.96	\$1,141.96	\$0.00	\$285.49	(\$285.49)	-100.0%
001-000-000-321-91-00-01	Cable Franchise Fees	\$195,502.00	\$171,456.15	\$175,000.00	\$46,061.26	\$43,750.00	\$2,311.26	5.3%
001-000-000-321-99-00-01	Business Licensing	\$26,260.00	\$29,302.10	\$29,945.04	\$11,328.75	\$7,486.26	\$3,842.49	51.3%
001-000-000-322-10-00-01	Building Permit	\$360,000.00	\$290,809.14	\$260,000.00	\$186,524.72	\$65,000.00	\$121,524.72	187.0%
001-000-000-322-10-00-02	Mechanical Permit	\$31,200.00	\$36,046.77	\$40,000.00	\$19,115.60	\$10,000.00	\$9,115.60	91.2%
001-000-000-322-10-00-03	Plumbing Permit	\$46,800.00	\$45,575.85	\$60,000.00	\$21,720.00	\$15,000.00	\$6,720.00	44.8%
001-000-000-322-10-00-04	Conditional Use Permit	\$17,810.00	\$0.00	\$14,000.00	\$0.00	\$3,500.00	(\$3,500.00)	-100.0%
001-000-000-322-10-00-05	Temporary Use Permit	\$720.00	\$180.00	\$500.00	\$0.00	\$125.00	(\$125.00)	-100.0%
001-000-000-322-10-00-06	Other/Miscellaneous Permits	\$0.00	\$75.00	\$2,000.00	\$75.00	\$500.00	(\$425.00)	-85.0%
	001-000-000-32 Total	\$678,292.00	\$583,351.97	\$589,233.67	\$287,690.33	\$147,308.42	\$140,381.91	95.3%
001-000-000-333-20-60-01	U.S. Dept. of Transp. Grant	\$0.00	\$2,000.00					
001-000-000-336-00-98-01	City Assistance	\$107,339.00	\$116,828.99	\$123,523.00	\$24,188.19	\$30,880.75	(\$6,692.56)	-21.7%
001-000-000-336-06-21-01	Local Criminal Justice - Pop.	\$2,770.00	\$2,648.28	\$3,000.00	\$673.23	\$750.00	(\$76.77)	-10.2%
001-000-000-336-06-25-01	Criminal Justice-Contract Svs.	\$12,139.00	\$16,398.47	\$16,000.00	\$4,164.81	\$4,000.00	\$164.81	4.1%
001-000-000-336-06-26-01	Criminal Justice-Special Prog.	\$9,597.00	\$9,655.71	\$10,000.00	\$2,449.30	\$2,500.00	(\$50.70)	-2.0%
001-000-000-336-06-41-01	Marijuana Enforcement	\$48.00	\$8.32	\$8.32	\$0.00	\$2.08	(\$2.08)	-100.0%
001-000-000-336-06-51-01	DUI Cities	\$1,750.00	\$1,499.14	\$1,500.00	\$371.20	\$375.00	(\$3.80)	-1.0%
001-000-000-336-06-94-01	Liquor Excise Tax	\$18,000.00	\$44,860.27	\$45,000.00	\$10,928.67	\$11,250.00	(\$321.33)	-2.9%
001-000-000-336-06-95-01	Liquor Board Profits	\$84,000.00	\$82,826.31	\$90,000.00	\$20,554.78	\$22,500.00	(\$1,945.22)	-8.6%
001-000-000-338-71-00-00	L & I Internship	\$0.00	\$2,187.50	\$2,187.50	\$0.00	\$546.88	(\$546.88)	-100.0%
	001-000-000-33 Total	\$235,643.00	\$278,912.99	\$291,218.82	\$63,330.18	\$72,804.71	(\$9,474.53)	-13.0%
001-000-000-341-81-00-02	Duplication Services	\$100.00	\$531.65	\$500.00	\$107.25	\$125.00	(\$17.75)	-14.2%
001-000-000-341-81-00-03	Publication Services	\$0.00	\$7,800.00	\$0.00	\$1,200.00	\$0.00	\$1,200.00	
001-000-000-341-82-00-01	Engineering Fees	\$170,000.00	\$61,173.62	\$290,000.00	\$0.00	\$72,500.00	(\$72,500.00)	-100.0%
001-000-000-342-10-00-00	Law Enforcement Services	\$0.00	\$425.00					
001-000-000-345-81-00-01	Zoning & Subdivision Fees & Services	\$0.00	\$0.00	\$500.00	\$0.00	\$125.00	(\$125.00)	-100.0%
001-000-000-345-81-00-05	Final Short Plat	\$3,040.00	\$3,560.00	\$3,500.00	\$2,870.00	\$875.00	\$1,995.00	228.0%
001-000-000-345-81-00-06	Preliminary Short Plat	\$9,000.00	\$8,950.00	\$10,000.00	\$3,080.00	\$2,500.00	\$580.00	23.2%
001-000-000-345-81-00-07	Clearing and Grading	\$0.00	\$2,669.65	\$4,000.00	\$160.00	\$1,000.00	(\$840.00)	-84.0%
001-000-000-345-81-00-08	Preliminary Subdivision	\$16,900.00	\$44,030.00	\$35,000.00	\$0.00	\$8,750.00	(\$8,750.00)	-100.0%

Account Number	Description	Budget 2016	Actual 2016	Budget 2017	Actual 2017	Quarter to Date Budget	Actual Over/(Under)	Actual % Over/(Under)
001-000-000-345-81-00-09	Boundary Line Adjustment	\$3,600.00	\$3,330.00	\$5,000.00	\$3,825.00	\$1,250.00	\$2,575.00	206.0%
001-000-000-345-81-00-10	Final Subdivision	\$3,880.00	\$6,090.00	\$5,000.00	\$0.00	\$1,250.00	(\$1,250.00)	-100.0%
001-000-000-345-81-00-11	Binding Site Plan - Admin.	\$0.00	\$0.00	\$0.00	\$1,435.00	\$0.00	\$1,435.00	
001-000-000-345-83-00-01	Plan Review & Inspection Fees & Services	\$214,500.00	\$243,599.50	\$240,000.00	\$148,853.93	\$60,000.00	\$88,853.93	148.1%
001-000-000-345-83-00-02	Planning Review Fee	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
001-000-000-345-83-00-03	Inspection Fee	\$0.00	\$461.86	\$0.00	\$290.00	\$0.00	\$290.00	
001-000-000-345-83-00-04	Stormwater Inspection	\$0.00	\$8,871.50	\$0.00	\$7,455.90	\$0.00	\$7,455.90	
001-000-000-345-83-00-05	Energy Code Review	\$20,000.00	\$18,076.09	\$15,000.00	\$10,212.00	\$3,750.00	\$6,462.00	172.3%
001-000-000-345-85-00-01	TIF Administrative Fees	\$13,184.00	\$19,396.41	\$20,000.00	\$9,453.25	\$5,000.00	\$4,453.25	89.1%
001-000-000-345-89-00-01	Other/Environmental Review Fees & Services	\$0.00	\$78,340.00	\$0.00	\$25,276.96	\$0.00	\$25,276.96	
001-000-000-345-89-00-02	SW Engineering Review	\$20,000.00	\$22,794.38	\$20,000.00	\$8,405.00	\$5,000.00	\$3,405.00	68.1%
001-000-000-345-89-00-04	SEPA - Major	\$26,520.00	\$29,160.00	\$28,000.00	\$9,527.50	\$7,000.00	\$2,527.50	36.1%
001-000-000-345-89-00-07	Posting Sign Fee	\$0.00	\$900.00	\$1,000.00	\$300.00	\$250.00	\$50.00	20.0%
001-000-000-345-89-00-10	Design Standards Review	\$7,680.00	\$8,960.00	\$15,000.00	\$14,350.00	\$3,750.00	\$10,600.00	282.7%
001-000-000-345-89-00-13	Pre-Dev. Conference	\$5,000.00	\$16,780.00	\$20,000.00	\$4,225.00	\$5,000.00	(\$775.00)	-15.5%
001-000-000-345-89-00-15	Right of Way	\$0.00	\$350.00	\$0.00	\$0.00	\$0.00	\$0.00	
001-000-000-345-89-00-17	Driveway Access Review Fee	\$8,450.00	\$1,500.00	\$2,000.00	\$2,125.00	\$500.00	\$1,625.00	325.0%
001-000-000-345-89-00-18	Site Development	\$18,820.00	\$38,590.00	\$30,000.00	\$13,760.00	\$7,500.00	\$6,260.00	83.5%
001-000-000-345-89-00-20	Engineering Fee	\$0.00	\$66,967.83	\$0.00	\$0.00	\$0.00	\$0.00	
001-000-000-345-89-00-22	Admin Interpretation/Decision	\$0.00	\$1,300.00	\$0.00	\$0.00	\$0.00	\$0.00	
001-000-000-345-89-00-23	Administrative Variance	\$0.00	\$1,100.00	\$0.00	\$0.00	\$0.00	\$0.00	
001-000-000-345-89-00-25	Pre-Application - Minor	\$4,740.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
001-000-000-345-89-00-26	Billable Staff Time	\$0.00	\$4,152.02	\$0.00	\$1,105.00	\$0.00	\$1,105.00	
001-000-000-345-89-00-28	Subdivision Community Meeting	\$0.00	\$1,460.00	\$0.00	\$320.00	\$0.00	\$320.00	
001-000-000-345-89-00-29	Administrative Decision Appeal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
001-000-000-345-89-00-31	Critical Areas Checklist	\$0.00	\$540.00	\$0.00	\$90.00	\$0.00	\$90.00	
001-000-000-345-89-00-32	Developer Agreement	\$0.00	\$7,140.00	\$0.00	\$0.00	\$0.00	\$0.00	
001-000-000-345-89-00-34	Site Plan Review	\$0.00	\$170.00	\$0.00	\$0.00	\$0.00	\$0.00	
001-000-000-345-89-00-35	Critical Areas Review	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
001-000-000-347-30-00-01	Edgemont Park Facility Fee	\$2,505.00	\$2,150.00	\$2,150.00	\$180.00	\$537.50	(\$357.50)	-66.5%
	001-000-000-34 Total	\$547,919.00	\$711,319.51	\$746,650.00	\$268,606.79	\$186,662.50	\$81,944.29	43.9%
001-000-000-356-50-00-01	Restitution - Investigative Fund Assess	\$600.00	\$7.91					
	001-000-000-35 Total	\$600.00	\$7.91					
001-000-000-361-11-00-02	Investment Pool Interest	\$300.00	\$5,892.33	\$5,000.00	\$886.22	\$1,250.00	(\$363.78)	-29.1%
001-000-000-361-11-00-03	Interest on Property Tax	\$180.00	\$0.00					
001-000-000-361-11-00-40	Interest Income - Bonds	\$1,620.00	\$0.00					
001-000-000-361-40-00-01	Other Interest	\$200.00	\$587.85	\$500.00	\$150.92	\$125.00	\$25.92	20.7%
001-000-000-361-40-00-02	Interest on Interfund Loan	\$0.00	\$33.00					
001-000-000-362-40-00-01	Facilities Rental - Mtg Rm & Com Rm Rental	\$1,201.00	\$0.00					
001-000-000-369-40-00-02	Reimbursement of City Expenses	\$0.00	\$7,883.57	\$0.00	\$0.00	\$0.00	\$0.00	
001-000-000-369-81-00-01	Cashier Over/Short	\$0.00	(\$15.50)	\$0.00	\$0.00	\$0.00	\$0.00	
001-000-000-369-90-00-01	NSF Returned Check Fee	\$0.00	\$0.00	\$0.00	\$40.00	\$0.00	\$40.00	

