

CITY COUNCIL MEETING

**June 12, 2009
7:00 P.M.**

AGENDA

City of



“Where Dreams Can Soar”

The City of Bonney Lake’s Mission is to protect the community’s livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

Website: www.ci.bonney-lake.wa.us

SIGN-UP TO SPEAK FOR SPECIFIC ACTION ITEMS ON THE AGENDA: If you have signed-up prior to the Council meeting to speak with respect to a particular ordinance or resolution appearing on the agenda, you will be recognized to address the Council for up to one minute before the Council takes action on that item. Those wishing to address such items on the “Consent Agenda” should do so during the “Citizen Comments” portion of the Agenda. If the Council chooses to discuss the item further after taking comments, they may restrict additional public comment before taking action. Please look for the sign-up sheets near the Council Chamber doorway. (See Item II B. for Citizen Comments on other items of City business.)

I. CALL TO ORDER – Mayor Neil Johnson, Jr.

A. Flag Salute – Mayor Neil Johnson, Jr.

B. Roll Call:

Elected Officials: Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember Jim Rackley.

[Management Staff expected to be in attendance: City Administrator Don Morrison, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Administrative Services Director/City Clerk Harwood Edvalson, Community Services Director Gary Leaf, and City Attorney Jim Dionne.]

C. Announcements, Appointments and Presentations:

1. Announcements:

- a. Proclamation: **Panther Day – June 18, 2009.**
- b. Proclamation: **“Paint the Town Purple – Relay for Life” – June 24, 2009.**

2. Appointments:

- a. **AB09-93** – A Motion of the Bonney Lake City Council Ratifying the Mayor’s Appointment of Raymond Bunk III to the Civil Service Commission.

3. Presentations:

- a. **Government Finance Officers of America Budget Award.**

D. Agenda Modifications:

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings:

1. **AB09-92 – Resolution 1950** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Surplus Property in Accordance with the Provisions Outlined in BLMC 2.70.100.

- B. Citizen Comments:
You may address the City Council on matters of City business for up to 5 minutes. Those commenting about ordinances or resolutions on the "Consent Agenda" should limit their comments to one minute per item. When recognized by the Mayor, please state your name and address for the official record. Designated representatives speaking on behalf of a group may take up to 10 minutes on matters of general City business.
- C. Correspondence: [A 1.2]

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee
 B. Community Development Committee
 C. Public Safety Committee
 D. Other Reports

IV. CONSENT AGENDA:

The items listed below may be acted upon by a single motion and second of the City Council. By simple request to the Chair, any Councilmember may remove items from the Consent Agenda for separate consideration after the adoption of the remainder of the Consent Agenda items.

- A. **Approval of Corrected Minutes:** Council Workshop of April 21st, Council meetings of April 28th, May 12th and May 26th.
- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #55699 thru 55763 (including wire transfer #'s 111565, 5192009 & 25212611) in the amount of \$1,198,772.10; Accounts Payable checks/voucher #55764 thru 55831 in the amount of \$12,465.01.
- C. **Approval of Payroll:** Payroll for May 16th-31st, 2009 for checks 28238-28272 including Direct Deposits and Electronic Transfers in the amount of \$ 575,771.38.
- D. **AB09-88 – Ordinance D09-88** – An Ordinance of the City of Bonney Lake, Pierce County, Washington Amending Bonney Lake Municipal Code Sections 14.50.030, 14.70.040, 14.80.040, 14.120.020, 14.140.050, Repealing Sections 14.50.040, 14.70.050, 14.80.050, 14.90.060, and Chapter 16.04, and Adding a New Chapter 16.04 to Clarify the Procedures for Administrating the State Environmental Protection Act.
- E. **AB09-80 – Resolution 1944** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing an Agreement with Washington State Department of Licensing to Access the Internet for Data Sharing Information Processing System (IHPS).
- F. **AB09-91 – Resolution 1949** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the City to Electronically Submit a Grant Application for \$15,000 in Connection with the State Farm Good Neighbor Citizenship Grant Program.
- G. **AB09-89** – A Motion of the Bonney Lake City Council to Approve the Draft Scope of Work and Draft Grant Agreement with the Department of Ecology Related to the Major Update of the City's Shoreline Master Plan.
- H. **AB09-90** – A Motion of the Bonney Lake City Council Canceling the June 23rd Regular Council Meeting.

V. FINANCE COMMITTEE ISSUES:

- A. **AB09-92 – Resolution 1950** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Surplus Property in Accordance with the Provisions Outlined in BLMC 2.70.100.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES:

- A. **AB09-94 – Ordinance D09-94** – An Ordinance of the City of Bonney Lake, Pierce County, Washington Amending Chapter 9.23 of the Bonney Lake Municipal Code to Criminalize Domestic Violence in the Presence of Children and Domestic Violence Strangulation.

VIII. FULL COUNCIL ISSUES:

- A. **AB09-84 – Ordinance D09-84** – An Ordinance of the City of Bonney Lake, Pierce County, Washington Relating to Cancellation of Workshops and Amending Chapter 2.04 of the Bonney Lake Municipal Code and Ordinance No. 1061 § 1.
- B. **AB09-95** – A Motion of the Bonney Lake City Council Designating an Alternate Delegate to the AWC Annual Conference Business Meeting.

IX. EXECUTIVE SESSION: Pursuant to RCW 42.30.110, the City Council may hold an executive session. The topic(s) and the session duration will be announced prior to the executive session.

X. ADJOURNMENT

For citizens with disabilities requesting translators or adaptive equipment for communication purposes, the City requests notification as soon as possible of the type of service or equipment needed.

THE COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA



PROCLAMATION

WHEREAS, Bonney Lake High School is preparing to graduate its third class of seniors; and

WHEREAS, Bonney Lake High School makes a broad range of extracurricular activities including clubs, musical groups and dramatic events, sports teams and sports activities available to the youth it serves; and

WHEREAS, Activities at Bonney Lake High add an important dimension to the physical, mental and social development of many youth; and

WHEREAS, Bonney Lake High School students and teams have distinguished themselves in competitions in the district, region and state, and

WHEREAS, The City of Bonney Lake wishes to honor its namesake high school and congratulate all those associated with its successes.

*NOW, THEREFORE, I, Mayor Neil Johnson Jr, by virtue of the authority vested in me by the City of Bonney Lake, do hereby proclaim **June 18, 2009 as Bonney Lake Panther Day – GO PANTHERS!**, and extend congratulations to Bonney Lake High School students, teachers, coaches and administrators, and encourage residents and businesses to support Bonney Lake High School as an important asset of the community.*

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Bonney Lake to be affixed this 12th day of June, 2009.

Neil Johnson, Jr., Mayor



Proclamation

In recognition and support of the American Cancer Society Relay For Life

Whereas, Relay For Life is the signature activity of the American Cancer Society and honors cancer survivors (anyone who has ever been diagnosed with cancer) and remembers those lost to the disease; and

Whereas, There are an estimated 10.5 million Americans with a history of cancer alive today; and

Whereas, This year alone, more than 1.4 million new cases of cancer will be diagnosed in the United States; and 32,380 new cases of cancer will be diagnosed in the State of Washington.

Whereas, Money raised during the American Cancer Society Relay For Life of Sumner/Bonney Lake helps support research, education, advocacy and patient services; and

Whereas, Relay For Life helps fund more than \$100 million in cancer research each year; and

Now, Therefore, I

Mayor Neil Johnson, Mayor of the City of Bonney Lake



do hereby proclaim Wednesday, June 24, 2009 to be,

“Paint the Town Purple Day”

In Bonney Lake, WA and encourage all citizens to join in this observance.

**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> ASD / Jenna Young	<u>Workshop / Meeting Date:</u> 09 Jun 2009	<u>Agenda Bill Number:</u> AB09-93
<u>Ordinance Number:</u>	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: Appointment of Raymond Bunk to Civil Service Commission

Proposed Motion: Council confirmation of the Mayor's appointment of Raymond Bunk III as a Civil Service Commissioner.

Administrative Recommendation: Approve

Background Summary: While appointments to the Civil Service Commission do not require Council confirmation of the Mayor's appointment, the Mayor would like to continue to forge unilateral support for the members of the various boards and commissions. Mayor Johnson has consistently sought Council confirmation for all his appointments.

Mr. Bunk has been appointed to fill a vacancy on the City's Civil Service Commission. The term for this position expires in April of 2012. The application for the appointee is attached.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
N/A	N/A	N/A	N/A
Budget Explanation:			
N/A			

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: -
 Commission/Board Review Date: -
 Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s):
 Meeting Date(s):

Public Hearing Date(s):
 Tabled To Date:

Signatures:

Director Authorization 	Mayor 	Date City Attorney Reviewed <i>N/A</i>
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CITY OF



APPLICATION FOR MEMBERSHIP

Civil Service Commission
CITY BOARD OR COMMISSION

(Please Print)

NAME Raymond R. Bunk III DATE 16 April 2009

ADDRESS _____ HM. PHONE _____

Bonney Lake, WA ZIP 98391 WK. PHONE Same

City Resident? NO YES How Long? 3.75 years Registered Voter? YES NO

Name of Employer City of Federal Way

Employer Address 33325 8th Ave S, Federal Way, WA 98003

Education Background Masters of Business Administration, Pacific Lutheran University (2006), Bachelor of Arts, Fire Prevention Technology / Fire Department Administration, (minor Law Enforcement and Justice Administration) Western Illinois University (2001), Associates of Applied Science, Fire Science, The Community College of the Air Force (1999).

Professional Experience Police Officer, City of Federal Way (7 years). Commissioner, Pierce County Fire District 22, (East Pierce Fire and Rescue), United State Air Force Firefighter (Active Duty and Reserve) (12 years).

Organization Affiliations Washington State Youth Academy (mentor since 2008), "Kick for Nick," Puget Sound Chapter (co-chair since 2007), Greater Pierce County Community Network (member 2006 - 2009), City of Bonney Lake Design Commission (member since 2008), Veterans of Foreign Wars (Lifetime Member since 2007), City of Bonney Lake "No Charter" Committee (freeholder candidate and active participant in 2008 - 2009), Pacific Lutheran - PLUS Business Alumni Association (member since 2006), Air Force Sergeants Association (member since 1997).

Why Are You Seeking Appointment? I am interested in seeking appointment because I truly enjoy serving my community and it has always been important to me to do this. I have been involved in emergency services for 19 years and I believe my knowledge in the fire and police services would serve the commission well. I further want to continue to learn more about local government and the manner in which the City of Bonney Lake operates.

General Remarks Due to my career as a police officer, please do not publish my address or phone number in any manner. If you need a publishable address or one for permanent record, I have a Post Office Box that I utilize. Thank you for your consideration for this position.

SIGNATURE

19306 Bonney Lake Blvd P.O. Box 7380 Bonney Lake, WA 98391-0944
Phone (253) 862-8602 Fax (253) 862-8538





Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

March 29, 2009

Mr. Don Morrison
City Administrator
City of Bonnev Lake
19306 Bonney Lake Boulevard
Bonney Lake, WA 98391-8850

Dear Mr. Morrison:

A Panel of independent reviewers has completed its examination of your budget document. We are pleased to inform you that the panel has voted to award your budget document the Distinguished Budget Presentation Award for the current fiscal period. This award is the highest form of recognition in governmental budgeting. Its attainment represents a significant achievement by your organization.

The Distinguished Budget Presentation Award is valid for two years. To continue your participation in the program, it will be necessary to submit your next biennial budget document to GFOA within 90 days of the proposed budget's submission to the legislature or within 90 days of the budget's final adoption. Enclosed is an application form to facilitate a timely submission. This form should be submitted with four copies of your budget accompanied by the appropriate fee.

Each program participant is provided with confidential comments and suggestions for possible improvements to the budget document. Your comments are enclosed. We urge you to carefully consider the suggestions offered by our reviewers as you prepare your next budget.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. Enclosed is a Certificate of Recognition for Budget Preparation for:

The Honorable Neil Johnson, Jr., Mayor
Executive Department
Finance Department

Your award plaque will be mailed separately and should arrive within eight to ten weeks. Enclosed is a camera-ready reproduction of the award for inclusion in your next budget. If you reproduce the camera-ready in your next budget, it should be accompanied by a statement indicating continued compliance with program criteria.

The following standardized text should be used:

Mr. Don Morrison

March 29, 2009

Page 2

The Government Finance Officers Association of the United States and Canada (GFOA) presented a Distinguished Budget Presentation Award to **City of Bonney Lake, Washington** for its biennial budget for the biennium beginning **January 1, 2009**. In order to receive this award, a governmental unit must publish a budget document that meets program criteria as a policy document, as an operations guide, as a financial plan, and as a communications device.

This award is valid for a period of two years only. We believe our current budget continues to conform to program requirements, and we are submitting it to GFOA to determine its eligibility for another award.

Also enclosed is a press release.

The Government Finance Officers Association encourages you to make arrangements for a formal presentation of the award. If you would like the award presented by a member of your state or provincial finance officers association, we can provide the name of a contact person for that group.

We appreciate your participation in this program and we sincerely hope that your example will encourage others in their efforts to achieve and maintain excellence in governmental budgeting. If we can be of further assistance, please contact the Technical Services Center.

Sincerely,

A handwritten signature in cursive script that reads "Stephen J. Gauthier".

Stephen J. Gauthier, Director
Technical Services Center

Enclosure



GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Distinguished
Budget Presentation
Award*

PRESENTED TO

**City of Bonney Lake
Washington**

For the Biennium Beginning

January 1, 2009

President

Executive Director



**PUBLIC HEARING:
12 June 2009**

**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> Exec / Brian Hartsell	<u>Workshop / Meeting Date:</u> 09 Jun 2009	<u>Agenda Bill Number:</u> AB09-92
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 1950	<u>Councilmember Sponsor:</u>

Agenda Subject: Authorization to Surplus City Vehicles

Proposed Motion: A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing the mayor to surplus vehicles to the State of Washington, General Administration (GA) surplus program.