Account Number	Description	Budget 2016	Actual 2016	Budget 2017	Actual 2017	Quarter to Date Budget	Actual Over/(Under)	Actual % Over/(Under)
001-000-000-369-90-00-02	Misc. General Fund Revenue	\$0.00	\$0.00	\$0.00	\$182.04	\$0.00	\$182.04	
	001-000-000-36 Total	\$3,501.00	\$14,381.25	\$5,500.00	\$1,259.18	\$1,375.00	(\$115.82)	-8.4%
001-086-000-386-10-00-01	Assignment of Funds	\$0.00	\$3,512.00					
001-086-000-386-10-00-03	Bldg Rental Deposit	\$0.00	\$0.00					
001-086-000-386-10-00-04	State Building Code Fee	\$0.00	\$760.00					
001-086-000-386-10-00-05	Animal Licenses	\$0.00	\$2,325.00					
001-086-000-386-10-00-06	Fire Plan Review	\$0.00	\$13,536.55					
001-086-000-386-10-00-07	City Hall Tenant Excise Tax	\$0.00	\$0.00					
	001-086-000-38 Total	\$0.00	\$20,133.55					
	Fund Total	\$3,995,066.00	\$4,265,008.14	\$4,320,292.49	\$953,830.59	\$1,080,073.12	(\$126,242.53)	-11.7%
005-000-000-361-11-00-02	Investment Pool Interest	\$500.00	\$659.52	\$500.00	\$230.50	\$125.00	\$105.50	84.4%
005-000-000-361-11-00-40	Interest Income - Bonds	\$1,500.00	\$817.71	\$1,500.00	\$0.00	\$375.00	(\$375.00)	-100.0%
	Fund Total	\$2,000.00	\$1,477.23	\$2,000.00	\$230.50	\$500.00	(\$269.50)	-53.9%
101-000-000-317-60-00-01	Received from ETB - Veh License Fees	\$0.00	\$271,348.02	\$146,000.00	\$41,263.20	\$36,500.00	\$4,763.20	
	101-000-000-31 Total	\$0.00	\$271,348.02	\$146,000.00	\$41,263.20	\$36,500.00	\$4,763.20	
101-000-000-322-40-00-02	Street Vacation	\$0.00	\$5,760.00	\$0.00	\$0.00	\$0.00	\$0.00	
101-000-000-322-40-00-04	Right-of-Way Permit	\$0.00	\$30,302.35	\$0.00	\$7,027.08	\$0.00	\$7,027.08	
	101-000-000-32 Total	\$0.00	\$36,062.35	\$0.00	\$7,027.08	\$0.00	\$7,027.08	
101-000-000-336-00-71-01	Multimodal Transpo City	\$0.00	\$9,838.40	\$0.00	\$1,628.98	\$0.00	\$1,628.98	
101-000-000-336-00-87-01	MV Fuel Tax-City Streets	\$205,454.00	\$207,559.04	\$217,000.00	\$48,411.16	\$54,250.00	(\$5,838.84)	-10.8%
	101-000-000-33 Total	\$205,454.00	\$217,397.44	\$217,000.00	\$50,040.14	\$54,250.00	(\$4,209.86)	-7.8%
101-000-000-344-10-00-01	Road/Street Services (TBD Work)	\$0.00	\$0.00	\$168,000.00	\$0.00	\$42,000.00	(\$42,000.00)	-100.0%
101-000-000-344-10-00-02	Traffic Eng. Peer Review	\$0.00	\$36,951.78	\$0.00	\$535.00	\$0.00	\$535.00	
	101-000-000-34 Total	\$0.00	\$36,951.78	\$168,000.00	\$535.00	\$42,000.00	(\$41,465.00)	-98.7%
101-000-000-361-11-00-02	Investment Pool Interest	\$26.43	\$121.30	\$26.43	\$40.66	\$6.61	\$34.05	515.4%
101-000-000-369-10-00-01	Sales of Scrap/Junk	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	101-000-000-36 Total	\$26.43	\$121.30	\$26.43	\$40.66	\$6.61	\$34.05	515.4%
	Fund Total	\$205,480.43	\$561,880.89	\$531,026.43	\$98,906.08	\$132,756.61	(\$33,850.53)	-25.5%
110-000-000-345-85-00-01	Park Impact Fee	\$421,747.00	\$378,330.00	\$200,000.00	\$168,668.00	\$50,000.00	\$118,668.00	237.3%
	110-000-000-34 Total	\$421,747.00	\$378,330.00	\$200,000.00	\$168,668.00	\$50,000.00	\$118,668.00	237.3%
110-000-000-361-11-00-02	Investment Pool Interest	\$46.00	\$201.18	\$45.69	\$70.32	\$11.42	\$58.90	515.6%
	110-000-000-36 Total	\$46.00	\$201.18	\$45.69	\$70.32	\$11.42	\$58.90	515.6%
	Fund Total	\$421,793.00	\$378,531.18	\$200,045.69	\$168,738.32	\$50,011.42	\$118,726.90	237.4%
111-000-000-345-85-00-01	Traffic Mitigation Impact Fees	\$269,279.00	\$387,928.21	\$269,279.18	\$189,065.00	\$67,319.80	\$121,745.21	180.8%
	111-000-000-34 Total	\$269,279.00	\$387,928.21	\$269,279.18	\$189,065.00	\$67,319.80	\$121,745.21	180.8%
111-000-000-361-11-00-02	Investment Pool Interest	\$8.00	\$0.00	\$7.74	\$0.00	\$1.94	(\$1.94)	-100.0%
	111-000-000-36 Total	\$8.00	\$0.00	\$7.74	\$0.00	\$1.94	(\$1.94)	-100.0%
	Fund Total	\$269,287.00	\$387,928.21	\$269,286.92	\$189,065.00	\$67,321.73	\$121,743.27	180.8%
130-000-000-318-34-00-01	Real Estate Excise Tax (REET1)	\$175,856.00	\$244,330.90	\$250,000.00	\$61,951.83	\$62,500.00	(\$548.17)	-0.9%
	130-000-000-31 Total	\$175,856.00	\$244,330.90	\$250,000.00	\$61,951.83	\$62,500.00	(\$548.17)	-0.9%
130-000-000-361-11-00-02	Investment Pool Interest	\$7.00	\$32.61	\$7.38	\$11.39	\$1.85	\$9.55	517.3%
	130-000-000-36 Total	\$7.00	\$32.61	\$7.38	\$11.39	\$1.85	\$9.55	517.3%

Account Number	Description	Budget 2016	Actual 2016	Budget 2017	Actual 2017	Quarter to Date Budget	Actual Over/(Under)	Actual % Over/(Under)
	Fund Total	\$175,863.00	\$244,363.51	\$250,007.38	\$61,963.22	\$62,501.85	(\$538.62)	-0.9%
132-000-000-318-34-00-01	Real Estate Excise Tax (REET 2)	\$175,857.00	\$244,225.85	\$250,000.00	\$61,951.77	\$62,500.00	(\$548.23)	-0.9%
	132-000-000-31 Total	\$175,857.00	\$244,225.85	\$250,000.00	\$61,951.77	\$62,500.00	(\$548.23)	-0.9%
132-000-000-361-11-00-02	Investment Pool Interest	\$24.00	\$105.70	\$24.03	\$36.95	\$6.01	\$30.94	515.1%
	132-000-000-36 Total	\$24.00	\$105.70	\$24.03	\$36.95	\$6.01	\$30.94	515.1%
	Fund Total	\$175,881.00	\$244,331.55	\$250,024.03	\$61,988.72	\$62,506.01	(\$517.29)	-0.8%
201-000-000-397-00-00-01	Oper. Trn. - General Fund	\$186,063.00	\$0.00	\$186,063.00	\$0.00	\$46,515.75	(\$46,515.75)	-100.0%
201-000-000-397-00-00-03	Transfer In - Sewer	\$123.00	\$0.00	\$123.00	\$0.00	\$30.75	(\$30.75)	-100.0%
201-000-000-397-00-00-04	Transfer In - Surface Water	\$12,044.00	\$0.00	\$12,044.00	\$0.00	\$3,011.00	(\$3,011.00)	-100.0%
201-000-000-397-00-00-07	Oper. Trn. - MCR-REET1	\$203,690.00	\$0.00	\$203,690.00	\$0.00	\$50,922.50	(\$50,922.50)	-100.0%
	Fund Total	\$401,920.00	\$0.00	\$401,920.00	\$0.00	\$100,480.00	(\$100,480.00)	-100.0%
310-000-000-361-11-00-02	Investment Pool Interest	\$27.00	\$152.40	\$26.91	\$53.27	\$6.73	\$46.54	691.8%
	310-000-000-36 Total	\$27.00	\$152.40	\$26.91	\$53.27	\$6.73	\$46.54	691.8%
310-000-000-397-00-00-04	Oper. Trn. - PIF	\$100,000.00	\$0.00	\$100,000.00	\$0.00	\$25,000.00	(\$25,000.00)	-100.0%
310-000-000-397-00-00-09	Oper. Trn. - SWM	\$10,000.00	\$0.00	\$10,000.00	\$0.00	\$2,500.00	(\$2,500.00)	-100.0%
	310-000-000-39 Total	\$110,000.00	\$0.00	\$110,000.00	\$0.00	\$27,500.00	(\$27,500.00)	-100.0%
	Fund Total	\$110,027.00	\$152.40	\$110,026.91	\$53.27	\$27,506.73	(\$27,453.46)	-99.8%
340-000-000-333-20-20-05	STPUL HLP 3290(010) Jovita Seismic Walls Grant	\$0.00	\$45,543.57	\$0.00	\$0.00	\$0.00	\$0.00	
340-000-000-334-03-60-01	State Grant - WSDOT	\$0.00	\$569,493.08	\$0.00	\$412,309.93	\$0.00	\$412,309.93	
	Fund Total	\$0.00	\$615,036.65	\$0.00	\$412,309.93	\$0.00	\$412,309.93	
401-000-000-343-50-00-01	Sewer Revenue	\$7,429.00	\$13,324.45	\$15,000.00	\$9,148.27	\$3,750.00	\$5,398.27	144.0%
	Fund Total	\$7,429.00	\$13,324.45	\$15,000.00	\$9,148.27	\$3,750.00	\$5,398.27	144.0%
410-000-000-343-10-00-01	Surface Water Fees	\$661,550.00	\$653,298.29	\$661,550.00	\$16,461.26	\$16,461.26	\$0.00	0.0%
410-000-000-343-83-00-01	Storm Drainage Fees & Charges	\$0.00	\$5,075.91	\$0.00	\$0.00	\$0.00	\$0.00	
410-000-000-345-89-00-01	SW Plan Reviews	\$0.00	\$0.00	\$0.00	\$2,780.00	\$0.00	\$2,780.00	
410-000-000-345-89-00-02	Inspections	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	410-000-000-34 Total	\$661,550.00	\$658,374.20	\$661,550.00	\$19,241.26	\$16,461.26	\$2,780.00	16.9%
410-000-000-361-11-00-02	Investment Pool Interest	\$161.00	\$710.40	\$161.34	\$248.27	\$40.34	\$207.94	515.5%
410-000-000-361-11-00-40	Interest Earnings - Bond	\$1,175.00	\$0.00	\$1,175.34	\$0.00	\$293.84	(\$293.84)	-100.0%
	410-000-000-36 Total	\$1,336.00	\$710.40	\$1,336.68	\$248.27	\$334.17	(\$85.90)	-25.7%
	Fund Total	\$662,886.00	\$659,084.60	\$662,886.68	\$19,489.53	\$16,795.43	\$2,694.10	16.0%
411-000-000-359-00-00-02	LID No. 1 Penalties Received	\$79,936.00	\$50,488.56	\$79,936.17	\$5,099.35	\$19,984.04	(\$14,884.69)	-74.5%
	411-000-000-35 Total	\$79,936.00	\$50,488.56	\$79,936.17	\$5,099.35	\$19,984.04	(\$14,884.69)	-74.5%
411-000-000-361-11-00-02	Investment Pool Interest	\$1,144.00	\$5,035.75	\$1,143.63	\$1,759.93	\$285.91	\$1,474.02	515.6%
411-000-000-361-40-00-01	LID No. 1 Interest Received	\$883,159.00	\$609,932.84	\$610,341.00	\$33,053.84	\$152,585.25	(\$119,531.41)	-78.3%
411-000-000-368-10-00-01	LID #1 Principal Received	\$1,211,563.00	\$1,366,331.21	\$758,515.00	\$434,094.89	\$189,628.75	\$244,466.14	128.9%
	411-000-000-36 Total	\$2,095,866.00	\$1,981,299.80	\$1,369,999.63	\$468,908.66	\$342,499.91	\$126,408.75	36.9%
	Fund Total	\$2,175,802.00	\$2,031,788.36	\$1,449,935.80	\$474,008.01	\$362,483.95	\$111,524.06	30.8%
412-000-000-397-00-00-01	Transfer In - Temp. LID Fund	\$118,116.00	\$118,116.00	\$118,116.00	\$29,529.00	\$29,529.00	\$0.00	
	412-000-000-39 Total	\$118,116.00	\$118,116.00	\$118,116.00	\$29,529.00	\$29,529.00	\$0.00	
	Fund Total	\$118,116.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
501-000-000-361-11-00-02	Investment Pool Interest	\$65.00	\$285.76	\$64.89	\$99.86	\$16.22	\$83.64	515.6%

Account Number	Description	Budget 2016	Actual 2016	Budget 2017	Actual 2017	Quarter to Date Budget	Actual Over/(Under)	Actual % Over/(Under)
501-000-000-362-00-00-01	Comcast PEG Fees	\$0.00	\$0.00	\$0.00	\$12,131.04	\$0.00	\$12,131.04	
	Fund Total	\$65.00	\$285.76	\$64.89	\$12,230.90	\$16.22	\$12,214.68	75294.7%
630-000-000-317-60-00-01	Transportation Benefit Dist Vehicle Fee	\$146,000.00	\$162,082.80					
	Fund Total	\$146,000.00	\$162,082.80					
	Total General Fund				\$953,830.59	\$722,323.52		

Note: Labor costs are collected in Central Services and journalized back to the individual cost centers. These statements do not reflect that activity.

Estimated Expenditure Summary								
Account Number	Description	Budget 2016	Actual 2016	Budget 2017	Actual 2017	Quarter to Date Budget	Actual Over/(Under)	Actual % Over/(Under)
Legislative								
001-011-000-511-60-11-01	Salaries and Wages	\$30,000	\$33,875	\$50,400	\$12,600	\$12,600	\$0	
001-011-000-511-60-21-01	Benefits	\$435	\$491	\$795	\$199	\$199	\$0	
001-011-000-511-60-31-01	Office & Operational Supplies	\$457	\$149	\$400	\$0	\$100	-\$100	
001-011-000-511-60-31-05	Meeting Meals Expense	\$0	\$245	\$500	\$210	\$125	\$85	67.6%
001-011-000-511-60-35-01	Small Tools/Minor Equipment	\$0	\$0	\$0	\$0	\$0	\$0	
001-011-000-511-60-41-01	Professional Services	\$500	\$2,000	\$0	\$0	\$0	\$0	
001-011-000-511-60-43-01	Travel/Training Costs	\$750	\$0	\$750	\$0	\$188	-\$188	
001-011-000-511-60-43-02	Lodging Charges	\$750	\$0	\$750	\$0	\$188	-\$188	
001-011-000-511-60-43-03	Mileage Reimbursement	\$250	\$0	\$0	\$0	\$0	\$0	
001-011-000-511-60-43-04	Conference Meals	\$0	\$352	\$250	\$0	\$63	-\$63	
001-011-000-511-60-49-01	Memberships	\$150	\$50	\$150	\$50	\$38	\$13	33.3%
001-011-000-511-60-49-03	Registration	\$500	\$0	\$500	\$0	\$125	-\$125	
001-011-000-511-60-49-04	Subscriptions	\$350	\$380	\$400	\$0	\$100	-\$100	
001-011-000-594-11-64-01	Central Services Allocation	\$0	\$0	\$35,974	\$0	\$8,994	-\$8,994	
Executive	Legislative Total	\$34,142	\$37,542	\$90,869	\$13,059	\$22,717	-\$9,659	
001-013-000-513-10-11-01	Salaries and Wages	\$15,600	\$43,187	\$119,971	\$29,993	\$29,993	\$0	
001-013-000-513-10-21-01	Benefits	\$226	\$625	\$39,272	\$9,818	\$9,818	\$0	
001-013-000-513-10-31-01	Office & Operational Supplies	\$0	\$0	\$0	\$0	\$0	\$0	
001-013-000-513-10-31-05	Meeting Meals Expense	\$250	\$600	\$500	\$267	\$125	\$142	114.0%
001-013-000-513-10-43-01	Travel/Training Costs	\$1,500	\$70	\$1,500	\$50	\$375	-\$325	-86.7%
001-013-000-513-10-43-02	Lodging Charges	\$750	\$0	\$750	\$0	\$188	-\$188	-100.0%
001-013-000-513-10-43-03	Mileage Reimbursement	\$250	\$0	\$250	\$0	\$63	-\$63	-100.0%
001-013-000-513-10-43-04	Conference Meals	\$350	\$0	\$350	\$0	\$88	-\$88	-100.0%
001-013-000-513-10-43-05	Parking	\$150	\$9	\$150	\$0	\$38	-\$38	-100.0%
001-013-000-513-10-49-01	Memberships	\$160	\$0	\$160	\$0	\$40	-\$40	-100.0%
001-013-000-513-10-49-03	Registration	\$250	\$0	\$250	\$0	\$63	-\$63	-100.0%
001-013-000-513-10-49-04	Subscriptions	\$50	\$0	\$50	\$0	\$13	-\$13	-100.0%
001-013-000-594-13-64-01	Central Services Allocation	\$0	\$0	\$85,538	\$0	\$21,384	-\$21,384	-100.0%
Administrative/Clerk	Executive Total	\$19,536	\$44,490	\$248,741	\$40,128	\$62,185	-\$22,057	-35.5%
001-014-000-511-30-41-02	Legal Publications	\$5,000	\$4,065	\$5,000	\$961	\$1,250	-\$289	-23.1%
001-014-000-514-20-11-01	Salaries and Wages	\$95,590	\$98,338	\$99,570	\$24,893	\$24,893	\$1	0.0%
001-014-000-514-20-21-01	Benefits	\$1,386	\$1,422	\$44,703	\$11,176	\$11,176	\$0	0.0%

Account Number	Description	Budget 2016	Actual 2016	Budget 2017	Actual 2017	Quarter to Date Budget	Actual Over/(Under)	Actual % Over/(Under)
001-014-000-514-20-31-01	Office & Operational Supplies	\$200	\$0	\$0	\$0	\$0	\$0	
001-014-000-514-20-31-05	Meeting Meals Expense	\$0	\$507	\$0	\$0	\$0	\$0	
001-014-000-514-20-41-01	Professional Services	\$1,000	\$0	\$0	\$0	\$0	\$0	
001-014-000-514-20-42-05	Bank & Bond Fees	\$0	\$328	\$0	\$370	\$0	\$370	
001-014-000-514-20-43-01	Training & Travel Costs	\$1,500	\$0	\$3,500	\$0	\$875	-\$875	-100.0%
001-014-000-514-20-43-02	Lodging Charges	\$1,000	\$0	\$0	\$0	\$0	\$0	
001-014-000-514-20-43-03	Mileage Reimbursement	\$150	\$86	\$250	\$45	\$63	-\$17	-27.4%
001-014-000-514-20-43-04	Conference Meals	\$250	\$26	\$0	\$0	\$0	\$0	
001-014-000-514-20-48-02	Software Maintenance	\$0	\$0	\$0	\$0	\$0	\$0	
001-014-000-514-20-49-01	Memberships	\$250	\$0	\$350	\$25	\$88	-\$63	-71.4%
001-014-000-514-20-49-03	Registration	\$610	\$0	\$0	\$0	\$0	\$0	
001-014-000-514-23-41-01	Accounting & Auditing Services	\$0	\$15,050	\$0	\$3,003	\$0	\$3,003	
001-014-000-514-30-11-01	Salaries & Wages	\$59,504	\$61,354	\$59,381	\$14,845	\$14,845	\$0	0.0%
001-014-000-514-30-21-01	Benefits	\$863	\$885	\$30,689	\$7,672	\$7,672	\$0	0.0%
001-014-000-514-30-31-01	Operational Supplies	\$300	\$131	\$300	\$0	\$75	-\$75	-100.0%
001-014-000-514-30-31-05	Meeting Meals & Expenses	\$0	\$23	\$0	\$0	\$0	\$0	
001-014-000-514-30-41-01	Professional Services	\$1,500	\$7,560	\$1,500	\$1,594	\$375	\$1,219	325.1%
001-014-000-514-30-42-06	Website Services	\$0	\$350	\$0	\$350	\$0	\$350	
001-014-000-514-30-43-01	Training & Travel Costs	\$200	\$338	\$200	\$0	\$50	-\$50	-100.0%
001-014-000-514-30-43-02	Lodging	\$600	\$114	\$600	\$0	\$150	-\$150	-100.0%
001-014-000-514-30-43-03	Mileage Reimbursement	\$150	\$0	\$150	\$0	\$38	-\$38	-100.0%
001-014-000-514-30-43-04	Conference Meals	\$150	\$0	\$150	\$0	\$38	-\$38	-100.0%
001-014-000-514-30-44-01	Legal Publication	\$500	\$2,092	\$500	\$0	\$125	-\$125	-100.0%
001-014-000-514-30-48-01	Equipment Repair	\$0	\$0	\$0	\$0	\$0	\$0	
001-014-000-514-30-49-01	Memberships	\$480	\$305	\$480	\$20	\$120	-\$100	-83.3%
001-014-000-514-30-49-03	Registration	\$350	\$45	\$350	\$0	\$88	-\$88	-100.0%
001-014-000-514-40-51-01	Election Costs	\$8,000	\$3,753	\$4,000	\$0	\$1,000	-\$1,000	-100.0%
001-014-000-514-90-51-01	Voter Registration	\$18,000	\$18,451	\$18,500	\$15,504	\$4,625	\$10,879	235.2%
001-014-000-518-10-49-01	Memberships	\$0	\$0	\$0	\$185	\$0	\$185	
001-014-000-518-10-49-03	Registrations	\$0	\$0	\$0	\$0	\$0	\$0	
001-014-000-518-80-31-01	IT Operating Supplies	\$0	\$0	\$1,296	\$0	\$324	-\$324	-100.0%
001-014-000-518-80-41-01	Contracted IT Services	\$19,760	\$19,558	\$26,000	\$0	\$6,500	-\$6,500	-100.0%
001-014-000-518-80-41-02	Web Site Services	\$1,800	\$1,860	\$4,500	\$1,800	\$1,125	\$675	60.0%
001-014-000-518-80-48-01	IT Repair & Maintenance	\$5,000	\$177	\$5,000	\$0	\$1,250	-\$1,250	-100.0%
001-014-000-518-80-49-03	Computer Subscriptions	\$16,000	\$12,881	\$13,518	\$32,068	\$3,380	\$28,688	848.9%
001-014-000-594-14-64-01	Central Services Allocation	\$0	\$0	\$71,148	\$0	\$17,787	-\$17,787	-100.0%
001-014-000-594-14-64-02	Central File Equipment	\$0	\$0	\$32,679	\$0	\$8,170	-\$8,170	-100.0%
001-014-000-594-14-64-03	Software - Computer	\$0	\$5,251	\$42,369	\$0	\$10,592	-\$10,592	-100.0%
001-014-000-594-18-64-02	IT Hardware	\$0	\$0	\$0	\$0	\$0	\$0	
001-014-000-594-18-64-05	A/V Equipment	\$0	\$0	\$0	\$0	\$0	\$0	
Legal Services Administrative/Clerk Total		\$240,093	\$254,950	\$466,683	\$114,511	\$116,671	-\$2,160	-1.9%
001-015-000-515-32-41-01	Legal Services	\$140,000	\$166,178	\$140,000	\$11,546	\$35,000	-\$23,454	-67.0%