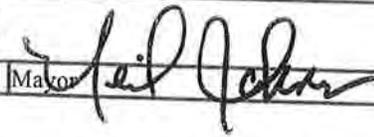
Administrative Recommendation: Authorize surplus of vehicles detailed in attached list.

Background Summary: The City of Bonney Lake has multiple vehicles that currently reside unused at the Moriarty Property adjacent to Allan Yorke Park. To create space on the city property, to remove the eyesores they create, and to salvage any remaining value they may still have, it is recommended that these vehicles be declared surplus and disposed through the State's General Administration surplus program. In all cases the city either has no practical use for the vehicles, have replaced the vehicles, or the vehicles are no longer serviceable. The attached list details the vehicles recommended for surplus.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
Budget Explanation:			

<u>COMMITTEE/BOARD REVIEW:</u>
Subcommittee Review Date: -
Commission/Board Review Date: -
Hearing Examiner Date:

<u>COUNCIL ACTION:</u>	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled To Date:

Signatures:		
Director Authorization	Mayor	Date City Attorney Reviewed

RESOLUTION NO. 1950

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SURPLUS PROPERTY IN ACCORDANCE WITH THE PROVISIONS OUTLINED IN BLMC 2.70.100.

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington, does hereby resolve that the vehicles and equipment listed in Exhibit "A" are surplus to the City's needs and hereby authorizes the mayor to dispose of said property through the State's General Administration surplus program

PASSED by the City Council this 9th day of June, 2009.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

Exhibit A--Vehicle Surplus List for Resolution 1950

List is being finalized and will be available for review at Jun 9 Finance Committee Meeting

CITY COUNCIL WORKSHOP

April 21, 2009
5:30 p.m.

MINUTES



"Where Dreams Can Soar"

The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

Website: www.ci.bonney-lake.wa.us

Audio Time Stamp ↓

Call to Order:

Mayor Neil Johnson, Jr. called the Workshop to order at 5:30 p.m.

Roll Call: [A1.3]

Administrative Services Director/City Clerk Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton and Councilmember James Rackley. Councilmember David King was absent.

Councilmember Hamilton moved to excuse Councilmember King from attendance at the Workshop. Councilmember Rackley seconded the motion.

Motion approved 6 – 0.

[Staff Members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Community Development Director John Vodopich, Police Chief Mike Mitchell, Public Works Director Dan Grigsby, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]

5:31:15

1. **Action: AB09-62 – Ordinance 1319** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Adding a New Chapter 3.70 to the Bonney Lake Municipal Code Relating to Temporary Incentives to Encourage Business Investment in Commercial Building. (Tabled from 4/14/09 Council Meeting).

City Administrator Morrison said the item was tabled at the April 14th Meeting due to questions about the definition of commercial retail buildings. City Attorney Dionne said that describing qualified buildings as ‘retail commercial’ uses offers a distinction between retail and residential uses, and is a sufficient definition.

Deputy Mayor Swatman moved to amend all instances of ‘commercial building’ to ‘retail commercial building’ throughout Ordinance 1319. Councilmember Rackley seconded the motion.

Councilmember Hamilton asked what types of businesses would not qualify for the ordinance’s proposed incentives. Businesses that do not generate sales tax would not qualify, nor would professional services or condominiums. Councilmember Carter confirmed that mixed-use buildings can qualify, if at least 50% of the building space is devoted to retail commercial use. City Administrator Morrison said the intent is to increase the sales tax base in the City and incentivize retail businesses.

Motion to amend Ordinance 1319 approved 6 – 0.

**Amended main motion
approved 6 – 0.**

5:37:39

2. **Council Open Discussion.**

Permit Applications

Mayor Johnson said Sonic Burger restaurants submitted their plans to the Permit Center today, and Red Robin restaurants are coming to do a site tour in Bonney Lake in early May, 2009. Plans for a new Hopjacks restaurant are complete; the owners also operate The Rock restaurants, and said Bonney Lake's permit and review process was the quickest they have encountered with any city.

AWC Conference

Councilmember Carter noted that the Association of Washington Cities (AWC) Conference is June 23-26, 2009, and asked who planned to attend. Deputy Mayor Swatman and Councilmembers Carter, Decker and Rackley will attend. Councilmember Carter noted the Council must decide who will serve as voting delegates at the business meeting at the Conference.

Stimulus Funding Updates

Councilmember Carter asked for updates on federal stimulus grant funding. Mayor Johnson said he met with Senator Maria Cantwell's office on April 20, 2009 and will meet with Mary McBride from Senator Patty Murray's office on May 5, 2009. He is waiting to set up a time to meet with Congressman Dave Reichert. He said from what has been made available at this point, the City has so far focused on funds for the Fennel Creek trail and economic development. He said he would keep the Council updated as more information becomes available.

City Property Issue

Deputy Mayor Swatman said Finance Committee will be discussing a piece of property on 192nd Street East where the City is being charged for maintenance costs. He said the City was charged \$4,000 last year for water and sewer, and has paid about \$23,000 in property maintenance costs since 2005. He said this property relates to the property off 192nd that the City purchased as a site for a new City Hall, which was never built there. However, he said it appears the maintenance agreement was signed without Council approval.

Councilmembers discussed whether the City should be paying for property management, and whether the agreement is legal if it was signed without Council authority. City Attorney Dionne said Jeff Ganson is researching the issue and would provide more information to the Council on the agreement. He said his office could draft a letter from the mayor to the property owners regarding this issue.

Noise Complaints

Councilmember Rackley asked for an update on noise complaints related to the Diamond Lounge. Police Chief Mitchell said the department has monitored the Lounge but they have not been violating the City's revised noise ordinance, and the new ordinance has not helped solve the issue. Councilmember Carter said the Public Safety Committee will continue discussing the issue and review other cities' ordinances for possible solutions.

Cancelling Council Workshops

Deputy Mayor Swatman said the Council often has few items on workshop agendas and suggested the Council could revise its rules to allow cancellation of a Workshop with approval from the Deputy Mayor and City Clerk or something similar. City Attorney Dionne said Council Workshops are considered 'record meetings' under State law. He said an open public meeting like this must be cancelled in line with the RCW, with proper public notice. He said he would review the options for Council discussion.

Eastown Sewer Updates

Deputy Mayor Swatman noted that the Washington State legislature has passed a bill that allows cities to participate in utility latecomer's agreements. Mayor Johnson said Director Grigsby is working on background information and options to present to Council once the bill is signed by the governor. Councilmembers noted there are positive and negative aspects to latecomer's agreements, and asked Director Grigsby to also present the differences between a latecomer's agreement and a Local Improvement District.

Cascade Water Alliance

Mayor Johnson said the Lake Tapps homeowner's association is working on an agreement with Cascade Water Alliance that would include an agreement not to fight eminent domain in the legislature. He said the senate passed a bill with an addendum that forces CWA to work out interlocal agreements with each City. He said the City Attorney's office is working with other cities on an agreement, and negotiations are continuing. He said he will meet with the Department of Ecology on April 22, 2009 to discuss water rights. He said one positive note is that CWA seems to want to work with the cities.

6:08:13

3. **Review of Council Minutes:** April 7, 2009 Council Workshop and April 14, 2009 Council Meeting.

The draft minutes were moved forward to the April 28, 2009 meeting for approval with no corrections.

6:08:36

4. **Discussion:** Follow-up to Council Retreat and Goals.

City Administrator Morrison said he created a list of priorities based on input from Councilmembers at the retreat, which is included in the agenda packet. Councilmember Hamilton said it is important to continue working on an interlocal agreement related to urban density. Mayor Johnson said he will work to get discussions with Auburn and Sumner back on track. Councilmember Hamilton noted that the costs of development in Bonney Lake are high, and the City should address long-term needs and costs of maintaining its separate, smaller sewer system. Director Grigsby noted that new Sewer SDC calculations will be ready for Council review soon. He said the calculations show what the City can legally justify charging per state law, but the Council could charge less than the maximum rate.

Deputy Mayor Swatman said organizations must consider systematic changes during hard financial times, and said the budget is still very worrisome to him. He said the approved budget will spend down a portion of the City's savings and assumes 12% sales tax growth in 2012. Mayor Johnson said all City staff are working to trim costs wherever possible, and layoffs are always the last option to consider.

Councilmember Bowen asked if there were any updates related to Pierce Transit bus service. Mayor Johnson said Pierce Transit would prefer not to serve areas like Bonney Lake if they did not have to, and will be setting up community meetings to talk with residents about their services. He said Pierce Transit would prefer to serve routes with high densities only, and not serve areas beyond the 410 corridor. He expressed concern that service levels will drop and encouraged the Council and citizens to attend the community meetings once they are scheduled. Councilmember Carter said area senior citizens she meets always tell her the busses do not connect from SR 410 to other areas, and they can't get home from the SR 410 transit center. She said she has seen multiple people in wheelchairs waiting for busses and wonders how they will be affected.

6:28:19

5. **Discussion:** Naming Policy for Parks and Facilities.

Deputy Mayor Swatman said the ad hoc committee has been working on a naming policy proposal, and wrote a draft in ordinance form. He said they worked out some issues, including defining qualified 'deceased persons' as those who have been deceased for more than two years, requiring at least 6 members of the Council to approve naming a park or facility. He noted that if someone donates something to the City they can include the name as a condition of the donation, but the City has the right to turn it down if they wish. Councilmembers agreed that the draft ordinance is a good start and it should come before the Council in the future.

6:31:57

6. **Executive Session:**

Pursuant to RCW 42.30.110(1) the City Council adjourned to an Executive Session with the City Attorney at 6:32 p.m. to discuss property acquisition and potential litigation. The Executive Session was extended five minutes at 6:48 p.m. The Meeting reconvened at 6:54 p.m. No action was taken.

6:54:40

7. **Adjournment:**

At 6:54 p.m., Councilmember Rackley moved to adjourn the workshop. Councilmember Decker seconded the motion.

Motion approved 6 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to the Council Workshop of April 21, 2009: None.

CITY COUNCIL MEETING

*April 28, 2009
7:00 P.M.*

MINUTES



“Where Dreams Can Soar”

The City of Bonney Lake’s Mission is to protect the community’s livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

Website: www.ci.bonney-lake.wa.us

Audio Time Stamp ↓

I. CALL TO ORDER – Mayor Neil Johnson called the meeting to order at 7:01 p.m.

A. Flag Salute – Mayor Johnson led the audience in the Pledge of Allegiance.

B. Roll Call: [A 1.3]

City Clerk Edvalson called the roll. In addition to Mayor Neil Johnson, Jr., elected officials attending were Deputy Mayor Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember Jim Rackley.

[Staff members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Community Development Director John Vodopich, Police Chief Mike Mitchell, Public Works Director Dan Grigsby, Community Services Director Gary Leaf, Assistant City Attorney Kathleen Haggard, Administrative Services Director/ City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]

C. Announcements, Appointments and Presentations: [A 3.6.9]

1. Announcements:

Mayor Johnson said the Puget Sound Regional Council is holding a general assembly meeting on April 30, 2009 at 4:30 p.m. in Seattle, and asked who from the Council could attend. Councilmember Rackley said he would represent the City at the meeting.

2. Appointments: None.

3. Presentations: None.

D. Agenda Modifications:

7:03:27

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None. [A 3.6.12]

B. Citizen Comments: None. [A 1.5]

C. Correspondence: None. [A 1.2]

7:03:45

III. COUNCIL COMMITTEE REPORTS: [A 3.6.4]

A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening, and discussed Resolution 1939, minutes, water conservation

rebates, a possible sub-meter ordinance, public interaction and surveys, new identity theft rules for utilities customers, expenditures, latecomer agreements and options for an alarm system fee forgiveness program. He said the City's Court and Utilities counters will be open for special hours on Saturday, May 16, 2009 for the city's first 'Customer Service Saturday,' from 9:00 a.m. to 1:00 p.m. Customers can come to City Hall to pay for boat launch passes, court fines, passports and utility bills. Deputy Mayor Swatman noted that the Finance Committee is careful to review all vouchers that are approved for payment.

- B. Community Development Committee: Councilmember Rackley said the committee met on April 16, 2009 and the meeting notes are available online.
- C. Public Safety Committee: Councilmember King said the committee held a special meeting on April 17, 2009 to discuss proposed Justice Assistance Grant (JAG) fund grant projects. The committee recommended that the Mayor authorize purchasing computer monitors for the Court Administrator and for e-ticketing equipment in Police vehicles, with any remaining funds applied to the 800 MHz system tower.
- D. Other Reports:

Pierce County Regional Council

Councilmember Rackley attended the Pierce County Regional Council (PCRC) meeting on April 16, 2009. The meeting included an update on drug management coordination, stimulus funding and potential projects, the 2040 transportation plan, and block grant funding for energy efficiency projects.

Substitute House Bill 1332

Mayor Johnson said that SHB 1332, which relates to eminent domain, has been passed and signed. The bill relates to Cascade Water Alliance issues, and amendments were included in the bill requiring CWA to have an interlocal agreement with cities. He said the bill also allows cities to take legal action if they feel their water resources have been harmed. He said he would update the Council on any other new developments.

7:08:54

IV. CONSENT AGENDA: [A 3.6]

- A. **Approval of Corrected Minutes:** April 7, 2009 Council Workshop and April 14, 2009 Council Meeting.
- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #55200 thru 55289 (including wire transfer #'s 185843, 3172009, 4092009, 4556152 & 9012008) in the amount of \$632,770.94; Accounts Payable checks/vouchers #55290 thru 55340 (including wire transfer #'s 244936, 244937 & 4152009) in the amount of \$210,091.24.
- C. **Approval of Payroll:** Payroll for April 1-15, 2009 for checks 28146-28172 including Direct Deposits and Electronic Transfers in the amount of: \$380,132.58; Correction for Payroll March 16-31, 2009 – Correct Check range is 28112-28145 for the same amount of \$547,884.43.

- D. **AB09-74 – Ordinance 1320** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Adding a New Chapter 12.10 to the Bonney Lake Municipal Code, Establishing a Naming Policy for City Parks, Open Spaces and Other Municipal Facilities.
- E. **AB09-56 – Resolution 1931** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Agreement with Feet First to Provide Educational Services Pursuant to the Safe Routes to School Project.
- F. **AB09-57 – Resolution 1932** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Agreement with the Bicycle Alliance of Washington to Provide Educational Services Pursuant to the Safe Routes to School Project.
- G. **AB09-70 – Resolution 1938** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Agreement with Portland Energy Conservation Inc. for the Wash Wise Water Conservation Program.
- H. **AB09-73 – Resolution 1941** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Contract with Parametrix for the Design of the Eastown Water Main Extension Project.

Councilmember King moved to approve the Consent Agenda. Councilmember Rackley seconded the motion.

**Consent Agenda
approved 7 – 0.**

7:09:20

V. FINANCE COMMITTEE ISSUES:

- A. **AB09-71 – Resolution 1939** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Assignment of Contract Rights and a Stewardship Agreement with Pierce County.

Councilmember Decker moved to approve Resolution 1939. Councilmember King seconded the motion.

Councilmember King noted that the Finance Committee discussed this item and nothing appeared out of order. City Administrator Morrison offered information in response to Finance Committee questions. He said the lot size is 9.7 acres, and the purchase price is \$680,000, of which the City of Bonney Lake pays \$390,000. He said the agreement grants the current owners, the Cimmers, the option to continue renting for one year, after which the City can rent the property at its discretion. The site is the trail head for the Fennel Creek Trail. Community Services Director Leaf said he helped negotiate the agreement with Pierce County. He said the code does not allow properties purchased through the Pierce County Conservation Futures program to be used for 'active recreation,' though the County agreed to let the city install a small playground. The site will include the trail head, parking lot, and a picnic shelter as

well. He said the County was flexible in negotiations, though if the City wants to use the site for any other use, it will have to work with Pierce County.

Motion approved 7 – 0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

7:13:15

VIII. FULL COUNCIL ISSUES:

A. **AB09-76** – A Motion of the Bonney Lake City Council Appointing Voting Delegates to the 2009 AWC Annual Meeting.

Deputy Mayor Swatman nominated Councilmembers Carter and Decker and Deputy Mayor Swatman to serve as voting delegates at the AWC Annual Meeting. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

IX. EXECUTIVE SESSION: None.

7:14:25

X. ADJOURNMENT:

At 7:14 p.m. Councilmember Rackley moved to adjourn the meeting. Councilmember Decker seconded the motion.

Motion approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council Meeting of April 28, 2009: None.

CITY COUNCIL MEETING

May 12, 2009
7:00 P.M.

MINUTES



"Where Dreams Can Soar"

The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

Website: www.ci.bonney-lake.wa.us

Audio Time Stamp ↓

I. **CALL TO ORDER** – Mayor Neil Johnson called the meeting to order at 7:00 p.m.

A. Flag Salute – Mayor Johnson led the audience in the Pledge of Allegiance.

B. Roll Call: [A 1.3]

City Clerk Edvalson called the roll. In addition to Mayor Neil Johnson, Jr., elected officials attending were Deputy Mayor Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember Jim Rackley.

[Staff members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Police Chief Mike Mitchell, Community Development Director John Vodopich, Public Works Director Dan Grigsby, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director/ City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]

C. Announcements, Appointments and Presentations: [A 3.6.9]

1. Announcements: None.

2. Appointments: None.

3. Presentations:

a. Proclamation—National Public Works Week – May 17 – 23, 2009.

Mayor Johnson read the proclamation aloud and presented it to Public Works Crew Leader Curt Roundtree. Assistant Public Works Director Charlie Simpson and Transportation Supervisor Steve Willadson were also in attendance.

D. Agenda Modifications:

Deputy Mayor Swatman moved to add a Motion of the City Council to Cancel the May 19, 2009 Workshop to Full Council Issues, Item C. Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

7:04:10

II. **PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:**

A. Public Hearings: None. [A 3.6.12]

B. Citizen Comments: [A 1.5]

Raymond Frey, 12356 Northup Way, Bellevue, of Halsen Frey LLC, Greenwood and Eastown LLC, gave an update on the downtown Greenwood Development project. He said they are close to an agreement with the City on credits and have submitted their signed agreement to the City for signatures. He said permits for the first phase of construction, a 21 unit building on the North part of the property, should be submitted soon. He said they have secured funding and construction on the project could start within a couple of weeks. Phase 2 of the project, including residential townhomes and flats in the center of the property, could begin in August. Both buildings should be ready and available for rent next year.

George Brown, 18313 Old Sumner-Buckley Hwy, Bonney Lake, owns Thian Thai restaurant and explained there has been an issue with water pooling in the parking lot in the past couple of months. He said the City checked for a possible water main break but found no issues with the main. He said it seems most likely that the water is coming from the property just above his, and noted that the City recently created a new parking area behind the Public Safety Building. He said the ground in that area is hard pan and water cannot seep into the soil. He said he has not seen the environmental study for the parking area but feels certain that this is the source of the water now coming onto his property. He noted it is a new issue and they are concerned about standing water in the lot and under the building. Mayor Johnson said he is aware of the issue and staff are researching the problem, and he would let the Council know what they find out.

- C. Correspondence: None. [A 1.2]

7:12:24

III. **COUNCIL COMMITTEE REPORTS:** [A 3.6.4]

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and forwarded Resolution 1945 and 1946 to a future Council Meeting. Also discussed were civil fines for mandatory garbage service, a proposed sub-meter ordinance, and outstanding accounts receivables and collection options.
- B. Community Development Committee: Councilmember Rackley said the committee met on May 4, 2009 and forwarded Resolution 1942 to the Consent Agenda.
- C. Public Safety Committee: Councilmember King said the committee has not met since the last Council Meeting. The committee meets next on June 1, 2009 at 5:00 p.m.
- D. Other Reports:

Puget Sound Regional Council

Councilmember Rackley attended the PSRC meeting on April 30, 2009. The group elected new officers and approved the 2010-11 budget and some bylaw changes.

Communities for Families

Councilmember Carter attended the Communities for Families meeting in early May. The high school needs people to judge senior projects; Mayor Johnson is judging on May 20, 2009. She said opportunities for youth including jobs, Police Explorers, and

scholarships, are currently available. She encouraged anyone interested in these opportunities to contact the school district for more information.

7:16:20

IV. CONSENT AGENDA: [A 3.6]

- A. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #55341 thru 55403 in the amount of \$455,778.03; Accounts Payable checks/voucher #55404 for a utility refund in the amount of \$58.92; Accounts Payable checks/vouchers #55405 thru 55492 (including wire transfer #'s 4282009 & 24915127) in the amount of \$262,502.96; and Accounts Payable checks/voucher #55493 for a utility refund in the amount of \$61.17.
- B. **Approval of Payroll:** Payroll for April 16-30, 2009 for checks 28173-28201 including Direct Deposits and Electronic Transfers in the amount of \$ 539,716.02.
- C. **AB09-77 – Resolution 1942 –** A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Water Developer Extension Agreement with Bonlak Investment LLC for the Bonney Lake Self Storage Development.

**Councilmember Rackley moved to approve the Consent Agenda.
Councilmember Bowen seconded the motion.**

**Consent Agenda
approved 7 - 0.**

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

7:16:38

VIII. FULL COUNCIL ISSUES:

- A. **AB09-78 – Resolution 1943 –** A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the City to Electronically Submit a Grant Proposal to the United States Department of Justice Edward Bryne Memorial Justice Assistance Grant Program.

Councilmember Decker moved to approve Resolution 1943. Councilmember King seconded the motion.

Police Chief Mitchell explained that this is a law enforcement fund grant. A portion of the \$26,000 grant will be used to upgrade Municipal Court clerk monitors to be used with e-ticketing, and remaining funds will be used for the 800 MHz system.

Motion approved 7 - 0.

- B. **AB09-81** – A Motion of the Bonney Lake City Council Adding the Issue of View Protection to the 2009 Planning Commission Workplan as a Low Priority Item.

Councilmember Decker moved to approve the motion. Deputy Mayor Swatman seconded the motion.

Deputy Mayor Swatman said he has spoken with Planning Commissioners about the item. He said he feels it is a low priority item and there are other items that have higher priority on the Commissions list. Councilmembers discussed what a View Protection ordinance might cover. Mayor Johnson said it would address current and future developments, including those on slopes where views can be changed by trimming or planting trees, etc. He said the Planning Commission would review the issues and options, and determine whether this is something that should be regulated by the Municipal Code or not.

Motion approved 7 – 0.

- C. **AB09-85** – A Motion of the Bonney Lake City Council Cancelling the May 19, 2009 Council Workshop.

Councilmember Rackley moved to approve the motion. Deputy Mayor Swatman seconded the motion.

This item was added to the agenda during agenda modifications. Deputy Mayor Swatman noted the projected agenda has one item for discussion at the workshop, a change to the SEPA code, which is not time sensitive. Councilmember Hamilton expressed concern about cancelling Council Workshops even when there was very little business. He said the open discussions held at workshops are important, and citizens expect the Council to meet for the regularly scheduled Meetings and Workshops. He asked if there was any cost savings for not holding a Workshop when there is little business to discuss. Councilmembers noted that staff attend workshops, but it does not affect their pay. Councilmember Rackley noted that the City does pay for the City Attorney to attend all workshops. City Attorney Dionne said his office has drafted a proposed ordinance for procedures to cancel workshops, and these issues will come up in discussions of the draft ordinance.

Mayor Johnson noted that he cannot attend the May 19, 2009 Workshop due to a work commitment, which was another potential reason to cancel it. Councilmember King said the cancellation of the May 5 Workshop and this proposed cancellation do not constitute a trend of cancelling Council meetings. He agreed with Councilmember Hamilton that the Council should hold meetings and workshops as scheduled, but the Council should be able to consider cancelling meetings on a case by case basis on the rare occasion where there is not much business. He said the agenda will start filling up again soon as there are items that will come forward soon. Councilmember Carter noted that the Council will likely need to cancel a regular meeting in June when several councilmembers are attending the AWC conference.

**Motion approved 6 – 1.
Councilmember Hamilton
voted no.**

IX. EXECUTIVE SESSION: None.

7:33:01

X. ADJOURNMENT:

At 7:33 p.m. Councilmember Rackley moved to adjourn the meeting. Councilmember Decker seconded the motion.

**Motion approved 6– 1.
Deputy Mayor Swatman
voted no.**

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council Meeting of May 12, 2009: None.

CITY COUNCIL MEETING

**May 26, 2009
7:00 P.M.**

MINUTES



"Where Dreams Can Soar"

The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

Website: www.ci.bonney-lake.wa.us

Audio Time Stamp ↓

I. CALL TO ORDER – Mayor Neil Johnson called the meeting to order at 7:00 p.m.

A. Flag Salute – Mayor Johnson led the audience in the Pledge of Allegiance.

B. Roll Call: [A 1.3]

City Clerk Edvalson called the roll. In addition to Mayor Neil Johnson, Jr., elected officials attending were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember Jim Rackley.

[Staff members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Police Chief Mike Mitchell, Community Development Director John Vodopich, City Engineer John Woodcock, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director/ City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]

C. Announcements, Appointments and Presentations: [A 3.6.9]

1. Announcements: None.

2. Appointments: None.

3. Presentations: None.

D. Agenda Modifications: None.

7:00:55

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None. [A 3.6.12]

B. Citizen Comments: None. [A 1.5]

C. Correspondence: None. [A 1.2]

7:01:20

III. COUNCIL COMMITTEE REPORTS: [A 3.6.4]

A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and forwarded Ordinance 1321 and Resolution 1947 to the night's agenda. Also discussed were meeting notes and false alarm charges. The committee will discuss suggestions for possible council action related to the budget at their upcoming meetings.

- B. Community Development Committee: The committee has not met since the last Council meeting. The committee's next meeting is June 1, 2009 at 5:00 p.m.
- C. Public Safety Committee: The committee has not met since the last Council meeting. The committee's next meeting is June 1, 2009 at 5:00 p.m.
- D. Other Reports:
Rainier Cable Commission
 Councilmember Rackley attended the RCC meeting on May 20, 2009. The commission discussed a new video 'on demand' service for recorded council meetings that will become available in June 2009.

7:03:03

IV. CONSENT AGENDA: [A 3.6]

- A. **Accounts Payable Checks/Vouchers**: Accounts Payable checks/vouchers #55494 thru 55568 (including wire transfer # 25041744) in the amount of \$358,842.55; Accounts Payable checks/voucher #55569 for an Accounts Receivable refund in the amount of \$15,880.11; Accounts Payable checks/vouchers #55570 thru 55649 (including wire transfer # 4674205) in the amount of \$285,874.14; Accounts Payable checks/voucher #55650 thru 55683 for Accounts Receivable refunds in the amount of \$55,201.10; Accounts Payable checks/vouchers #55684 thru 55698 for utility refunds in the amount of \$1,241.20.
- B. **Approval of Payroll**: Payroll for May 1st – 15th, 2009 for checks 28202-28237 including Direct Deposits and Electronic Transfers in the amount of \$ 391,611.20.
- C. **AB09-82 – Resolution 1945** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the City to Electronically Submit a Grant Proposal to Keep America Beautiful, Inc. Graffiti Hurts National Grant Program.
- D. ~~**AB09-83 – Resolution 1946**~~ – ~~A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Agreement with Portland Energy Conservation Inc. for the High Efficiency Toilet Rebate Program.~~ Moved to Finance Committee Issues, Item C.

Councilmember Hamilton requested that Resolution 1946 be moved to Finance Committee Issues, Item C. for discussion.