Account Number	Description	Budget 2016	Actual 2016	Budget 2017	Actual 2017	Quarter to Date Budget	Actual Over/(Under)	Actual % Over/(Under)
001-015-000-515-32-41-14	Hearing Examiner Legal Fees	\$7,500	\$14,757	\$25,000	\$1,755	\$6,250	-\$4,495	-71.9%
001-015-000-515-32-41-15	Code Enforcement Legal Fees	\$0	\$0	\$15,000	\$0	\$3,750	-\$3,750	-100.0%
Central Services	Legal Services Total	\$147,500	\$180,934	\$180,000	\$13,301	\$45,000	-\$31,699	-70.4%
001-018-000-512-50-51-01	Court Services	\$22,000	\$18,000	\$22,000	\$4,500	\$5,500	-\$1,000	-18.2%
001-018-000-518-10-11-01	Salaries & Wages	\$0	\$18,595	\$93,973	\$23,493	\$23,493	\$0	0.0%
001-018-000-518-10-21-01	Medicare	\$0	\$269	\$44,746	\$11,186	\$11,186	\$0	0.0%
001-018-000-518-10-21-02	Social Security Replacement	\$0	\$1,410	\$0	\$0	\$0	\$0	
001-018-000-518-10-21-05	PERS	\$0	\$2,118	\$0	\$0	\$0	\$0	
001-018-000-518-10-21-07	Labor & Industries	\$0	-\$562	\$0	\$0	\$0	\$0	
001-018-000-518-10-21-08	Unemployment	\$0	\$74	\$0	\$2,061	\$0	\$2,061	
001-018-000-518-10-21-10	Medical	\$0	\$4,204	\$0	\$0	\$0	\$0	
001-018-000-518-10-31-01	Operational Supplies	\$0	\$0	\$15,000	\$0	\$3,750	-\$3,750	-100.0%
001-018-000-518-20-11-01	Salaries & Wages	\$108,879	\$73,738	\$0	\$273,438	\$273,438	\$0	
001-018-000-518-20-21-01	Medicare	\$1,579	\$1,067	\$0	\$3,978	\$3,978	\$0	
001-018-000-518-20-21-02	Social Security Replacement	\$6,751	\$4,371	\$0	\$15,511	\$15,511	\$0	
001-018-000-518-20-21-05	PERS	\$12,173	\$8,393	\$0	\$25,971	\$25,971	\$0	
001-018-000-518-20-21-07	Labor & Industries	\$535	\$344	\$0	\$0	\$0	\$0	
001-018-000-518-20-21-08	Unemployment	\$1,960	\$295	\$0	\$1,412	\$1,412	\$0	
001-018-000-518-20-21-10	Medical	\$31,263	\$34,822	\$0	\$61,007	\$61,007	\$0	
001-018-000-518-20-31-01	Office & Operational Supplies	\$100	\$1,834	\$0	\$3,773	\$0	\$3,773	
001-018-000-518-20-35-01	Small Tools/Minor Equipment	\$250	\$85	\$500	\$0	\$125	-\$125	-100.0%
001-018-000-518-20-35-02	Office Furniture	\$0	\$0	\$0	\$0	\$0	\$0	
001-018-000-518-20-41-01	Professional Service	\$1,500	\$3,010	\$12,800	\$64	\$3,200	-\$3,136	-98.0%
001-018-000-518-20-42-01	Telephone Charges	\$0	\$0	\$0	\$885	\$0	\$885	
001-018-000-518-20-42-02	Postage	\$0	\$4,411	\$7,000	\$1,093	\$1,750	-\$657	-37.5%
001-018-000-518-20-43-01	Travel/Training Costs	\$0	\$0	\$0	\$0	\$0	\$0	
001-018-000-518-20-45-03	Postage Meter Lease	\$870	\$850	\$870	\$213	\$218	-\$5	-2.3%
001-018-000-518-20-45-06	Copier Lease	\$1,100	\$0	\$3,500	\$721	\$875	-\$154	-17.5%
001-018-000-518-20-47-01	Electricity	\$21,000	\$0	\$45,000	\$10,823	\$11,250	-\$427	-3.8%
001-018-000-518-20-47-02	Water	\$0	\$0	\$10,900	\$891	\$2,725	-\$1,834	-67.3%
001-018-000-518-20-47-50	LID Interest Payment	\$0	\$0	\$0	-\$879	\$0	-\$879	
001-018-000-518-20-47-60	LID Principal Payment	\$0	\$0	\$0	-\$1,064	\$0	-\$1,064	
001-018-000-518-20-49-01	Memberships	\$0	\$108	\$0	\$75	\$0	\$75	
001-018-000-518-20-49-05	Printing & Binding	\$15,000	\$20,180	\$25,000	\$0	\$6,250	-\$6,250	-100.0%
001-018-000-518-20-49-07	Copying Charge	\$0	\$0	\$0	\$0	\$0	\$0	
001-018-000-518-30-11-01	Salaries & Wages	\$12,430	\$12,492	\$0	\$0	\$0	\$0	
001-018-000-518-30-21-01	Medicare	\$180	\$180	\$0	\$0	\$0	\$0	
001-018-000-518-30-21-02	Social Security Replacement	\$740	\$772	\$0	\$0	\$0	\$0	
001-018-000-518-30-21-05	PERS	\$1,334	\$1,450	\$0	\$0	\$0	\$0	
001-018-000-518-30-21-07	L&I	\$486	\$379	\$0	\$0	\$0	\$0	
001-018-000-518-30-21-08	Unemployment	\$224	\$50	\$0	\$0	\$0	\$0	
001-018-000-518-30-21-10	Medical	\$3,431	\$3,453	\$0	\$0	\$0	\$0	

Account Number	Description	Budget 2016	Actual 2016	Budget 2017	Actual 2017	Quarter to Date Budget	Actual Over/(Under)	Actual % Over/(Under)
001-018-000-518-30-31-01	Office & Operational Supplies	\$9,500	\$13,219	\$0	\$2,146	\$0	\$2,146	
001-018-000-518-30-31-09	Chemicals	\$0	\$0	\$0	\$0	\$0	\$0	
001-018-000-518-30-32-01	Fuel	\$400	\$336	\$400	\$673	\$100	\$573	572.6%
001-018-000-518-30-32-02	Fuel	\$0	\$0	\$0	\$0	\$0	\$0	
001-018-000-518-30-35-01	Small Tools/Minor Equip.	\$0	\$2,199	\$0	\$521	\$0	\$521	
001-018-000-518-30-41-01	Professional Services	\$8,800	\$13,309	\$0	\$2,842	\$0	\$2,842	
001-018-000-518-30-41-05	Alarm Monitoring	\$0	\$0	\$0	\$0	\$0	\$0	
001-018-000-518-30-42-01	Telecommunications Charges	\$17,000	\$15,105	\$10,800	\$3,868	\$2,700	\$1,168	43.3%
001-018-000-518-30-42-03	Postage	\$2,500	\$2,029	\$0	\$500	\$0	\$500	
001-018-000-518-30-45-03	Postage Meter Lease	\$0	\$0	\$0	\$0	\$0	\$0	
001-018-000-518-30-45-06	Copier Lease	\$5,000	\$6,358	\$5,000	\$1,577	\$1,250	\$327	26.2%
001-018-000-518-30-45-07	Operating Permits	\$400	\$129	\$400	\$129	\$100	\$29	29.0%
001-018-000-518-30-46-01	Alarm Monitoring	\$2,000	\$1,293	\$2,000	\$360	\$500	-\$140	-28.0%
001-018-000-518-30-47-01	Electricity	\$22,660	\$16,745	\$0	\$0	\$0	\$0	
001-018-000-518-30-47-04	Sewer Charges	\$500	\$938	\$1,100	\$25	\$275	-\$250	-90.9%
001-018-000-518-30-48-03	Maintenance/Repairs - Buildings	\$45,000	\$33,564	\$90,000	\$15,212	\$22,500	-\$7,288	-32.4%
001-018-000-518-30-48-04	Repairs to Facility	\$0	\$275	\$0	\$0	\$0	\$0	
001-018-000-518-30-48-06	Equipment Repairs	\$12,000	\$4,260	\$10,000	\$0	\$2,500	-\$2,500	-100.0%
001-018-000-518-30-48-07	Maintenance & Repairs-Vehicles	\$0	\$0	\$0	\$2,171	\$0	\$2,171	
001-018-000-518-30-49-01	Memberships	\$0	\$0	\$0	\$0	\$0	\$0	
001-018-000-518-30-51-03	Surface Water Charge	\$240	\$189	\$240	\$0	\$60	-\$60	-100.0%
001-018-000-518-85-48-03	Computer Maintenance-Permitting SW	\$875	\$875	\$0	\$0	\$0	\$0	
001-018-000-518-85-49-04	Subscriptions	\$0	\$160	\$0	\$0	\$0	\$0	
001-018-000-518-90-46-50	WCIA Insurance Premium	\$41,500	\$41,462	\$48,096	\$46,477	\$12,024	\$34,453	286.5%
001-018-000-518-90-49-51	Puget Sound Clean Air Dues	\$5,836	\$8,199	\$6,000	\$6,734	\$1,500	\$5,234	348.9%
001-018-000-518-90-49-52	Puget Sound Regional Council	\$3,042	\$3,103	\$1,303	\$388	\$326	\$62	19.0%
001-018-000-518-90-49-53	AWC Dues	\$5,950	\$6,268	\$6,268	\$6,382	\$1,567	\$4,815	307.3%
001-018-000-518-90-49-55	Pierce County Regional Council	\$388	\$388	\$388	\$0	\$97	-\$97	-100.0%
001-018-000-518-90-49-57	Chamber Dues	\$500	\$450	\$500	\$0	\$125	-\$125	-100.0%
001-018-000-525-60-51-01	Emergency Services	\$8,172	\$8,173	\$8,421	\$4,137	\$2,105	\$2,032	96.5%
001-018-000-554-30-51-01	Animal Control Services	\$38,719	\$31,730	\$38,719	\$2,677	\$9,680	-\$7,003	-72.3%
001-018-000-591-18-79-01	LID NO. 1 Principal	\$45,324	\$45,324	\$45,324	\$0	\$11,331	-\$11,331	-100.0%
001-018-000-591-18-82-01	LID Interest Payment	\$0	\$0	\$30,820	\$0	\$7,705	-\$7,705	-100.0%
001-018-000-592-18-82-01	LID NO. 1 Interest	\$30,820	\$30,820	\$0	\$0	\$0	\$0	
001-018-000-594-18-63-01	City Hall Reader Board	\$0	\$200	\$0	\$0	\$0	\$0	
001-018-000-594-18-64-02	Hardware - Computer	\$16,500	\$15,712	\$16,500	\$0	\$4,125	-\$4,125	-100.0%
001-018-000-594-18-64-03	Software - Computer	\$4,000	\$0	\$4,000	\$0	\$1,000	-\$1,000	-100.0%
001-018-000-594-18-64-05	Council Chamber Video Equipment	\$0	\$0	\$40,000	\$0	\$10,000	-\$10,000	-100.0%
	Salary Distributed			-\$647,568	-\$273,438	-\$273,438	\$0	
	Benefits Distributed				-\$107,878	-\$107,878	\$0	
	Operations Distributed				-\$154,654	-\$161,893		
Law Enforcement	Central Service Total	\$571,412	\$519,206	\$0	\$0	\$0	-\$7,238	2024686.0%