**Councilmember Rackley moved to approve the Consent Agenda.
 Councilmember Decker seconded the motion.**

**Consent Agenda
 approved 7 – 0.**

7:03:30

V. FINANCE COMMITTEE ISSUES:

- A. **AB09-68 – Ordinance 1321** – An Ordinance of the City of Bonney Lake, Pierce County, Washington Amending Chapter 8.04 of the Bonney Lake Municipal Code

and the Corresponding Portions of Ordinance Nos. 768 § 2; 389 § 15, and Adding a New Subsection to Chapter 8.04, Regarding Mandatory Refuse Service.

Councilmember Decker moved to approve Ordinance 1321. Deputy Mayor Swatman seconded the motion.

Councilmember Bowen asked if the ordinance allows an exemption for customers who recycle 100% of their waste. He said he knows a few people who are committed to complete recycling and they could be affected by this ordinance. Community Services Director Leaf said he is not aware of any customers who recycle 100% of their solid waste. He said the City is aware of at least 210 accounts that are not on active garbage service, and the purpose of this ordinance is to allow staff to issue fines to those who do not subscribe to garbage service. He said currently the City can only file a lien on these customers, which is expensive and time-consuming and not always affective. Deputy Mayor Swatman noted that the City's contract with D.M. Disposal requires all citizens to subscribe to solid waste service. He suggested the City discuss exemption options for 100% recyclers and other concerns.

Motion approved 7 – 0.

- B. **AB09-87 – Resolution 1947** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Contract with Sabre Communications Corporation.

Councilmember Rackley moved to approve Resolution 1947. Councilmember Carter seconded the motion.

Police Chief Mitchell said the contract is to install a new monopole communications tower which will help ensure radio coverage for public safety use and additional options for the City's internal communications. Deputy Mayor Swatman said the tower is quite large, at 180 feet tall, and will have multiple large dishes attached. He said it will meet public safety needs for the region. Chief Mitchell noted that with this infrastructure in place, the City could some day provide services to other agencies in the region for a small use fee. He said one space on the tower is available and could be leased out. Councilmember King said this project is being funded through several sources and the City continues to seek grants through Homeland Security and other agencies to increase the interoperability of police, fire and other emergency management functions.

Motion approved 7 – 0.

- C. **AB09-83 – Resolution 1946** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Agreement with Portland Energy Conservation Inc. for the High Efficiency Toilet Rebate Program. *Moved from Consent Agenda, Item D.*

Councilmember Rackley moved to approve Resolution 1946. Deputy Mayor Swatman seconded the motion.

Councilmember Hamilton asked how the program is funded and how much is paid. Chief Financial Officer Juarez said PECEI fully administers the program, collects and reviews rebate applications, and sends rebates to qualified applicants. He said customers receive a \$50 rebate per qualified high-efficiency toilet, and the City pays \$31 per unit in administrative fees to PECEI as well. Councilmember King noted the budgeted cost is based on PECEI's estimate that 51 toilets will be sold in the next year. This estimate is based on the city's past contract with PECEI for high-efficiency washers. Councilmember Hamilton expressed some concern that people could abuse the program by purchasing toilets but installing them outside the Bonney Lake service area. Deputy Mayor Swatman said applicants have to show proof of purchase and say where they installed the toilet, and the program limits the number of rebates they can receive. Councilmember King said if 51 units are sold, it would save 816,000 gallons over the lifetime of those units, which is a benefit to the City.

Motion approved 7 – 0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

7:23:25

VII. PUBLIC SAFETY COMMITTEE ISSUES:

- A. **AB09-86** – A Motion of the Bonney Lake City Council to Add to the Planning Commission Work Plan the Issue of Additional Design Standards to Abate Noise, Light and Odors for Residents in Areas of the City Where there is a Mixed Use and/or Where Residential Properties Adjoin Business Zoned Properties, Including but Not Limited to the DM Zone.

Councilmember King moved to approve Motion AB09-86. Councilmember Carter seconded the motion.

Councilmember Carter said the Public Safety Committee is continuing to review the noise ordinance and this proposal is the next step for abatement where commercial and residential uses coincide in the City. Community Development Director Vodopich noted the suggested priority level is medium. Deputy Mayor Swatman said the 'priority' level for the work plan relates specifically to staff time used to research an issue. He said if the commission has a solution ready for a lower priority item, and does not need to use City staff time the item can move forward any time, regardless of where it is on the priority list.

Motion approved 7 – 0.

VIII. FULL COUNCIL ISSUES: None.

IX. EXECUTIVE SESSION: None.

7:26:03

X. ADJOURNMENT:

At 7:26 p.m. Councilmember Rackley moved to adjourn the meeting. Councilmember King seconded the motion.

Motion approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council Meeting of May 26, 2009: None.

**ACCOUNTS PAYABLE AND
UTILITY REFUND CHECKS/VOUCHERS**

6/9/2009

Accounts Payable checks/vouchers #55699 thru 55763 (including wire transfer #'s 111565, 5192009 & 25212611) in the amount of \$1,198,772.10.

Accounts Payable checks/voucher #55764 thru 55831 in the amount of \$12,465.01.

PAYROLL CERTIFICATION

Payroll for May 16th-31st, 2009 for checks **28238-28272** including Direct Deposits and Electronic Transfers in the amount of \$ **575,771.38**

**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> CD / Heather Stinson	<u>Workshop / Meeting Date:</u> 09 Jun 2009	<u>Agenda Bill Number:</u> AB09-88
<u>Ordinance Number:</u> D09-88	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: Update to the SEPA code

Proposed Motion: Motion to approve Draft Ordinance 09-88 updating the SEPA code.

Administrative Recommendation: Approve Draft Ordinance 09-88.

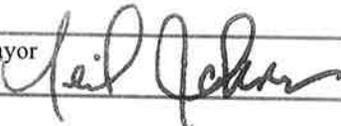
Background Summary: Procedures for administering the State Environmental Policy Act (SEPA) are scattered throughout BLMC. This ordinance consolidates all the procedures for administering SEPA into Chapter 16.04. The one substantive change is making the building of single family residential lots with critical areas subject to SEPA review.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
Budget Explanation:			

<u>COMMITTEE/BOARD REVIEW:</u>	
Subcommittee Review Date:	-
Commission/Board Review Date:	Planning Commission -15 Apr 2009
Hearing Examiner Date:	

<u>COUNCIL ACTION:</u>	
Workshop Date(s): 2 Jun 2009	Public Hearing Date(s): 18 Mar 2009
Meeting Date(s):	Tabled To Date:

Signatures:

Director Authorization JPV	Mayor NJ 	Date City Attorney Reviewed
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ORDINANCE NO. D09-88

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING BONNEY LAKE MUNICIPAL CODE SECTIONS 14.50.030, 14.70.040, 14.80.040, 14.120.020, 14.140.050, REPEALING SECTIONS 14.50.040, 14.70.050, 14.80.050, 14.90.060, AND CHAPTER 16.04, AND ADDING A NEW CHAPTER 16.04 TO CLARIFY THE PROCEDURES FOR ADMINISTRATING THE STATE ENVIRONMENTAL PROTECTION ACT

WHEREAS, the State of Washington declared its environmental policies through adoption of the State Environmental Policy Act (SEPA); and

WHEREAS, the City of Bonney Lake adopted SEPA policies and procedures in a variety of sections throughout the Bonney Lake Municipal Code; and

WHEREAS, the City of Bonney Lake desires to unify the SEPA policies and procedures into a single code chapter; and

WHEREAS, the State Environmental Policy Act was complied with through the issuance of a DNS on January 13, 2009; and

WHEREAS, the Planning Commission conducted a public hearing on March 18, 2009 and issued a recommendation for passage of this Ordinance on April 15, 2009; and

WHEREAS, Washington State Department of Community, Trade and Economic Development has completed their required review and had no comments.

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

Section 1. BLMC § 14.50.030, Threshold determination and notice of application, and the corresponding portions of Ordinance 988 are hereby amended to read as follows:

14.50.030 Threshold determination and notice of application.

Within 14 days of determination of completeness of an application, the director(s) shall:

A. ~~Perform a threshold determination regarding the proposal in accordance with WAC 197-11 Part Three.~~

~~B.~~ Publish a notice of application in accordance with BLMC 14.90.040; provided, that:

1. The public comment period shall be 15 days.

2. ~~If a determination of nonsignificance (DNS) has been issued, the notice shall state that if timely comments are received the director(s) will reconsider the DNS. The notice shall~~ include any information required under the State Environmental Policy Act as adopted in BLMC 16.04.

3. ~~If WAC 197-11-340(2) applies (that is, city cannot take final action until 15 days after issuing a DNS), the director(s) shall also send the notice of application/DNS and environmental checklist to the agencies listed in WAC 197-11-340(2). If possible, a single notice shall be used for each proposal with a single comment period.~~

4. ~~If a determination of significance (DS) has been issued, the notice of application/DS shall incorporate the DS and scoping notice. If other agencies share jurisdiction over the proposal, they shall also receive the notice of application/DS/scoping.~~

B. If the proposal is not exempt from the State Environmental Policy Act, the procedures in 16.04 shall apply.

Section 2. BLMC § 14.50.040, Reconsideration of DNS, and the corresponding portions of Ordinance 988 are hereby repealed.

Section 3. BLMC § 14.70.040, Threshold determination, scheduling of hearing, and notice, and the corresponding portions of Ordinance 988 are hereby amended to read as follows:

14.70.040 Threshold determination, scheduling of hearing, and notice.

Within ~~14~~ 90 days of determination of completeness of an application, the director(s) shall:

A. Perform a threshold determination regarding the proposal ~~in accordance with WAC 197-11-Part Three, if applicable, in accordance with BLMC 16.04;~~

B. Schedule a public hearing before the hearing examiner for a date that conforms to the following notice requirement, except that if a determination of significance (DS) has been issued, the hearing may be scheduled and publicized later to allow time to prepare the draft environmental impact statement (DEIS); and

C. Publish between 15 and 30 days before the hearing ~~(C)(4) of this section~~ a notice of application/hearing/SEPA in accordance with BLMC 14.90.040 and BLMC 16.04; provided, that:

1. ~~If a determination of nonsignificance (DNS) has been issued, the notice shall state that if timely comments are received the director(s) will reconsider the DNS.~~

~~2. If WAC 197-11-340(2) applies (that is, city cannot take final action until 15 days after issuing a DNS), the director(s) shall also send the notice of application/hearing/DNS and environmental checklist to the agencies listed in WAC 197-11-340(2).~~

~~3. If a DS has been issued, the notice of application/hearing shall incorporate the DS and scoping notice. If other agencies share jurisdiction over the proposal, they shall also be sent the notice of application/hearing/DS/scoping.~~

4. Shoreline permits require a 20-day comment period (for certain improvements to single-family residential lots per RCW 90.58.140(11)(a)) or a 30-day comment period (all other substantial development permits per RCW 90.58.140(4)) before the hearing.

~~5.-2.~~ For shoreline permits the notice shall also include the information required in RCW 90.58.140(4).

Section 4. BLMC § 14.70.050, Reconsideration of DNS, and the corresponding portions of Ordinance 988 are hereby repealed.

Section 5. BLMC § 14.80.040, Threshold determination, scheduling of hearing, and notice, and the corresponding portions of Ordinance 988 are hereby amended to read as follows:

14.80.040 Threshold determination, scheduling of hearing, and notice.

Within ~~14~~ 90 days of determination of completeness of an application, the director(s) shall:

A. Perform a threshold determination regarding the proposal ~~in accordance with WAC 197-11-Part Three, if applicable, in accordance with BLMC 16.04;~~

B. Schedule a public hearing before the hearing examiner for a date that conforms to the following notice requirement, except that if a determination of significance (DS) has been issued, the hearing may be scheduled and publicized later to allow time to prepare the draft environmental impact statement (DEIS); and

C. Publish between 15 and 30 days before the hearing ~~(C)(4) of this section~~ a notice of application/hearing/SEPA in accordance with BLMC 14.90.040 and BLMC 16.04;

1. ~~If a determination of nonsignificance (DNS) has been issued, the notice shall state that if timely comments are received the director(s) will reconsider the DNS.~~

2. ~~If WAC 197-11-340(2) applies (that is, city cannot take final action until 15 days after issuing a DNS), the director(s) shall also send the notice of application/hearing/DNS and environmental checklist to the agencies listed in WAC 197-11-340(2).~~

3. ~~If a DS has been issued, the notice of application/hearing shall incorporate the DS and scoping notice. If other agencies share jurisdiction over the proposal, they shall also be sent the notice of application/hearing/DS/scoping.~~

Section 6. BLMC § 14.80.050, Reconsideration of DNS, and the corresponding portions of Ordinance 988 are hereby repealed.

Section 7. BLMC § 14.90.060 and the corresponding portions of Ordinance 988 are hereby repealed.

Section 8. BLMC § 14.120.020 and the corresponding portions of Ordinance 988 are hereby amended to read as follows:

14.120.020 Appeal of actions of the director(s) to the hearing examiner.

A. All final actions of the director(s), including Type 1, 2, or 3 permit decisions, SEPA threshold determinations, code interpretations (see BLMC 14.10.070(C)), notices of civil violation, and approvals of minor changes to permits (see BLMC 14.90.110) shall be final and conclusive unless the applicant, a department of the city or county, or other party of record or agency with jurisdiction files a written appeal with the community development department within 15 days following:

1. The decision if the decision process does not provide for a comment period or notice of decision; or

2. The notice of decision if the permit process provides for such notice; or

3. The end of the comment period in the case of SEPA threshold determinations.

B. BLMC 14.120.030 shall govern appeals of actions authorized by the building codes, as adopted by Chapter 15.04 BLMC.

C. Appeals shall contain all grounds on which error is assigned to the decision, and shall be accompanied by the appropriate fee in accordance with Chapter 3.68 BLMC; provided, that such appeal fee shall not be charged to a department of the city or to other than the first appellant.

D. The timely filing of an appeal shall delay the effective date of the administrative staff decision until such time as the appeal is decided by the hearing examiner or is withdrawn.

E. Following the timely filing of an appeal, notice of the date, time and place for the hearing examiner's consideration shall be mailed to the applicant and to all other parties of record. Such notice shall additionally indicate the deadline for submittal of written comments.

F. Testimony before the Hearing Examiner shall be under oath and the City shall keep a taped or written transcript of the hearing.

GF. The hearing examiner's decision on the appeals shall be final unless appealed to court in accordance with state law.

Section 9. BLMC § 14.140.050, Reconsideration of DNS, and the corresponding portions of Ordinance 988 are hereby repealed.

Section 10. BLMC Chapter 16.04 State Environmental Policy Act (SEPA), and the corresponding portions of Ordinance 988; are hereby repealed.

Section 11. A new Chapter 16.04 BLMC, State Environmental Policy Act (SEPA) is hereby added to read as follows:

16.04.010 Authority.

- A. The City of Bonney Lake adopts this chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904.
- B. This chapter contains the City's SEPA procedures and policies.
- C. The SEPA rules, chapter 197-11 WAC, must be used in conjunction with this chapter.

16.04.020 Adoption by reference.

The city adopts the following sections of the Washington Administrative Code by reference, as supplemented and modified by the Bonney Lake Municipal Code:

WAC

- 173-806-070 (Flexible thresholds)
- 173-806-080 (Use of exemptions)
- 173-806-190 (Critical areas)
- 197-11-040 Definitions.
- 197-11-050 Lead agency.

197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-158	GMA project review -- Reliance on existing plans, laws, and regulations.
197-11-210	SEPA/GMA integration.
197-11-220	SEPA/GMA definitions.
197-11-228	Overall SEPA/GMA integration procedures.
197-11-230	Timing of an integrated GMA/SEPA process.
197-11-232	SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.
197-11-235	Documents.
197-11-238	Monitoring.
197-11-250	SEPA/Model Toxics Control Act integration.
197-11-253	SEPA lead agency for MTCA actions.
197-11-256	Preliminary evaluation.
197-11-259	Determination of nonsignificance for MTCA remedial actions.
197-11-262	Determination of significance and EIS for MTCA remedial actions.
197-11-265	Early scoping for MTCA remedial actions.
197-11-268	MTCA interim actions.
197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.
197-11-355	Optional DNS process.
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.
197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping.
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.

197-11-443 EIS contents when prior nonproject EIS.
 197-11-444 Elements of the environment.
 197-11-448 Relationship of EIS to other considerations.
 197-11-450 Cost-benefit analysis.
 197-11-455 Issuance of DEIS.
 197-11-460 Issuance of FEIS.
 197-11-500 Purpose of this part.
 197-11-502 Inviting comment.
 197-11-504 Availability and cost of environmental documents.
 197-11-508 SEPA register.
 197-11-510 Public notice.
 197-11-535 Public hearings and meetings.
 197-11-545 Effect of no comment.
 197-11-550 Specificity of comments.
 197-11-560 FEIS response to comments.
 197-11-570 Consulted agency costs to assist lead agency.
 197-11-164 Planned actions ~ Definition and criteria.
 197-11-168 Ordinances or resolutions designating planned actions ~ Procedures for adoption.
 197-11-172 Planned actions ~ Project review.
 197-11-600 When to use existing environmental documents.
 197-11-610 Use of NEPA documents.
 197-11-620 Supplemental environmental impact statement ~ Procedures.
 197-11-625 Addenda ~ Procedures.
 197-11-630 Adoption ~ Procedures.
 197-11-635 Incorporation by reference ~ Procedures.
 197-11-640 Combining documents.
 197-11-650 Purpose of this part.
 197-11-655 Implementation.
 197-11-660 Substantive authority and mitigation.
 197-11-680 Appeals.
 197-11-700 Definitions.
 197-11-702 Act.
 197-11-704 Action.
 197-11-706 Addendum.
 197-11-708 Adoption.
 197-11-710 Affected tribe.
 197-11-712 Affecting.
 197-11-714 Agency.
 197-11-716 Applicant.
 197-11-718 Built environment.
 197-11-720 Categorical exemption.
 197-11-721 Closed record appeal.
 197-11-722 Consolidated appeal.

197-11-724 Consulted agency.
197-11-726 Cost-benefit analysis.
197-11-728 County/city.
197-11-730 Decision maker.
197-11-732 Department.
197-11-734 Determination of nonsignificance (DNS).
197-11-736 Determination of significance (DS).
197-11-738 EIS.
197-11-740 Environment.
197-11-742 Environmental checklist.
197-11-744 Environmental document.
197-11-746 Environmental review.
197-11-750 Expanded scoping.
197-11-752 Impacts.
197-11-754 Incorporation by reference.
197-11-756 Lands covered by water.
197-11-758 Lead agency.
197-11-760 License.
197-11-762 Local agency.
197-11-764 Major action.
197-11-766 Mitigated DNS.
197-11-768 Mitigation.
197-11-770 Natural environment.
197-11-772 NEPA.
197-11-774 Nonproject.
197-11-775 Open record hearing.
197-11-776 Phased review.
197-11-778 Preparation.
197-11-780 Private project.
197-11-782 Probable.
197-11-784 Proposal.
197-11-786 Reasonable alternative.
197-11-788 Responsible official.
197-11-790 SEPA.
197-11-792 Scope.
197-11-793 Scoping.
197-11-794 Significant.
197-11-796 State agency.
197-11-797 Threshold determination.
197-11-799 Underlying governmental action.
197-11-800 Categorical exemptions.
197-11-880 Emergencies.
197-11-890 Petitioning DOE to change exemptions.
197-11-960 Environmental checklist.

197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.
197-11-900	Purpose of this part.
197-11-902	Agency SEPA policies.
197-11-916	Application to ongoing actions.
197-11-920	Agencies with environmental expertise.
197-11-922	Lead agency rules.
197-11-924	Determining the lead agency.
197-11-926	Lead agency for governmental proposals.
197-11-928	Lead agency for public and private proposals.
197-11-930	Lead agency for private projects with one agency with jurisdiction.
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-936	Lead agency for private projects requiring licenses from more than one state agency.
197-11-938	Lead agencies for specific proposals.
197-11-940	Transfer of lead agency status to a state agency.
197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency duties.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.

16.03.030 Additional definitions.

In addition to those definitions contained within WAC 197-11-700 through 197-11-799 and 197-11-220, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

- A. "Department" means any division, subdivision or organizational unit of the city established by chapter, rule, or order.
- B. "SEPA rules" means chapter 197-11 WAC adopted by the department of ecology.
- C. "Ordinance" means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.
- D. "Early notice" means the city's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance (DNS) procedures).
- E. Time shall be calculated as required in BLMC 1.04.070.

16.04.040 Designation of responsible official.

- A. For those proposals for which the city is the lead agency, the responsible official shall be the Community Development Department Director or other qualified person designated by the mayor.
- B. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference in BLMC 16.04.020.
- C. The city shall retain all documents required by the SEPA rules (chapter 197-11 WAC) and make them available in accordance with chapter 42.56 RCW.

16.04.050 Lead agency determination and responsibilities.

- A. The department within the city receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940; unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.
- B. When the city is the lead agency for a proposal, the department receiving the application shall determine the responsible official who shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.
- C. When the city is not the lead agency for a proposal, all departments of the city shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.
- D. If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the city must petition the department of ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the city may be initiated by the community development department director.
- E. Departments of the city are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944: Provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.
- F. Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (That is: Which agencies require nonexempt licenses?).
- G. When the city is lead agency for a MTCA remedial action, the department of ecology shall be provided an opportunity under WAC 197-11-253(5) to review the

environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC 197-11-253(6), the city shall decide jointly with ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.

16.04.060 Transfer of lead agency status to a state agency.

For any proposal for a private project where the city would be the lead agency and for which one or more state agencies have jurisdiction, the city's responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the city shall be an agency with jurisdiction. To transfer lead agency duties, the city's responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the city shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal.

16.04.070 Additional timing considerations.

- A. For nonexempt proposals, the DNS, MDNS, or draft EIS for the proposal shall accompany the city's staff recommendation to any appropriate advisory body, such as the planning commission or hearing examiner.
- B. If the city's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city conduct environmental review prior to submission of the detailed plans and specifications.
- C. The point at which environmental review may be initiated for specific permits or other licenses requiring detailed project plans and specifications is whenever the responsible official deems that the proposal is sufficiently defined to meaningfully assess its environmental impacts.

16.04.080 Flexible thresholds for categorical exemptions.

- A. The city establishes the following exempt levels for minor new construction under WAC 197-11-800 (1)(b) based on local conditions. The following types of construction shall be exempt except when undertaken wholly or partly on lands covered by water:
 - 1. For residential dwelling units in WAC 197-11-800 (1)(b)(i) up to 9 dwelling units.
 - 2. For agricultural structures in WAC 197-11-800 (1)(b)(ii) up to 10,000 square feet.
 - 3. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800 (1)(b)(iii) up to 4,000 square feet and up to 20 parking spaces.
 - 4. For parking lots in WAC 197-11-800 (1)(b)(iv) up to 20 parking spaces.
 - 5. For landfills and excavations in WAC 197-11-800 (1)(b)(v) up to 500 cubic yards.

- B. Whenever the city establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington, 98504 under WAC 197-11-800 (1)(c).
- C. The city has selected certain categorical exemptions that will not apply in one or more critical areas identified in the critical areas ordinances required under RCW 36.70A.060. For each critical area listed below, as shown on the city's geographic information system, the exemptions within WAC 197-11-800 that are inapplicable for that area are:
 - 1. The exemptions listed in WAC 197-11-800(1) as modified by this chapter, (2.a. through h.), and (6.a.):
 - a. Potential Landslide Hazard Areas
 - b. FEMA 100-year Floodplains
 - c. Wetlands and streams, and their buffers
 - 2. The scope of environmental review of actions within these areas shall be limited to:
 - a. Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and
 - b. Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and with other applicable environmental review laws.
 - 3. All categorical exemptions not listed in subsection (C.1.) of this section apply whether or not the proposal will be located in a critical area.

16.04.090 Use of exemptions.

- A. Each department within the city that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal, shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.
- B. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.
- C. If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:
 - 1. The city shall not give authorization for:
 - a. Any nonexempt action;
 - b. Any action that would have an adverse environmental impact; or
 - c. Any action that would limit the choice of alternatives.

2. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and
3. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

16.04.100 Environmental checklist.

- A. Except as provided in subsection (C) of this section, a completed environmental checklist or copy, in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter; except, a checklist is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency and, if the city is the lead agency, for determining the responsible official and for making the threshold determination.
- B. For private proposals, the city will require the applicant to complete the environmental checklist, providing assistance as necessary. For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.
- C. For projects submitted as planned actions under WAC 197-11-164, the city shall use its existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with or as part of a planned action ordinance; or developed after this chapter is adopted. In either case, a proposed modified environmental checklist form must be sent to the department of ecology to allow at least a thirty-day review prior to use.

16.04.110 Mitigated DNS.

- A. As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.
- B. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:
 1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
 2. Precede the city's actual threshold determination for the proposal.
- C. The responsible official should respond to the request for early notice within 21 working days. The response shall:
 1. Be written;
 2. State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the city to consider a DS; and

3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.
- D. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.
- E. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:
1. If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a DNS under WAC 197-11-340(2).
 2. If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.
 3. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.
 4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.
- F. A mitigated DNS is issued under either WAC 197-11-340(2), requiring a fourteen-day comment period and public notice, or WAC 197-11-355, which may require no additional comment period beyond the comment period on the notice of application.
- G. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and shall be enforced in the same manner as any term or condition of the permit.
- H. If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC 197-11-340 (3)(a) (withdrawal of DNS).
- I. The city's written response under subsection (B) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination.

16.04.120 Preparation of EIS – Additional considerations.

- A. Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the Community Development Department under the direction of the responsible official. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this chapter and chapter 197-11 WAC.

- B. The DEIS and FEIS or draft and final SEIS shall be prepared by city staff, the applicant, or by a consultant selected by the city or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.
- C. The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency, unless required by another ordinance or statute.

16.04.132 Public notice.

- A. Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for the city's nonexempt permit(s) or approval(s) required for the proposal.
- B. Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the city shall give public notice as follows:
 - 1. If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.
 - 2. If an environmental document is issued concurrently with the notice of application, the public notice requirements for the notice of application in RCW 36.70B.110(4) will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1).
 - 3. If no public notice is otherwise required for the permit or approval, the city shall give notice of the DNS or DS by:
 - a. Posting the property, for site-specific proposals;
 - b. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered.
 - 4. Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.
- C. If a DNS is issued using the optional DNS process, the public notice requirements for a notice of application in RCW 36.70B.110(4) as supplemented by the requirements in WAC 197-11-355 will suffice to meet the SEPA public notice requirements in WAC 197-11-510 (1)(b).
- D. Whenever the city issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:
 - 1. Indicating the availability of the DEIS in any public notice required for a nonexempt license; and (Note: In addition select at least one of the following or insert all of the list and require that at least one method be used.)
 - 2. Posting the property, for site-specific proposals;
 - 3. Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;

4. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
 5. Notifying the news media;
 6. Publishing notice in agency newsletters and/or sending notice to agency mailing lists (general lists or specific lists for proposals or subject areas).
- E. Public notice for projects that qualify as planned actions shall be tied to the underlying permit as specified in WAC 197-11-172(3).
- F. The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

16.04.140 Designation of official to perform consulted agency responsibilities for the city.

- A. The Community Development Department Director or designee shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.
- B. The Community Development Department Director or designee shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city.