Account Number	Description	Budget 2016	Actual 2016	Budget 2017	Actual 2017	Quarter to Date Budget	Actual Over/(Under)	Actual % Over/(Under)
001-021-000-521-10-49-01	Dues & Memberships	\$270	\$320	\$270	\$150	\$68	\$83	122.2%
001-021-000-521-10-52-01	Intergov. Chemical Dependency	\$2,100	\$2,557	\$2,100	\$632	\$525	\$107	20.4%
001-021-000-521-20-21-07	L&I Volunteers	\$100	\$30	\$100	\$0	\$25	-\$25	-100.0%
001-021-000-521-20-31-01	Office & Operational Supplies	\$150	\$1,094	\$150	\$61	\$38	\$23	61.6%
001-021-000-521-20-35-01	Small Tools/Minor Equipment	\$150	\$2,000	\$150	\$0	\$38	-\$38	-100.0%
001-021-000-521-20-43-02	Lodging	\$720	\$0	\$720	\$0	\$180	-\$180	-100.0%
001-021-000-521-20-43-04	Conference Meals	\$200	\$0	\$200	\$0	\$50	-\$50	-100.0%
001-021-000-521-20-49-01	Memberships	\$0	\$0	\$0	\$0	\$0	\$0	
001-021-000-521-20-49-03	Registration	\$400	\$0	\$400	\$0	\$100	-\$100	-100.0%
001-021-000-521-20-51-01	Police Services	\$1,815,948	\$1,786,418	\$1,885,093	\$468,637	\$471,273	-\$2,637	-0.6%
001-021-000-521-20-51-02	Police Overtime	\$50,000	\$55,363	\$50,000	\$0	\$12,500	-\$12,500	-100.0%
001-021-000-521-20-51-04	911 Call Responses	\$0	\$0	\$0	\$0	\$0	\$0	
001-021-000-521-40-43-01	Training/Travel Costs	\$0	\$0	\$0	\$0	\$0	\$0	
001-021-000-521-40-43-02	Lodging	\$0	\$0	\$0	\$0	\$0	\$0	
001-021-000-521-40-49-03	Registrations	\$0	\$0	\$0	\$0	\$0	\$0	
001-021-000-521-50-42-01	Telecommunications Charges	\$0	\$0	\$0	\$0	\$0	\$0	
001-021-000-523-60-51-01	Jail Services	\$17,500	\$8,046	\$17,500	\$0	\$4,375	-\$4,375	-100.0%
Building & Inspection Law Enforcement Total		\$1,887,538	\$1,855,828	\$1,956,683	\$469,479	\$489,171	-\$19,691	-4.0%
001-058-000-558-50-11-01	Salaries and Wages	\$256,619	\$234,336	\$217,920	\$54,480	\$54,480	\$0	0.0%
001-058-000-558-50-21-01	Benefits	\$3,721	\$3,386	\$105,375	\$26,344	\$26,344	\$0	0.0%
001-058-000-558-50-31-01	Office & Operational Supplies	\$1,250	\$4,119	\$0	\$0	\$0	\$0	
001-058-000-558-50-31-05	Meeting Meals Expense	\$0	\$80	\$0	\$100	\$0	\$100	
001-058-000-558-50-32-01	Fuel	\$600	\$1,632	\$0	\$0	\$0	\$0	
001-058-000-558-50-35-01	Small Tools/Minor Equipment	\$800	\$377	\$800	\$258	\$200	\$58	28.9%
001-058-000-558-50-41-01	Professional Service	\$0	\$3,250	\$0	\$0	\$0	\$0	
001-058-000-558-50-41-04	Contracted Labor	\$40,000	\$0	\$40,000	\$0	\$10,000	-\$10,000	-100.0%
001-058-000-558-50-42-01	Telephone Charges	\$2,000	\$0	\$0	\$0	\$0	\$0	
001-058-000-558-50-43-01	Training/Travel Costs	\$0	\$2,345	\$0	\$1,369	\$0	\$1,369	
001-058-000-558-50-43-02	Lodging Charges	\$0	\$0	\$0	\$0	\$0	\$0	
001-058-000-558-50-43-04	Conference Meals	\$0	\$24	\$0	\$0	\$0	\$0	
001-058-000-558-50-48-03	Maintenance & Repairs	\$0	\$1,179	\$0	\$0	\$0	\$0	
001-058-000-558-50-49-01	Memberships	\$1,500	\$400	\$1,500	\$95	\$375	-\$280	-74.7%
001-058-000-558-50-49-03	Registration	\$500	\$0	\$500	\$850	\$125	\$725	580.0%
001-058-000-558-50-49-04	Subscriptions	\$1,200	\$0	\$1,200	\$0	\$300	-\$300	-100.0%
001-058-000-558-50-49-05	Printing & Binding	\$0	\$418	\$0	\$0	\$0	\$0	
001-058-000-558-50-51-01	Building Inspection Services	\$0	\$0	\$0	\$0	\$0	\$0	
001-058-000-558-50-95-01	Interfund Operating Rentals	\$0	\$0	\$155,886	\$0	\$38,972	-\$38,972	-100.0%
001-058-000-558-51-21-10	Medical	\$0	\$0	\$0	\$0	\$0	\$0	
001-058-000-558-60-11-01	Salaries and Wages	\$220,487	\$263,698	\$125,093	\$31,273	\$31,273	\$0	0.0%
001-058-000-558-60-21-01	Medicare	\$3,197	\$3,813	\$46,317	\$11,579	\$11,579	\$0	0.0%
001-058-000-558-60-21-02	Social Security Replacement	\$13,670	\$16,303	\$0	\$0	\$0	\$0	
001-058-000-558-60-21-05	PERS	\$24,651	\$29,904	\$0	\$0	\$0	\$0	

Account Number	Description	Budget 2016	Actual 2016	Budget 2017	Actual 2017	Quarter to Date Budget	Actual Over/(Under)	Actual % Over/(Under)
001-058-000-558-60-21-07	Labor & Industries	\$913	\$1,069	\$0	\$0	\$0	\$0	
001-058-000-558-60-21-08	Unemployment	\$3,969	\$1,052	\$0	\$0	\$0	\$0	
001-058-000-558-60-21-10	Medical	\$40,590	\$42,682	\$0	\$0	\$0	\$0	
001-058-000-558-60-31-01	Office & Operational Supplies	\$600	\$1,794	\$0	\$0	\$0	\$0	
001-058-000-558-60-31-04	Office Publications	\$0	\$0	\$0	\$505	\$0	\$505	
001-058-000-558-60-31-05	Meeting Meals Exp.	\$0	\$20	\$0	\$0	\$0	\$0	
001-058-000-558-60-31-07	Maps	\$3,000	\$0	\$3,000	\$0	\$750	-\$750	-100.0%
001-058-000-558-60-31-11	Signs	\$2,000	\$0	\$2,000	\$0	\$500	-\$500	-100.0%
001-058-000-558-60-32-01	Fuel	\$600	\$113	\$0	\$0	\$0	\$0	
001-058-000-558-60-35-01	Small Tools/Minor Equipment	\$250	\$0	\$250	\$0	\$63	-\$63	-100.0%
001-058-000-558-60-41-01	Reim.Engineering - Prof. Serv	\$170,000	\$265,573	\$290,000	\$8,552	\$72,500	-\$63,948	-88.2%
001-058-000-558-60-41-03	Prof. Services (Non-reimbursable)	\$18,000	\$62,839	\$15,000	\$2,541	\$3,750	-\$1,209	-32.2%
001-058-000-558-60-41-04	Contracted Labor	\$0	\$0	\$0	\$0	\$0	\$0	
001-058-000-558-60-41-08	Legal Notices/Publications	\$14,000	\$16,418	\$15,000	\$3,091	\$3,750	-\$659	-17.6%
001-058-000-558-60-41-19	Ortho Photos	\$3,200	\$0	\$3,200	\$0	\$800	-\$800	-100.0%
001-058-000-558-60-41-23	Professional Serv-GMA	\$100,000	\$20,927	\$35,000	\$5,258	\$8,750	-\$3,493	-39.9%
001-058-000-558-60-42-01	Telephone Charges	\$0	\$484	\$0	\$56	\$0	\$56	
001-058-000-558-60-42-02	Postage	\$0	\$0	\$0	\$0	\$0	\$0	
001-058-000-558-60-43-01	Training/Travel Costs	\$800	\$829	\$2,500	\$70	\$625	-\$555	
001-058-000-558-60-43-02	Lodging Charges	\$600	\$385	\$1,000	\$0	\$250	-\$250	-100.0%
001-058-000-558-60-43-03	Mileage Reimbursement	\$600	\$346	\$600	\$0	\$150	-\$150	-100.0%
001-058-000-558-60-43-04	Conference Meals	\$300	\$88	\$500	\$0	\$125	-\$125	-100.0%
001-058-000-558-60-44-01	Legal Publications	\$0	\$0	\$0	\$0	\$0	\$0	
001-058-000-558-60-48-03	Maintenance	\$0	\$364	\$0	\$0	\$0	\$0	
001-058-000-558-60-49-01	Memberships	\$1,400	\$1,451	\$4,000	\$0	\$1,000	-\$1,000	-100.0%
001-058-000-558-60-49-03	Registration	\$2,000	\$45	\$2,000	\$0	\$500	-\$500	-100.0%
001-058-000-558-60-49-04	Subscriptions	\$0	\$0	\$0	\$0	\$0	\$0	
001-058-000-558-60-49-05	Printing & Binding	\$1,200	\$589	\$0	\$0	\$0	\$0	
001-058-000-558-60-51-01	Pierce County Recording Fees	\$0	\$407	\$5,000	\$0	\$1,250	-\$1,250	-100.0%
001-058-000-558-60-95-01	Central Services Allocation	\$0	\$0	\$89,535	\$0	\$22,384	-\$22,384	-100.0%
001-058-000-558-70-41-26	Economic Development Services	\$0	\$35	\$0	\$0	\$0	\$0	
Parks & Recreation Building Inspection Services Total		\$934,217	\$982,775	\$1,163,174	\$146,419	\$290,794	-\$144,374	-49.6%
001-076-000-573-90-31-01	Operational Supplies	\$0	\$4	\$0	\$0	\$0	\$0	
001-076-000-576-80-11-01	Salaries and Wages	\$23,767	\$28,412	\$59,902	\$14,976	\$14,976	\$1	0.0%
001-076-000-576-80-21-01	Medicare	\$345	\$411	\$31,077	\$7,769	\$7,769	\$0	0.0%
001-076-000-576-80-31-01	Operational Supplies	\$1,500	\$621	\$3,500	\$234	\$875	-\$641	-73.3%
001-076-000-576-80-31-02	Operational Supplies	\$2,750	\$321	\$2,750	\$23	\$688	-\$665	-96.7%
001-076-000-576-80-31-09	Chemicals	\$0	\$247	\$500	\$0	\$125	-\$125	-100.0%
001-076-000-576-80-31-10	Outdoor Gear	\$200	\$0	\$800	\$150	\$200	-\$50	-25.2%
001-076-000-576-80-31-11	Signs	\$0	\$0	\$0	\$0	\$0	\$0	
001-076-000-576-80-32-01	Fuel	\$700	\$382	\$1,000	\$0	\$250	-\$250	-100.0%
001-076-000-576-80-35-01	Small Tools/Minor Equipment	\$2,300	\$2,046	\$1,500	\$0	\$375	-\$375	-100.0%

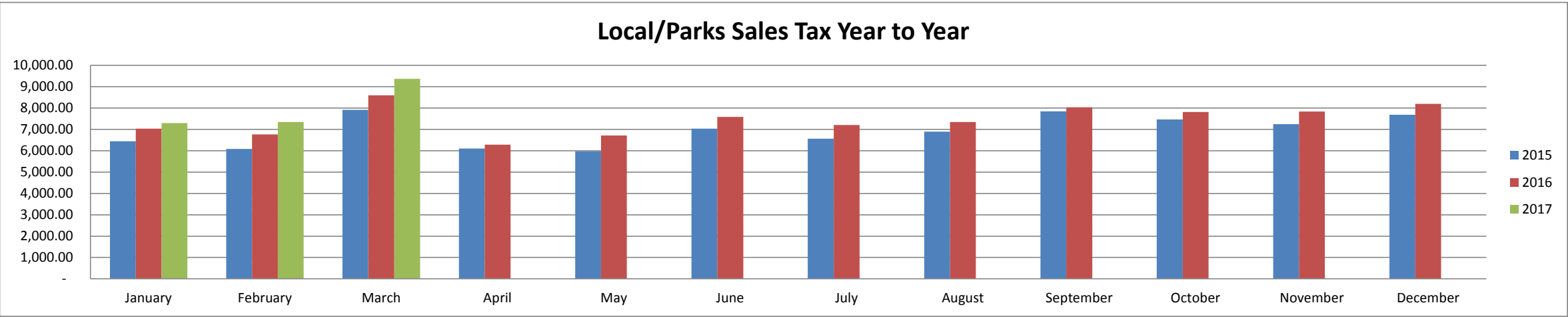
Account Number	Description	Budget 2016	Actual 2016	Budget 2017	Actual 2017	Quarter to Date Budget	Actual Over/(Under)	Actual % Over/(Under)
001-076-000-576-80-35-05	Park Equipment	\$4,800	\$2,061	\$5,000	\$0	\$1,250	-\$1,250	-100.0%
001-076-000-576-80-41-01	Professional Services	\$14,000	\$3,379	\$2,500	\$100	\$625	-\$525	-84.0%
001-076-000-576-80-42-01	Telephone Charges	\$0	\$977	\$0	\$199	\$0	\$199	
001-076-000-576-80-43-03	Mileage Reimbursement	\$0	\$0	\$0	\$0	\$0	\$0	
001-076-000-576-80-45-03	Operating Rentals	\$4,000	\$5,614	\$3,500	\$1,247	\$875	\$372	42.6%
001-076-000-576-80-47-01	Electricity	\$1,500	\$1,719	\$0	\$0	\$0	\$0	
001-076-000-576-80-47-02	Water	\$0	\$0	\$0	\$0	\$0	\$0	
001-076-000-576-80-48-01	Equipment Repair & Maintenance	\$2,800	\$1,052	\$1,500	\$736	\$375	\$361	96.1%
001-076-000-576-80-48-04	Equipment Repairs	\$0	\$0	\$0	\$0	\$0	\$0	
001-076-000-576-80-48-05	Maintenance-Tank Pumping	\$1,000	\$1,057	\$10,000	\$0	\$2,500	-\$2,500	-100.0%
001-076-000-576-80-49-03	Registration	\$750	\$0	\$1,000	\$0	\$250	-\$250	-100.0%
001-076-000-576-80-51-01	Parks Maintenance	\$0	\$0	\$0	\$0	\$0	\$0	
001-076-000-576-80-51-03	Surface Water Fee	\$1,600	\$1,206	\$1,000	\$0	\$250	-\$250	-100.0%
001-076-000-576-80-95-01	Central Services Allocation	\$0	\$0	\$43,169	\$0	\$10,792	-\$10,792	-100.0%
Steet Fund	Parks Total	\$62,012	\$49,508	\$168,697	\$25,433	\$42,174	-\$16,741	-39.7%
101-000-000-541-30-51-01	Road Preservation (Intergov)	\$0	\$273,545	\$0	\$0	\$0	\$0	
101-000-000-542-30-31-01	Operational Supplies	\$554	\$493	\$5,000	\$1,966	\$1,250	\$716	57.2%
101-000-000-542-30-32-01	Fuel	\$630	\$459	\$4,000	\$78	\$1,000	-\$922	-92.2%
101-000-000-542-30-41-04	Contracted Labor	\$0	\$3,100	\$0	\$0	\$0	\$0	
101-000-000-542-30-48-03	Maintenance-Cleaning	\$2,500	\$0	\$1,500	\$0	\$375	-\$375	-100.0%
101-000-000-542-30-51-03	Surface Water Charge	\$2,957	\$0	\$2,957	\$0	\$739	-\$739	-100.0%
101-000-000-542-38-51-02	Road Maint (Intergov)	\$462,000	\$18,132	\$400,000	-\$13	\$100,000	-\$100,013	-100.0%
101-000-000-542-63-47-01	Electricity	\$22,000	\$34,975	\$0	\$0	\$0	\$0	
101-000-000-542-64-31-11	Signs	\$0	\$3,067	\$0	\$0	\$0	\$0	
101-000-000-542-64-41-19	Guardrails	\$15,000	\$0	\$15,000	\$0	\$3,750	-\$3,750	-100.0%
101-000-000-542-64-51-02	Traffic Operations (Contract)	\$25,000	\$42,971	\$35,000	\$0	\$8,750	-\$8,750	-100.0%
101-000-000-542-66-51-03	Road Maint Snow & Ice (Intergov)	\$0	\$43,498	\$0	\$0	\$0	\$0	
101-000-000-542-70-31-09	Roadside Supplies - Chemicals	\$3,500	\$0	\$1,000	\$0	\$250	-\$250	-100.0%
101-000-000-542-70-48-04	Road Maint ROW Veg Maint Contractor	\$0	\$23,035	\$10,500	\$4,669	\$2,625	\$2,044	77.9%
101-000-000-542-70-51-04	ROW Veg Maint (Intergov)	\$0	\$117,711	\$5,800	\$0	\$1,450	-\$1,450	-100.0%
101-000-000-542-90-11-01	Salaries and Wages	\$81,355	\$33,198	\$88,220	\$22,055	\$22,055	\$0	0.0%
101-000-000-542-90-21-01	Medicare	\$1,180	\$480	\$39,245	\$9,811	\$9,811	\$0	0.0%
101-000-000-542-90-31-01	Office Supplies	\$0	\$0	\$0	\$0	\$0	\$0	
101-000-000-542-90-31-10	Outdoor Gear	\$0	\$0	\$300	\$0	\$75	-\$75	-100.0%
101-000-000-542-90-35-01	Small Tools/Minor Equipment	\$600	\$650	\$1,000	\$0	\$250	-\$250	-100.0%
101-000-000-542-90-42-01	Telephone	\$750	\$864	\$750	\$199	\$188	\$12	6.4%
101-000-000-542-90-43-03	Mileage Reimbursement	\$850	\$881	\$150	\$132	\$38	\$95	252.7%
101-000-000-542-90-49-01	Memberships	\$250	\$0	\$2,000	\$0	\$500	-\$500	-100.0%
101-000-000-542-90-94-01	Central Services Allocation	\$0	\$0	\$63,154	\$0	\$15,788	-\$15,788	-100.0%
Capital Roads	Fund Total	\$619,125	\$597,059	\$675,575	\$38,898	\$168,894	-\$129,995	-77.0%
340-000-000-595-80-41-02	STPUL HLP 3290(010) Jovita Seismic Walls Constr	\$0	\$57,607	\$0	\$6,023	\$0	\$6,023	
340-000-000-595-80-63-01	STPUL HLP 3290(010) Jovita Seismic Walls Constr	\$0	\$917,355	\$0	\$4,250	\$0	\$4,250	