16.04.160 Substantive authority.

- A. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the City of Bonney Lake.
- B. The city may attach conditions to a permit or approval for a proposal so long as:
 1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and
 2. Such conditions are in writing; and
 3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
 4. The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
 5. Such conditions are based on one or more policies in subsection (D) of this section and cited in the license or other decision document.
- C. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:
 1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter; and
 2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
 3. The denial is based on one or more policies identified in subsection (D) of this section and identified in writing in the decision document.

- D. The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:
1. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
 - a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
 - b. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
 - c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
 - d. Preserve important historic, cultural, and natural aspects of our national heritage;
 - e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
 - f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
 - g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
 2. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
 3. The city adopts by reference the policies in the following city documents:
 - a. The Bonney Lake Municipal Code
 - b. The Bonney Lake Comprehensive Plan
 - c. The Shoreline Management Master Program
 - d. The city's East Town Development Plan
 - e. Fennel Creek Trail Plan
 - f. The Public Works development policies and design standards
 - g. Comprehensive Water System Plan
 - h. Comprehensive Sewer System Plan
 - i. City of Bonney Lake Transportation Plan
 - j. The Non-motorized Transportation Plan
 - k. The Pierce County Countywide Policies
 - l. The Pierce County Shoreline Management Master Program
 - m. Pierce County Stormwater Management and Site Development Manual
 - n. Vision 2040
 4. The city establishes the following additional policies concerning SEPA:
 - a. Short subdivision of lands previously subdivided under an exemption from the SEPA rules shall not be exempt from environmental review if the subsequent proposal exceeds exemption levels. (For example a 2-lot short plat on land that was subject to a previous 8-lot short plat)

- b. Proposed development that is adjacent to previous development or adjacent to land on which development is pending shall not be exempt if the adjacent developments share any improvements or access easements, and the development together exceeds exemption levels. In such cases, the proposed development will be considered physically or functionally related regardless of ownership.

16.04.170 Appeals.

- A. The city establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:
 1. The appeal procedures of BLMC 14.120 shall be used for SEPA appeals.
 2. The procedural determination by the city's responsible official shall carry substantial weight in any appeal proceeding.
- B. The city shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

16.04.200 Fees.

- A. Threshold determination. For every environmental checklist the city will review when it is lead agency, the city shall collect a fee in accordance with BLMC 3.68 from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee.
- B. Environmental impact statement.
 1. When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.
 2. The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. The city may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the city and applicant after a call for proposals.
 3. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under (1) or (2) of this subsection which remain after incurred costs are paid.
- C. The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.
- D. The city shall not collect a fee for performing its duties as a consulted agency.
- E. The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by chapter 42.56 RCW.

Section 12. If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

Section 13. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2009.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:



Memo

Date : June 2, 2009
To : Mayor and City Council
From : Randy McKibbon, Chair, Bonney Lake Planning Commission
CC :
Re : **SEPA regulations**

BACKGROUND

City Council initiated the review of the SEPA procedures through adoption of the 2009 Planning Commission workplan. The Planning Commission proceeded to review BLMC Titles 14 and 16

The Planning Commission recommends the updated version of Titles 14 and 16 attached to this document:

FINDINGS:

1. A Notice of Public Hearing was published in the Bonney Lake Courier Herald on March 4, 2009.
2. The Planning Commission held a public hearing on March 18, 2009 to receive testimony concerning the rezone. There was no public comment.
3. An environmental determination of non-significance was issued on January 13, 2009. It was not appealed.
4. The Washington State Department of Community, Trade and Economic Development has completed their required review and had no comments.
5. The suggested changes to the SEPA procedures reflect discussion amongst the Commissioners about better clarifying SEPA procedures for staff.
6. The one substantive change made to the code was allowing for SEPA review for single family homes built in critical areas.
7. The Planning Commissioners voted 5 to 0 to recommend the attached draft ordinance.

RECOMMENDATION:

The Bonney Lake Planning Commission therefore recommends to the City Council that the attached draft of the updated SEPA procedures be adopted.

**City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form**

<u>Department/Staff Contact:</u> Katheryn Seymour	<u>Council Meeting Date:</u> June 9, 2009	<u>Agenda Item Number</u> AB09-80
<u>Ordinance</u>	<u>Resolution Number:</u> 1944	<u>Councilmember Sponsor:</u>

<u>BUDGET INFORMATON</u>			
<u>2009 Budget Amount</u>	<u>Required Expenditure</u>	<u>Impact</u>	<u>Remaining Balance</u>
<u>Explanation:</u>			
<u>Agenda Subject:</u> A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING AN AGREEMENT WITH WASHIGNTON STATE DEPARTMENT OF LICENSING TO ACCESS THE INTERNET FOR DATA SHARING INFORMATION PROCESSING SYSTEM (IHPS)			

Administrative Recommendation: Authorize Mayor to ~~ordinance~~ *execute the agreement.*

Background Summary:

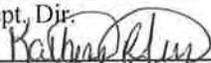
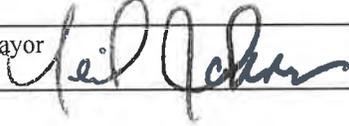
To allow court staff to make inquiries on drivers license information and release FTA's against persons driving records

<u>Council Committee Dates:</u> Finance Committee: Public Safety Committee: 6/1/09 Community Development & Planning Committee: Council Workshop:	<u>Commission Dates:</u> Planning Commission: Civil Service Commission:	<u>Board/Hearing Examiner Dates:</u> Park Board: Hearing Examiner:
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Council Action:

Council Call for Hearing:	Council Hearings Date:
Council Referred Back to: Workshop:	Committee
Council Tabled Until:	Council Meeting Dates:

Signatures:

Dept. Dir. 	Mayor 	Date City Attorney reviewed May 6, 2009
---	--	--

PUBLIC SAFETY COMMITTEE

DATE: June 1, 2009

ORIGINATOR: Judge Haake

TITLE: Municipal Court Judge

SUBJECT/DISCUSSION: Agreement with Washington State Department of Licensing – Data Sharing

ORDINANCE/RESOLUTION # 1944

REQUEST OR RECOMMENDATION BY ORIGINATOR: See attached

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE:

MAYOR
FINANCE DIRECTOR
CITY ATTORNEY Yes

BUDGET INFORMATION:

BUDGETED ITEM: N/A TOTAL COST:

(Note: If budgeted item, attach copy of budget page and identify)

<u>2009 Budget Amount</u>	<u>Required Expenditure</u>	<u>Impact</u>	<u>Remaining Balance</u>
\$0			

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

	<u>DATE</u>	<u>APPROVED</u>	<u>DISAPPROVED</u>
Dave King, Chair	<u>6/1/09</u>	<u>[Signature]</u>	_____
Laurie Carter	<u>4/1/09</u>	<u>[Signature]</u>	_____
Mark Hamilton	<u>6/1/09</u>	<u>[Signature]</u>	_____

COMMITTEE COMMENTS:

COMMITTEE'S RECOMMENDATION TO FORWARD TO:
CITY CLERK FINANCE DIRECTOR CITY ATTORNEY

Please schedule for Council Meeting date of: June 9, 2009

RESOLUTION NO. 1944

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING AN AGREEMENT WITH WASHINGTON STATE DEPARTMENT OF LICENSING TO ACCESS THE INTERNET FOR DATA SHARING INFORMATION PROCESSING SYSTEM (IHPS)

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to execute the agreement attached hereto as Exhibit "A" and incorporated herein by this reference.

PASSED by the City Council this 9TH day of June, 2009.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

Kathy Seymour

From: Jason Schumann [jason@dionne-rorick.com]
Sent: Wednesday, May 06, 2009 10:45 AM
To: Kathy Seymour
Subject: RE: Attached Image

Kathy,

I reviewed the contract and did not have any concerns with this moving forward. Let me know if you have any other concerns after DOL answers your questions.

Jason Schumann
DIONNE & RORICK

ATTORNEYS AT LAW	TEL (206) 622-0203
900 TWO UNION SQUARE	FAX (206) 223-2003
601 UNION STREET	CELL (865) 310-9880
SEATTLE WASHINGTON 98101	jason@dionne-rorick.com



Sent: Monday, May 04, 2009 10:49 AM
To: Jason Schumann
Subject: FW: Attached Image

Jason,

Will you please review the attached contract between the court and Department of Licensing? This is to allow the courts access to DOL records. I have a few questions into DOI, on what we are going to be able to access, are there any costs? Do we have to have the Digital signature or can we use the secure access, etc. As soon as I hear from them I will let you know. It is my understanding that all/most of the courts are going to this.

Thanks for your assistance

Kathy

From: Jason Kimball
Sent: Monday, May 04, 2009 10:33 AM
To: Kathy Seymour
Subject: Attached Image

**DATA SHARING CONTRACT
BETWEEN
STATE OF WASHINGTON
DEPARTMENT OF LICENSING
AND
BONNEY LAKE MUNICIPAL COURT**

This Contract is made and entered into by and between the Department of Licensing, hereinafter referred to as "DOL", and the

Bonney Lake Municipal Court
PO Box 7380
Bonney Lake, WA 98391

Telephone: (253) 862-6606
FAX: (253) 447-4320
E-Mail: seymourk@ci.bonney-lake.wa.us

Hereinafter referred to as the "Contractor"

PURPOSE

The purpose of this Contract is to set out the terms and conditions under which the Department will provide to the Contractor Internet access to DOL driver data. The use of the data shall be exclusively for court proceedings and to assist the individual named in determining requirements to reinstate their Washington driving privilege, and shall not be divulged by the Contractor to any third party, except for lists of FTAs and/or reinstatement data and status which may be divulged to the individual named or his/her attorney. Said information shall be disseminated only to authorized entities and persons and used by them only for the purposes set out in this Contract and in accordance with federal and state law and Chapter 46.61.513 RCW - *Criminal history and driving record*.

In Consideration of the terms and conditions contained herein, the parties agree as follows:

SPECIAL TERMS & CONDITIONS

STATEMENT OF WORK

The Contractor shall furnish the necessary personnel, equipment, material and/or services and otherwise do all things necessary for or incidental to the performance of work set forth in the

- *Statement of Work, Attachment "A"*
- *Internet Query System (IHPS) Appropriate Use Decelartion, Attachment "D",*
- *Internet Query System (IHPS) User List, Attachment "E", and*
- *Internet Query System (IHPS) User List Modification, Attachment "F"*

which are attached hereto and incorporated by reference herein.

PERIOD OF PERFORMANCE

Regardless of the date of signature and subject to its other provisions, this Contract shall commence upon execution, and end on January 31, 2013, unless terminated sooner or extended upon mutual agreement between DOL and the Contractor. This Contract may be extended multiple times under written mutual consent of the parties.

PAYMENT

There are no costs associated with this contract.

RECORDS MAINTENANCE

Each party shall maintain books, records, documents and other evidence, which sufficiently and properly reflect all direct and indirect costs expended by either party in the performance of the services described herein. These records shall be subject to inspection, review, or audit by personnel of both parties, other personnel duly authorized by either party, the Office of the State Auditor, and federal officials so authorized by law. All books, records, documents, and other material relevant to this Contract will be

retained for six (6) years after expiration and the Office of the State Auditor, federal auditors, and any persons duly authorized by the parties shall have full access to and the right to examine any of these materials during this period.

Records and other documents, in any medium furnished by one party to this Contract to the other party, will remain the property of the furnishing party, unless otherwise agreed. The receiving party will not disclose or make available this material to any third parties without first giving notice to the furnishing party and giving it a reasonable opportunity to respond. Each party will utilize reasonable security procedures and protections to assure that records and documents provided by the other party are not erroneously disclosed to third parties.

RIGHTS OF INSPECTION

The Contractor shall provide right of access to DOL, or any of its officers, or to any other authorized agent or official of the state of Washington or the federal government at all reasonable times, in order to monitor and evaluate performance, compliance, and/or quality assurance of internal policies and procedures, and/or records relating to the safeguarding, use, and disclosure of Personal Information obtained or used as a result of this Contract. The Contractor shall make available information necessary for DOL to comply with the client's right to access, amend, and receive an accounting of disclosures of their Personal Information. The Contractor agrees to accommodate DOL's request for inspection, review, or audit on one (1) working day notice and to allow on-site audits during regular business hours.

SAFEGUARDING OF PERSONAL INFORMATION

Each party shall not use or disclose Personal Information in any manner that would constitute a violation of federal law, and applicable provisions of Washington State law. The Contractor agrees to comply with all federal and state laws and regulations, as currently enacted or revised, regarding data security and electronic data interchange of all Personal Information, including but not limited to Washington State Department of Information Services Board IT Portfolio Security Policy, Standards and Guidelines (<http://isb.wa.gov/policies/security.aspx>).

The Contractor shall protect Personal Information collected, used, or acquired in connection with this Contract, against unauthorized use, disclosure, modification or loss. The Contractor shall ensure their directors, officers; employees, subcontractors or agents use it solely for the purposes of accomplishing the services set forth in this Contract. The Contractor agrees not to release, divulge, publish, transfer, sell or otherwise make it known to unauthorized persons without the express written consent of DOL or as otherwise required by law. The Contractor agrees to implement physical, electronic, and managerial policies, procedures, and safeguards to prevent unauthorized access, use, or disclosure. The Contractor shall make the Personal Information available to amend as directed by DOL and incorporate any amendments into all the copies maintained by the Contractor. The Contractor shall certify its return or destruction upon expiration or termination of this Contract, shall retain no copies and by completing the *Certification of Data Disposition*, Attachment C. If the Contractor and DOL mutually determine that return or destruction is not feasible, neither party shall use the Personal Information in a manner other than those permitted or required by state and federal laws.

DOL reserves the rights to monitor, audit, or investigate the use of personal information collected, used or acquired by the other party through this Contract.

The Contractor shall notify DOL in writing within five (5) working days of becoming aware of any unauthorized access, use or disclosure. The Contractor agrees to indemnify and hold harmless DOL for any damages related to unauthorized use or disclosure by the other party their officers, directors, employees, subcontractors or agents.

Any breach of this clause may result in termination of the Contract.

DATA DISPOSITION

Each party shall certify the return or destruction of all data sets as described herein upon expiration or termination of this Contract (Reference: *Certification of Data Disposition*, Attachment C) and shall retain no copies. If the parties mutually determine that return or destruction is not feasible, neither party shall use

the Confidential Information in a manner other than those permitted or authorized by state and federal laws.

INDEPENDENT CAPACITY

The employees or agents of each party who are engaged in the performance of this Contract shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

CONTRACT ALTERATIONS AND AMENDMENTS

This Contract may be amended by mutual Contract of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

MEMO OF UNDERSTANDING (MOU)

Any instructions that either Contract Manager determines to address more than day-to-day concerns, but do not modify the terms of this Contract, shall be documented by a written, numbered *Memo of Understanding*.

TERMINATION FOR CONVIENENCE

DOL may terminate this Contract upon thirty (30) calendar days prior written notification to the Contractor. If this Contract is so terminated, the Contractor shall be liable only for performance rendered or costs incurred in accordance with the terms of this Contract rendered prior to the effective date of termination.

TERMINATION FOR CAUSE

If for any cause, the Contractor does not fulfill in a timely and proper manner its obligations under this Contract, or violates any of these terms and conditions, DOL will give the other party written notice of such failure or violation. The Contractor will be given the opportunity to correct the violation or failure within fifteen (15) working days. If the failure or violation is not corrected, this Contract may be terminated immediately by written notice from DOL to the Contractor.

DISPUTES

In the event that a dispute arises under this Contract, a dispute board shall determine it in the following manner: Each party to this Contract shall appoint a member to the dispute board. The members so appointed shall jointly appoint an additional member to the dispute board. The dispute board shall evaluate the facts, contract terms and applicable statutes and rules and make a determination of the dispute. The determination of the dispute board shall be final and binding on the parties hereto. As an alternative to this process, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control.

GOVERNANCE

This contract is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Contract shall be construed to conform to those laws.

In the event of an inconsistency in the terms of this Contract, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

1. Applicable state and federal statutes and rules;
2. Special Terms and Conditions;
3. *Statement of Work*, Attachment A,
4. *Data Classification Declaration*, Attachment B,
5. *Certification of Data Disposition*, Attachment C,
6. Any other provisions of the Contract, including materials incorporated by reference.

ASSIGNMENT

The work to be provided under this Contract, and any claim arising thereunder, is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent shall not be unreasonably withheld.

WAIVER

A failure by either party to exercise its rights under this Contract shall not preclude that party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Contract unless stated to be such in a writing signed by an authorized representative of the party and

attached to the original Contract.

SEVERABILITY

If any provision of this Contract or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Contract which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Contract, and to this end the provisions of this Contract are declared to be severable.

CONTRACT MANAGEMENT

The contract manager for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Contract.

The Contract Manager for the Contractor is:	The Contract Manager for DOL is:
Katheryn Seymour Bonney Lake Municipal Court PO Box 7380 Bonney Lake, WA 98391 Phone (253) 447-4303 FAX: (253) 447-4329 E-Mail: seymourk@ci.bonney-lake.wa.us	Mike Dennison Department of Licensing PO Box 9020 Olympia WA 98507-9020 Phone: (360) 902-3851 E-Mail: mdennison@dol.wa.gov

ALL WRITINGS CONTAINED HEREIN

This Contract contains all the terms and conditions agreed upon by the parties. No other understanding, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or to bind any of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Contract.

Bonney Lake Municipal Court

State of Washington
Department of Licensing

(Signature) (Date)

Julie Knittle (Date)
DOL Contracts Officer

(Print Name)

APPROVED AS TO FORM ONLY

(Title)

(SIGNATURE) ON FILE 2/12/2009
Jerry Anderson, AAG (Date)
Assistant Attorney General

(Federal Identification Number)

Attachment A
STATEMENT OF WORK

DEFINITIONS

As used throughout this Contract, the following terms shall have the meanings set forth below:

1. **"Contractor"** means that Contractor, firm, provider, organization, individual or other entity accessing drive record information under this Contract.
2. **"Contract Officer"** shall mean the Assistant Director for DOL Administrative Services or the designee authorized in writing to act on behalf of the DOL Assistant Director.
3. **"Contract Manager"** means the representative identified in the text of the Contract who is delegated the authority to administer the Contract.
4. **"Personal Information"** means information identifiable to any person, including, but not limited to, information that relates to a person's name, health, use or receipt of governmental services or other activities, addresses, social security numbers, driver license numbers, other identifying numbers or Protected Health Information, and other information that may be exempt from disclosure to the public or other unauthorized persons under either RCW 42.17.310 or other state and federal statutes.
5. **"RCW"** shall mean the Revised Code of Washington. All references in this document to RCW chapters or sections shall include any successors, amended, or replacement statutes.
6. **"USER"** shall mean the Contractor, the Contractor employee(s) or agent(s) or entity performing on behalf of the primary Contractor and who will access the IHPS data system.

Program Support

The program support liaison for the Contractor shall be the primary contact for all communications regarding:

- Operation of IHPS;
- Registration process of the digital certificate and SecureAccess Washington;
- User acceptance testing for system updates;
- Process for modifying, adding, terminating employees from User List and/or general questions;
- Notifications of system maintenance

The Program Support for DOL is:

Department of Licensing IHPS Support
PO Box 9030
Olympia WA 98507-9030

For questions about computer or browser-related problems:

Please contact the desktop support staff within your agency.

For questions about registering with SecureAccess Washington:

Please contact the Department of Information Services (DIS) Service Desk:

- Email: ServiceDesk@dis.wa.gov
- Phone: (360) 753-2454 or 1-888-241-7597

For questions about the Digital Certificate:

Please contact IdenTrust Customer Support:

- Email: helpdesk@identrust.com
- Phone: 1-888-248-4447
- Fax: (801) 326-5438
- Hours: Monday–Friday, 6 a.m. to 5 p.m.

For questions about the Interagency Agreement, use of the IHPS

application, or if you cannot gain access to the application during normal business hours:

Please contact Department of Licensing IHPS Support:

- Email: doldldsihpsupport@dol.wa.gov
- Phone: (360) 902-0154
- Fax: (360) 570-7858
- Hours: Monday–Friday, 8 a.m. to 5 p.m.

USERS Shall:

1. Take all steps necessary to ensure the application is accessible and used only by the authorized personnel to accomplish their official job functions.
2. Notify DOL in writing of employees who are eligible for access to the IHPS system using the *IHPS User List* template incorporated herein by reference.
3. Be responsible to immediately notify DOL in writing of any changes to the access eligibility by using the *IHPS User List Modificiation* template incorporated herein by reference.
4. Ensure the USER and USER's employees and agents will maintain the confidentiality of driver records by:
 - a. Protecting their account numbers and passwords;
 - b. Regularly changing passwords, by instructing users to change their password every 90 days, as recommended for security enhancement and by using hard to guess passwords; particularly when there are changes in personnel;
 - c. Instituting penalties for misuse of data; and
 - d. Ensuring that employees are familiar with the provisions of this contract.
5. Have the ability and are responsible to cancel its SecureAccess account.
6. Require USER employees to apply for and receive either a digital certificate from IdenTrust or registration with SecureAccess Washington for each employee accessing the IHPS application.
7. USER is provided the following options for access to the DOL IHPS system, IdenTrust and SecureAccess Washington or may elect to use both options.
 - *IdenTrust (Fee Applies)*
The USER will pay IdenTrust for the digital certificates along with a certificate renewal fee every two years. As a licensed, regulated entity, IdenTrust must comply with Washington law RCW 19.34 and operate under the rules set forth in chapter 434-180 of the Washington Administrative Code.
 - *SecureAccess (No Fee)*
SecureAccess WA is a single sign-on application gateway created by Washington State's Department of Information Services and allows Internet access to multiple online government services with the use of a unique single self-generated User-ID and password.

DELIVERABLES & DATA RESPONSIBILITIES

The parties as indicated will share the data identified below:

1. Purposes of data sharing.

It is the purpose of this Contract to set out the terms and conditions under which DOL will provide the Contractor staff, access to certain information from DOL's driver license records. Access to driver license record information will only be made available to the Contractor's staff to accomplish their official job functions. The use of said driver record information shall be exclusively for court proceedings and to assist the individual named in determining requirements to reinstate their Washington driving privilege.

Said information shall be disseminated only to authorized entities and persons; and used by them only for the purposes set out in this Contract, in accordance with federal and state law.

2. Statutory authority granting access to or sharing of data.

The Contractor will comply with all statutory or administrative rules regulating the confidentiality of information obtained from DOL databases, including but not limited to RCW 46.52.120 and RCW 46.52.130, RCW 46.61.513 and the federal Driver Privacy Protection Act 18 USC 2721.

3. Brief but clear description of the data to be shared.

DOL will provide the Contractor staff, with on-line or Internet access to DOL driver databases. Contractor staff will update DOL's drive records with FTA adjudications.

Access will permit the Contractor staff to obtain information to be used exclusively for the purpose of determining requirements to reinstate the named individual's Washington driving privilege. This information is limited to:

- Failure to Appear Information (FTAs) (list);
- Reinstatement data and status;
- Middle initial search.

4. How will the data be shared?

The data shall be provided by the DOL based upon the option(s) chosen by Contractor at the time of application either Digital Certificate with IdenTrust and/or SecureAccess Washington or both.

5. Names of individuals or employees and their working titles who are authorized access to the shared data:

- Should be included on *attachement "E"*.

6. Brief and clear description of the procedure or protocol for accessing the data:

Aside from preventative maintenance and database updates, the application will be available for record access Sunday through Saturday. The Contractor will guard against unauthorized access to DOL databases as follows:

- 6.1 Only Contractor's staff needs this information in the execution of their official duties will be granted access privileges to the DOL databases specified in this Contract.
- 6.2 Access to DOL databases will be secured using log-on ID's/User Group Codes.
- 6.3 The Contractor's equipment capable of accessing these databases will be located in areas that are not accessible to the general public.
- 6.4 IHPS requires a UserID and password. SecureAccess requires user authorization. SecureAccess allows authorized staff access from any location with UserID and password. The applications allow the user to read and print the data and to update DOL's drive records with FTA adjudications.

7. How will the data be destroyed by data recipient/returned to data provider?

When information is no longer needed, it will be destroyed in the manner as other confidential client data.

The Contractor will comply with all statutory or administrative rules including, but not limited to Washington State Department of Information Services Board IT Portfolio Security Policy, Standards and Guidelines (<http://isb.wa.gov/policies/security.aspx>).

8. Security Controls. Contractor shall protect the data from unauthorized physical and electronic access while it is in motion and at rest, as described below:

1. *Electronic Access:* Contractor shall ensure electronic access is authorized using individual accounts, hardened passwords and require changing of passwords at least every 90 days.
2. *Encryption and Decryption:* Contractor shall furnish encryption and decryption software compatible with DOL's software to ensure security and confidentiality.

3. Apply Security Patches: Contractor shall be diligent in the timely installation of security patches for all information technology assets, hosts and networks, that process DOL data.
4. IT Security Policies and Procedures: Contractor shall maintain and enforce information technology security policies and procedures consistent with this Contract, and provide an electronic copy to DOL upon request within three (3) business days. Contractor's information technology security policies and procedures shall include a computer incident response policy and procedure and annual security training to their employees.
5. Protection/Intrusion Devices: All Contractors' information technology assets that store/process DOL data shall be physically secured from unauthorized access. Contractor shall employ adequate devices such as Intrusion Protection (IPS) and Intrusion Detection (IDS) devices and system log monitoring to ensure unauthorized users cannot access Contractor information technology assets in a manner that allows DOL data to be compromised.
6. Periodic Vulnerability Scanning and Penetration Testing: Contractor shall periodically scan information technology hosts and networks that process DOL data for vulnerabilities to exploitation.
7. Self Audits: Internal and independent audits to review Contractor's data protection and access may be conducted at a time or times determined by DOL at the Contractor's expense and DOL being the client.

Attachment B
DATA CLASSIFICATION DECLARATION

DATA CLASSIFICATION DECLARATION

Data described in this Contract is assessed by DOL to be in the following data (confidentiality) classification:

PUBLIC

A data classification for data whose access is unrestricted. It applies to all data that is not classified as CONFIDENTIAL or RESTRICTED CONFIDENTIAL.

CONFIDENTIAL

A data classification for data that, due to its sensitive or private nature, requires limited and authorized access. Its unauthorized access could adversely impact the Contractor legally, financially or damage its public integrity.

RESTRICTED CONFIDENTIAL

A data classification for the most sensitive data within the Contractor. It is confidential (as defined above); however, with a need for added protection. Its unauthorized access would seriously and adversely impact the organization, its customers, employees or business partners.

METHOD OF ACCESS/TRANSFER

The data shall be provided by the DOL to the Contractor in the following format(s):

- Secure file transfer (FTP/PGP, SFTP – Regular ADR Sales, ADR Monitoring)
- US or CMS mail (certified or registered with ID required)
- Secure on-line application (IHPS)
- Facsimile (exceptions only)
- Other FED EX – (with ID and return receipt required)

FREQUENCY OF DATA EXCHANGE

- One time: data shall be delivered by _____ (date)
- Repetitive
- As available

AUTHORIZED ACCESS TO DATA

Access to "Confidential" or "Restricted Confidential" information is limited to Contractor staff, who are specifically authorized and who have a business need-to-know. In accordance with the terms contained herein and prior to making the data available, the Contractor shall notify all Contractor staff with access to the data of the use, disclosure and disposition requirements.

USER will be responsible for ensuring that all employees obtaining access to the IHPS application have reviewed this contract and signed the *IHPS Appropriate Use Declaration* form incorporated herein by reference. This form will be kept on file at the USER's location.