Account Number	Description	Budget 2016	Actual 2016	Budget 2017	Actual 2017	Quarter to Date Budget	Actual Over/(Under)	Actual % Over/(Under)
Surface Water	Fund Total	\$0	\$974,962	\$0	\$10,273	\$0	\$10,273	#DIV/0!
410-000-000-531-38-11-01	Salaries and Wages	\$91,692	\$97,711	\$204,934	\$51,234	\$51,234	\$0	0.0%
410-000-000-531-38-21-01	Benefits	\$1,330	\$1,416	\$95,607	\$23,902	\$23,902	\$0	0.0%
410-000-000-531-38-31-01	Operational Supplies	\$2,000	\$3,229	\$2,000	\$266	\$500	-\$234	-46.7%
410-000-000-531-38-31-09	Chemicals	\$7,000	\$5,356	\$1,000	\$0	\$250	-\$250	-100.0%
410-000-000-531-38-31-10	Outdoor Gear	\$500	\$0	\$500	\$92	\$125	-\$33	-26.2%
410-000-000-531-38-32-01	Fuel	\$1,500	\$802	\$1,000	\$0	\$250	-\$250	-100.0%
410-000-000-531-38-35-04	Software - Computer	\$2,000	\$1,712	\$0	\$0	\$0	\$0	
410-000-000-531-38-35-05	Equipment - Surface Water	\$4,000	\$5,186	\$1,000	\$1,389	\$250	\$1,139	455.8%
410-000-000-531-38-41-01	Professional Service	\$5,000	\$16,934	\$15,000	\$3,691	\$3,750	-\$59	-1.6%
410-000-000-531-38-41-02	Prof. Service-Plan Update	\$150,000	\$75,399	\$120,000	\$5,985	\$30,000	-\$24,015	-80.1%
410-000-000-531-38-41-03	Professional Service - SR161	\$5,500	\$2,041	\$7,500	\$0	\$1,875	-\$1,875	-100.0%
410-000-000-531-38-42-01	Telephone Charges	\$500	\$720	\$0	\$166	\$0	\$166	
410-000-000-531-38-43-01	Training/Travel Costs	\$2,000	\$1,601	\$2,000	\$0	\$500	-\$500	-100.0%
410-000-000-531-38-43-03	Mileage Reimbursement	\$2,000	\$2,057	\$500	\$309	\$125	\$184	146.9%
410-000-000-531-38-47-01	Dump Site Fees	\$500	\$0	\$500	\$0	\$125	-\$125	-100.0%
410-000-000-531-38-48-01	Repair & Maintenance Costs	\$750	\$650	\$750	\$0	\$188	-\$188	-100.0%
410-000-000-531-38-48-04	Equipment Repairs	\$500	\$0	\$500	\$0	\$125	-\$125	-100.0%
410-000-000-531-38-49-01	Memberships	\$350	\$260	\$500	\$0	\$125	-\$125	-100.0%
410-000-000-531-38-49-02	Non NPDES Permit Fees	\$10,000	\$9,879	\$14,000	\$0	\$3,500	-\$3,500	-100.0%
410-000-000-531-38-49-09	Misc. Fees & Charges	\$0	\$0	\$1,000	\$0	\$250	-\$250	-100.0%
410-000-000-531-38-51-01	PC SW PT Interlocal Collection Fee	\$70,000	\$53,698	\$150,000	\$29,717	\$37,500	-\$7,783	-20.8%
410-000-000-531-38-51-02	Drain Maint (Intergov)	\$320,000	\$114,997	\$250,000	\$0	\$62,500	-\$62,500	-100.0%
410-000-000-531-38-51-03	Structure Maint (Intergov)	\$0	\$153,233	\$75,000	\$0	\$18,750	-\$18,750	-100.0%
410-000-000-531-38-51-04	Ponds Maint (Intergov)	\$100,000	\$9,007	\$25,000	\$0	\$6,250	-\$6,250	-100.0%
410-000-000-531-38-51-05	Erosion Maint (Intergov)	\$0	\$493	\$0	\$0	\$0	\$0	
410-000-000-531-38-94-01	Central Services Allocation	\$0	\$0	\$146,293	\$0	\$36,573	-\$36,573	-100.0%
410-000-000-531-78-51-07	Polution Control (Intergov)	\$0	\$2,464	\$2,500	\$0	\$625	-\$625	-100.0%
410-000-000-531-91-51-02	NPDES Permit Fees	\$4,000	\$12,007	\$6,500	\$0	\$1,625	-\$1,625	-100.0%
410-000-000-594-31-63-07	Land Impr-Jovita Rehab/Seismic Walls	\$105,000	\$0	\$0	\$0	\$0	\$0	
410-000-000-594-31-64-04	Equipment	\$0	\$52,025	\$335,000	\$0	\$83,750	-\$83,750	-100.0%
410-000-000-594-31-64-64	Infrastructure Spot Improvement	\$0	\$0	\$0	\$13,205	\$0	\$13,205	
410-000-000-597-00-00-02	Transfer Out - Civic Center Bond	\$0	\$0	\$12,044	\$0	\$3,011	-\$3,011	-100.0%
LID NO. 1	Fund Total	\$886,122	\$622,877	\$1,470,628	\$129,956	\$367,657	-\$237,701	-64.7%
411-000-000-535-10-41-02	Legal Services	\$108,171	\$23,313	\$15,000	\$438	\$3,750	-\$3,312	-88.3%
411-000-000-591-35-71-01	USDA-RD GO Principal Payments	\$29,412	\$75,920	\$78,957	\$0	\$19,739	-\$19,739	-100.0%
411-000-000-591-35-73-01	USDA-RD LID Principal Payments	\$78,957	\$475,241	\$494,251	\$0	\$123,563	-\$123,563	-100.0%
411-000-000-591-35-78-01	Principal USDA/RD Loan Payment	\$193,566	\$0	\$0	\$0	\$0	\$0	
411-000-000-591-35-78-02	Principal PWTF Loan Payment	\$300,685	\$29,412	\$29,412	\$0	\$7,353	-\$7,353	-100.0%
411-000-000-592-35-83-02	Interest PWTF Loan Payment	\$1,912	\$1,912	\$1,912	\$0	\$478	-\$478	-100.0%
411-000-000-592-35-83-03	USDA/RD Loan Interest Payment	\$607,953	\$630,000	\$607,953	\$0	\$151,988	-\$151,988	-100.0%
411-000-000-597-00-00-02	Transfer Out - LID Bond Reserve	\$118,116	\$0	\$118,116	\$0	\$29,529	-\$29,529	-100.0%

Account Number	Description	Budget 2016	Actual 2016	Budget 2017	Actual 2017	Quarter to Date Budget	Actual Over/(Under)	Actual % Over/(Under)
	Fund Total	\$1,438,772	\$1,235,798	\$1,345,601	\$438	\$336,400	-\$335,962	-\$7
	Grand Total	\$6,840,468	\$7,355,929	\$7,766,653	\$1,001,897	\$1,941,663	-\$947,004	

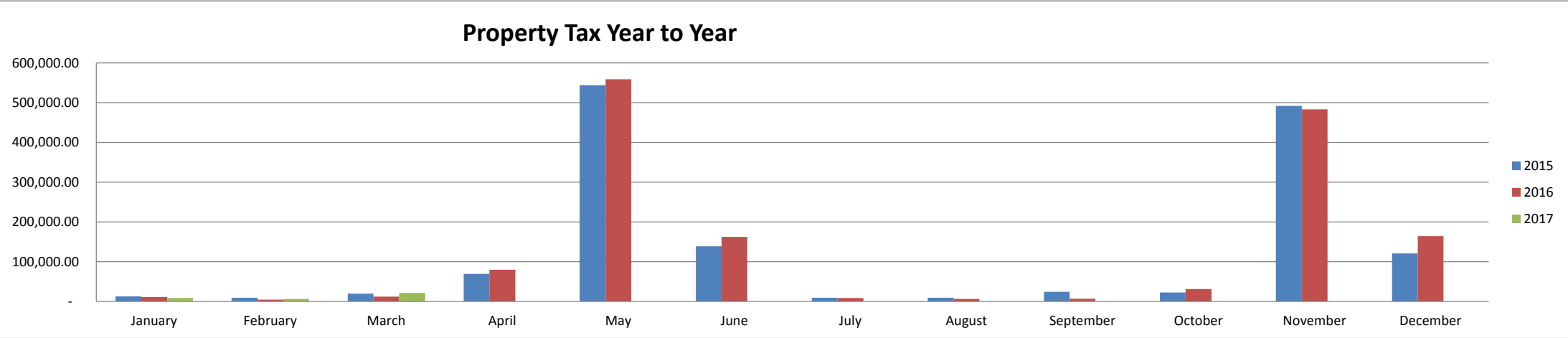
Local/Parks Sales Tax Collection

	January	February	March	April	May	June	July	August	September	October	November	December	Total	Budget	Difference over/(under)	% Of Budget
2013	5,693.91	5,381.70	7,039.01	5,405.93	5,360.10	6,434.19	5,893.50	6,075.59	6,438.01	6,471.93	6,410.33	6,643.45	73,247.65	66,000.00	7,247.65	111.0%
2014	6,125.68	5,981.22	7,546.14	5,757.45	5,780.53	6,664.80	6,180.71	6,603.80	6,857.46	6,764.38	6,768.38	6,976.75	78,007.30	66,000.00	12,007.30	118.2%
2015	6,445.85	6,079.00	7,917.95	6,100.28	5,976.97	7,034.57	6,567.50	6,898.02	7,847.27	7,462.82	7,249.01	7,680.45	83,259.69	77,700.00	5,559.69	107.2%
2016	7,032.91	6,761.15	8,590.71	6,287.16	6,711.42	7,588.50	7,207.08	7,345.17	8,030.83	7,810.48	7,832.62	8,191.73	89,389.76	77,700.00	11,689.76	115.0%
2017	7,299.25	7,348.10	9,363.65										24,011.00	85,000.00	(60,989.00)	28.2%
															YTD Budget %	25.0%



Monthly Property Tax Collection Year Over Year

Property Tax Receipts													Total	Budget	over/(under)	% Of Budget
January	February	March	April	May	June	July	August	September	October	November	December					
2014	12,715.29	9,006.04	28,039.20	90,969.08	477,265.49	154,435.12	7,009.15	7,439.45	5,481.76	23,180.72	492,210.05	115,868.50	1,423,619.85	1,400,000.00	23,619.85	101.7%
2015	12,580.89	9,189.94	20,005.94	69,168.43	544,140.43	138,966.34	9,220.11	9,283.68	24,177.34	22,681.85	492,017.55	120,641.10	1,472,073.60	1,425,000.00	47,073.60	103.3%
2016	11,203.53	4,954.57	12,277.78	79,967.50	559,061.75	162,771.68	8,510.31	6,621.39	7,094.93	31,208.47	483,365.79	164,254.76	1,531,292.46	1,506,712.00	24,580.46	101.6%
2017	8,884.46	6,516.71	21,271.73										36,672.90	1,577,690.00	(1,541,017.10)	2.3%
													-		YTD Budget %	25.0%



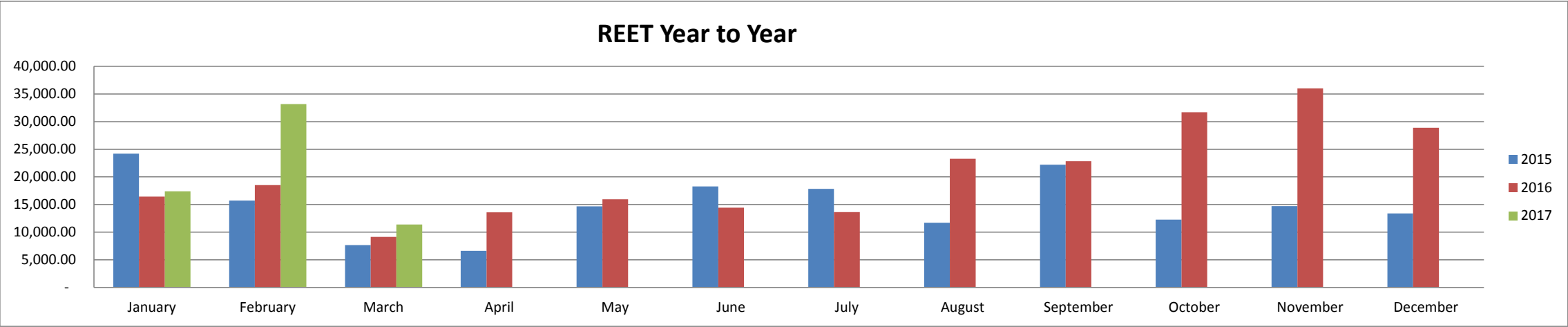
Monthly Real Estate Excise Tax Collection Year Over Year

Fund 130 REET1 (first 1/4% tax)

	January	February	March	April	May	June	July	August	September	October	November	December	Total	Budget	Difference over/(under)	% Of Budget
2014	11,973.31	9,737.53	5,475.83	3,970.51	7,924.40	13,397.90	14,983.26	12,198.79	15,071.28	11,312.81	13,081.10	9,752.18	128,878.90	110,000.00	18,878.90	117.2%
2015	24,188.60	15,702.03	7,665.08	6,624.84	14,684.31	18,276.73	17,843.02	11,711.70	22,206.78	12,253.70	14,710.45	13,372.36	179,239.60	135,754.00	43,485.60	132.0%
2016	16,415.33	18,502.44	9,150.40	13,576.76	15,946.25	14,422.93	13,625.36	23,292.45	22,826.37	31,672.21	35,999.98	28,900.43	244,330.90	175,858.00	68,472.90	138.9%
2017	17,392.69	33,187.90	11,371.24										61,951.83	175,856.00	(113,904.17)	35.2%
															YTD Budget %	25.0%

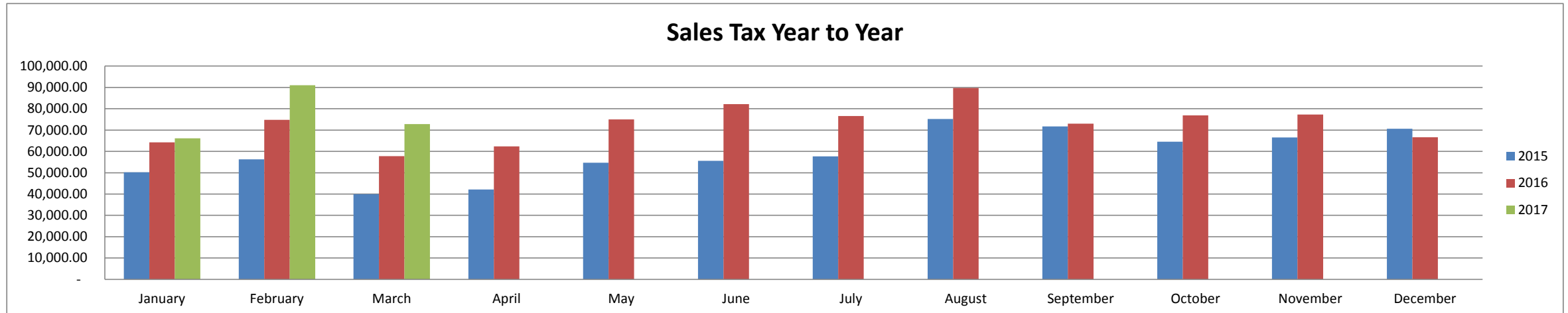
Fund 132 REET2 (second 1/4% tax)

	January	February	March	April	May	June	July	August	September	October	November	December	Total	Budget	Difference over/(under)	
2014	11,973.29	9,737.50	5,475.82	3,970.50	7,924.36	13,397.89	14,983.24	12,198.79	15,071.28	11,312.78	13,081.08	9,752.17	128,878.70	110,000.00	18,878.70	117.2%
2015	24,188.57	15,702.00	7,665.07	6,624.82	14,684.28	18,276.73	17,843.02	11,711.70	22,206.78	12,253.70	14,710.45	13,372.36	179,239.48	135,754.00	43,485.48	132.0%
2016	16,415.33	18,502.44	9,150.36	13,576.76	15,946.25	14,422.93	13,625.36	23,292.45	22,721.36	31,672.20	35,999.38	28,901.03	244,225.85	175,858.00	68,367.85	138.9%
2017	17,392.68	33,187.88	11,371.21										61,951.77	175,857.00	(113,905.23)	35.2%
															YTD Budget %	25.0%



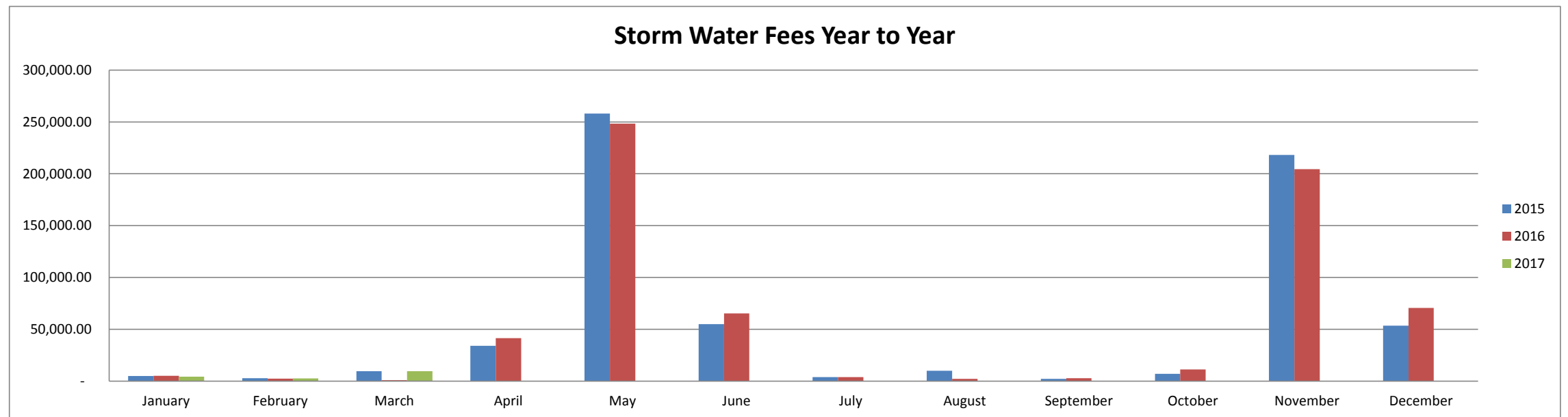
Monthly Sales Tax Collection

	January	February	March	April	May	June	July	August	September	October	November	December	Total	Budget	Year-To-Date Difference over/(under)	% Of Budget
2014	36,391.84	48,129.62	39,465.12	48,148.24	42,678.78	34,512.65	41,699.06	38,964.97	42,994.87	40,412.78	44,930.42	48,929.86	507,258.21	438,000.00	69,258.21	115.8%
2015	50,255.78	56,309.51	39,937.04	42,167.44	54,660.08	55,558.39	57,665.95	75,155.12	71,676.29	64,555.12	66,491.14	70,633.76	705,065.62	506,116.00	198,949.62	139.3%
2016	64,263.55	74,801.64	57,823.65	62,355.17	75,050.54	82,141.62	76,554.81	89,737.40	72,994.04	76,928.27	77,302.89	66,673.85	876,627.43	800,000.00	76,627.43	109.6%
2017	66,151.15	91,055.90	72,773.93										229,980.98	875,000.00	(645,019.02)	26.3%
															Budgeted %	25.0%



Storm Water Fees Comparison

	January	February	March	April	May	June	July	August	September	October	November	December	Total	Budget	Difference over/(under)	% Of Budget
2014	4,742.27	3,769.53	12,701.24	43,174.04	233,557.41	62,161.38	2,927.15	4,428.63	2,743.95	6,429.53	226,352.17	49,345.11	652,332.41	640,000.00	12,332.41	101.9%
2015	4,929.96	2,762.91	9,432.10	33,949.49	258,028.93	54,947.29	3,784.95	9,853.96	2,197.66	7,060.40	218,067.84	53,419.49	658,434.98	655,000.00	3,434.98	100.5%
2016	5,075.91	2,258.50	950.89	41,436.46	248,233.94	65,338.65	3,877.43	2,147.50	2,751.60	11,276.33	204,464.14	70,562.85	658,374.20	661,550.00	(3,175.80)	99.5%
2017	4,334.70	2,645.63	9,480.93										16,461.26	661,551.00	(645,089.74)	2.5%
															YTD Budget %	25.0%





**CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-0368**

Date Action Requested: April 25, 2017

Title: Map Error Fix Resolution

Attachments: Resolution 17-0368

Submitted By: Kevin Stender, Community Development Director

Approved For Agenda By: Daryl Eiding, Mayor

Prepared For Agenda By: Kevin Stender, Community Development Director

Recommendation: Move to adopt Resolution 17-0368, amending the City's Comprehensive Land Use Map consistent with Ordinance No. 13-0402, to change the land use designation of a parcel from Town Center/Single Family Moderate to Mixed Residential Moderate on the comprehensive plan land use map, providing for severability and establishing an effective date.

Discussion: Staff found an error in the City Comprehensive Plan Land Use map when researching for a pre-application meeting for a specific property/project. Upon finding that error, Staff discussed what the appropriate fix would be to address the error and fix the map accordingly. This resolution of the Council will address the error and permit Staff to formally fix the Comprehensive Plan Land Use Map as originally intended when the Council passed the Ordinance approving the action in 2013. This was discussed at the Planning Commission level as well as at the April 18, 2017 Council Study Session.

Alternatives: 1) Do not adopt. 2) Forward to Study Session for further review

Fiscal Impact: N/A

RESOLUTION NO. 17-0368

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, AMENDING THE CITY'S COMPREHENSIVE LAND USE MAP CONSISTENT WITH ORDINANCE NO. 13-0402, TO CHANGE THE LAND USE DESIGNATION OF A PARCEL FROM TOWN CENTER/SINGLE FAMILY MODERATE TO MIXED RESIDENTIAL MODERATE ON THE COMPREHENSIVE PLAN LAND USE MAP, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on December 27, 2012, the City of Edgewood received a Comprehensive Plan map amendment application from Christine Phillips for the property located at 10304 24th Street East, to change the Comprehensive Plan land use map designation from a split designation on the land use map designation of Town Center, Single Family Moderate, to a proposed Mixed Residential Moderate designation, as shown on Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, during the Comprehensive Plan amendment review process in 2013, the Planning Commission reviewed that application concurrently with the other comprehensive plan amendments; and

WHEREAS, a State Environmental Policy Act (SEPA) checklist was prepared and a Determination of Nonsignificance (DNS) was issued, a legal notice was published in the City's official newspaper on July 17, 2013, and no appeals were filed; and

WHEREAS, notice of intent to adopt in accordance with the procedures for 60 day review was transmitted to the Washington State Department of Commerce, Growth Management Division, and other state agencies on July 18, 2013; and

WHEREAS, the City encouraged public participation and provided information on the Comprehensive Plan amendments on its website throughout the City's annual review process; and

WHEREAS, the Planning Commission held public meetings and held a public hearing on August 5, 2013 on the Comprehensive Plan Amendments, including the Phillips Land Use map amendment; and

WHEREAS, the Planning Commission recommended approval of the 2012 Comprehensive Plan Amendments at the August 26, 2013 regular council meeting; and

WHEREAS, the Council held a Public Hearing on the 2012 Comprehensive Plan Land Use Amendment at the October 22, 2013 meeting to receive comments for and against the proposed Comprehensive Plan amendments; and

WHEREAS, as a result of the City's efforts, the public had extensive opportunities to participate in the Comprehensive Plan amendment process and all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

WHEREAS, the City Council adopted the Planning Commission's Findings and adopted Ordinance 13-0402, the 2012 Comprehensive Plan Amendments including the Phillips land use map changes on the subject discussed above; and

WHEREAS, the City did not complete the map changes approved by the City Council by preparing the appropriate Comprehensive Plan Land Use Map changes in 2013 and again missed that opportunity during the major comprehensive plan amendment process in 2015; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Map Correction. The Council directs the City Staff to make the appropriate map corrections originally approved by Ordinance 13-0402 shown on the Comprehensive Plan land use map as split-zoned as Town Center and Single Family Moderate to Mixed Residential Moderate identified as the Phillips application in the 2012 Comprehensive Plan Amendment Exhibit A.

Section 2. Effective Date. This resolution will take effect immediately upon passage by the City Council.

ADOPTED THIS 25TH DAY OF APRIL, 2017

Daryl Eiding, Mayor

ATTEST:

Rachel Pitzel, City Clerk

Exhibit A
Ordinance No. 13-0402

Comprehensive Land Use Map Change – Affecting Parcel # 0420107031 and 0420107030