**DATA SHARING CONTRACT
BETWEEN
STATE OF WASHINGTON
DEPARTMENT OF LICENSING
AND
BONNEY LAKE MUNICIPAL COURT**

This Contract is made and entered into by and between the Department of Licensing, hereinafter referred to as "DOL", and the

Bonney Lake Municipal Court
PO Box 7380
Bonney Lake, WA 98391

Telephone: (253) 862-6606
FAX: (253) 447-4320
E-Mail: seymourk@ci.bonney-lake.wa.us

Hereinafter referred to as the "Contractor"

PURPOSE

The purpose of this Contract is to set out the terms and conditions under which the Department will provide to the Contractor Internet access to DOL driver data. The use of the data shall be exclusively for court proceedings and to assist the individual named in determining requirements to reinstate their Washington driving privilege, and shall not be divulged by the Contractor to any third party, except for lists of FTAs and/or reinstatement data and status which may be divulged to the individual named or his/her attorney. Said information shall be disseminated only to authorized entities and persons and used by them only for the purposes set out in this Contract and in accordance with federal and state law and Chapter 46.61.513 RCW - *Criminal history and driving record.*

In Consideration of the terms and conditions contained herein, the parties agree as follows:

SPECIAL TERMS & CONDITIONS

STATEMENT OF WORK

The Contractor shall furnish the necessary personnel, equipment, material and/or services and otherwise do all things necessary for or incidental to the performance of work set forth in the

- *Statement of Work, Attachment "A"*
- *Internet Query System (IHPS) Appropriate Use Decelartion, Attachment "D",*
- *Internet Query System (IHPS) User List, Attachment "E", and*
- *Internet Query System (IHPS) User List Modification, Attachment "F"*

which are attached hereto and incorporated by reference herein.

PERIOD OF PERFORMANCE

Regardless of the date of signature and subject to its other provisions, this Contract shall commence upon execution, and end on January 31, 2013, unless terminated sooner or extended upon mutual agreement between DOL and the Contractor. This Contract may be extended multiple times under written mutual consent of the parties.

PAYMENT

There are no costs associated with this contract.

RECORDS MAINTENANCE

Each party shall maintain books, records, documents and other evidence, which sufficiently and properly reflect all direct and indirect costs expended by either party in the performance of the services described herein. These records shall be subject to inspection, review, or audit by personnel of both parties, other personnel duly authorized by either party, the Office of the State Auditor, and federal officials so authorized by law. All books, records, documents, and other material relevant to this Contract will be

retained for six (6) years after expiration and the Office of the State Auditor, federal auditors, and any persons duly authorized by the parties shall have full access to and the right to examine any of these materials during this period.

Records and other documents, in any medium furnished by one party to this Contract to the other party, will remain the property of the furnishing party, unless otherwise agreed. The receiving party will not disclose or make available this material to any third parties without first giving notice to the furnishing party and giving it a reasonable opportunity to respond. Each party will utilize reasonable security procedures and protections to assure that records and documents provided by the other party are not erroneously disclosed to third parties.

RIGHTS OF INSPECTION

The Contractor shall provide right of access to DOL, or any of its officers, or to any other authorized agent or official of the state of Washington or the federal government at all reasonable times, in order to monitor and evaluate performance, compliance, and/or quality assurance of internal policies and procedures, and/or records relating to the safeguarding, use, and disclosure of Personal Information obtained or used as a result of this Contract. The Contractor shall make available information necessary for DOL to comply with the client's right to access, amend, and receive an accounting of disclosures of their Personal Information. The Contractor agrees to accommodate DOL's request for inspection, review, or audit on one (1) working day notice and to allow on-site audits during regular business hours.

SAFEGUARDING OF PERSONAL INFORMATION

Each party shall not use or disclose Personal Information in any manner that would constitute a violation of federal law, and applicable provisions of Washington State law. The Contractor agrees to comply with all federal and state laws and regulations, as currently enacted or revised, regarding data security and electronic data interchange of all Personal Information, including but not limited to Washington State Department of Information Services Board IT Portfolio Security Policy, Standards and Guidelines (<http://isb.wa.gov/policies/security.aspx>).

The Contractor shall protect Personal Information collected, used, or acquired in connection with this Contract, against unauthorized use, disclosure, modification or loss. The Contractor shall ensure their directors, officers; employees, subcontractors or agents use it solely for the purposes of accomplishing the services set forth in this Contract. The Contractor agrees not to release, divulge, publish, transfer, sell or otherwise make it known to unauthorized persons without the express written consent of DOL or as otherwise required by law. The Contractor agrees to implement physical, electronic, and managerial policies, procedures, and safeguards to prevent unauthorized access, use, or disclosure. The Contractor shall make the Personal Information available to amend as directed by DOL and incorporate any amendments into all the copies maintained by the Contractor. The Contractor shall certify its return or destruction upon expiration or termination of this Contract, shall retain no copies and by completing the *Certification of Data Disposition*, Attachment C. If the Contractor and DOL mutually determine that return or destruction is not feasible, neither party shall use the Personal Information in a manner other than those permitted or required by state and federal laws.

DOL reserves the rights to monitor, audit, or investigate the use of personal information collected, used or acquired by the other party through this Contract.

The Contractor shall notify DOL in writing within five (5) working days of becoming aware of any unauthorized access, use or disclosure. The Contractor agrees to indemnify and hold harmless DOL for any damages related to unauthorized use or disclosure by the other party their officers, directors, employees, subcontractors or agents.

Any breach of this clause may result in termination of the Contract.

DATA DISPOSITION

Each party shall certify the return or destruction of all data sets as described herein upon expiration or termination of this Contract (Reference: *Certification of Data Disposition*, Attachment C) and shall retain no copies. If the parties mutually determine that return or destruction is not feasible, neither party shall use

the Confidential Information in a manner other than those permitted or authorized by state and federal laws.

INDEPENDENT CAPACITY

The employees or agents of each party who are engaged in the performance of this Contract shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

CONTRACT ALTERATIONS AND AMENDMENTS

This Contract may be amended by mutual Contract of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

MEMO OF UNDERSTANDING (MOU)

Any instructions that either Contract Manager determines to address more than day-to-day concerns, but do not modify the terms of this Contract, shall be documented by a written, numbered *Memo of Understanding*.

TERMINATION FOR CONVIENENCE

DOL may terminate this Contract upon thirty (30) calendar days prior written notification to the Contractor. If this Contract is so terminated, the Contractor shall be liable only for performance rendered or costs incurred in accordance with the terms of this Contract rendered prior to the effective date of termination.

TERMINATION FOR CAUSE

If for any cause, the Contractor does not fulfill in a timely and proper manner its obligations under this Contract, or violates any of these terms and conditions, DOL will give the other party written notice of such failure or violation. The Contractor will be given the opportunity to correct the violation or failure within fifteen (15) working days. If the failure or violation is not corrected, this Contract may be terminated immediately by written notice from DOL to the Contractor.

DISPUTES

In the event that a dispute arises under this Contract, a dispute board shall determine it in the following manner: Each party to this Contract shall appoint a member to the dispute board. The members so appointed shall jointly appoint an additional member to the dispute board. The dispute board shall evaluate the facts, contract terms and applicable statutes and rules and make a determination of the dispute. The determination of the dispute board shall be final and binding on the parties hereto. As an alternative to this process, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control.

GOVERNANCE

This contract is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Contract shall be construed to conform to those laws.

In the event of an inconsistency in the terms of this Contract, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

1. Applicable state and federal statutes and rules;
2. Special Terms and Conditions;
3. *Statement of Work*, Attachment A,
4. *Data Classification Declaration*, Attachment B,
5. *Certification of Data Disposition*, Attachment C,
6. Any other provisions of the Contract, including materials incorporated by reference.

ASSIGNMENT

The work to be provided under this Contract, and any claim arising thereunder, is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent shall not be unreasonably withheld.

WAIVER

A failure by either party to exercise its rights under this Contract shall not preclude that party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Contract unless stated to be such in a writing signed by an authorized representative of the party and

attached to the original Contract.

SEVERABILITY

If any provision of this Contract or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Contract which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Contract, and to this end the provisions of this Contract are declared to be severable.

CONTRACT MANAGEMENT

The contract manager for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Contract.

The Contract Manager for the Contractor is:	The Contract Manager for DOL is:
Katheryn Seymour Bonney Lake Municipal Court PO Box 7380 Bonney Lake, WA 98391 Phone (253) 447-4303 FAX: (253) 447-4329 E-Mail: seymourk@ci.bonney-lake.wa.us	Mike Dennison Department of Licensing PO Box 9020 Olympia WA 98507-9020 Phone: (360) 902-3851 E-Mail: mdennison@dol.wa.gov

ALL WRITINGS CONTAINED HEREIN

This Contract contains all the terms and conditions agreed upon by the parties. No other understanding, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or to bind any of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Contract.

Bonney Lake Municipal Court

State of Washington
 Department of Licensing

 (Signature) (Date)

 Julie Knittle (Date)
 DOL Contracts Officer

 (Print Name)

APPROVED AS TO FORM ONLY

 (Title)

(SIGNATURE) ON FILE 2/12/2009
 Jerry Anderson, AAG (Date)
 Assistant Attorney General

 (Federal Identification Number)

Attachment A
STATEMENT OF WORK

DEFINITIONS

As used throughout this Contract, the following terms shall have the meanings set forth below:

1. **"Contractor"** means that Contractor, firm, provider, organization, individual or other entity accessing drive record information under this Contract.
2. **"Contract Officer"** shall mean the Assistant Director for DOL Administrative Services or the designee authorized in writing to act on behalf of the DOL Assistant Director.
3. **"Contract Manager"** means the representative identified in the text of the Contract who is delegated the authority to administer the Contract.
4. **"Personal Information"** means information identifiable to any person, including, but not limited to, information that relates to a person's name, health, use or receipt of governmental services or other activities, addresses, social security numbers, driver license numbers, other identifying numbers or Protected Health Information, and other information that may be exempt from disclosure to the public or other unauthorized persons under either RCW 42.17.310 or other state and federal statutes.
5. **"RCW"** shall mean the Revised Code of Washington. All references in this document to RCW chapters or sections shall include any successors, amended, or replacement statutes.
6. **"USER"** shall mean the Contractor, the Contractor employee(s) or agent(s) or entity performing on behalf of the primary Contractor and who will access the IHPS data system.

Program Support

The program support liason for the Contractor shall be the primary contact for all communications regarding:

- Operation of IHPS;
- Registration process of the digital certificate and SecureAccess Washington;
- User acceptance testing for system updates;
- Process for modifying, adding, terminating employees from User List and/or general questions;
- Notifications of system maintenance

The Program Support for DOL is:

Department of Licensing IHPS Support
PO Box 9030
Olympia WA 98507-9030

For questions about computer or browser-related problems:

Please contact the desktop support staff within your agency.

For questions about registering with SecureAccess Washington:

Please contact the Department of Information Services (DIS) Service Desk:

- Email: ServiceDesk@dis.wa.gov
- Phone: (360) 753-2454 or 1-888-241-7597

For questions about the Digital Certificate:

Please contact IdenTrust Customer Support:

- Email: helpdesk@identrust.com
- Phone: 1-888-248-4447
- Fax: (801) 326-5438
- Hours: Monday–Friday, 6 a.m. to 5 p.m.

For questions about the Interagency Agreement, use of the IHPS

application, or if you cannot gain access to the application during normal business hours:

Please contact Department of Licensing IHPS Support:

- Email: doldldsihpsupport@dol.wa.gov
- Phone: (360) 902-0154
- Fax: (360) 570-7858
- Hours: Monday–Friday, 8 a.m. to 5 p.m.

USERS Shall:

1. Take all steps necessary to ensure the application is accessible and used only by the authorized personnel to accomplish their official job functions.
2. Notify DOL in writing of employees who are eligible for access to the IHPS system using the *IHPS User List* template incorporated herein by reference.
3. Be responsible to immediately notify DOL in writing of any changes to the access eligibility by using the *IHPS User List Modification* template incorporated herein by reference.
4. Ensure the USER and USER's employees and agents will maintain the confidentiality of driver records by:
 - a. Protecting their account numbers and passwords;
 - b. Regularly changing passwords, by instructing users to change their password every 90 days, as recommended for security enhancement and by using hard to guess passwords; particularly when there are changes in personnel;
 - c. Instituting penalties for misuse of data; and
 - d. Ensuring that employees are familiar with the provisions of this contract.
5. Have the ability and are responsible to cancel its SecureAccess account.
6. Require USER employees to apply for and receive either a digital certificate from IdenTrust or registration with SecureAccess Washington for each employee accessing the IHPS application.
7. USER is provided the following options for access to the DOL IHPS system, IdenTrust and SecureAccess Washington or may elect to use both options.
 - *IdenTrust (Fee Applies)*
The USER will pay IdenTrust for the digital certificates along with a certificate renewal fee every two years. As a licensed, regulated entity, IdenTrust must comply with Washington law RCW 19.34 and operate under the rules set forth in chapter 434-180 of the Washington Administrative Code.
 - *SecureAccess (No Fee)*
SecureAccess WA is a single sign-on application gateway created by Washington State's Department of Information Services and allows Internet access to multiple online government services with the use of a unique single self-generated User-ID and password.

DELIVERABLES & DATA RESPONSIBILITIES

The parties as indicated will share the data identified below:

1. Purposes of data sharing.

It is the purpose of this Contract to set out the terms and conditions under which DOL will provide the Contractor staff, access to certain information from DOL's driver license records. Access to driver license record information will only be made available to the Contractor's staff to accomplish their official job functions. The use of said driver record information shall be exclusively for court proceedings and to assist the individual named in determining requirements to reinstate their Washington driving privilege.

Said information shall be disseminated only to authorized entities and persons; and used by them only for the purposes set out in this Contract, in accordance with federal and state law.

2. Statutory authority granting access to or sharing of data.

The Contractor will comply with all statutory or administrative rules regulating the confidentiality of information obtained from DOL databases, including but not limited to RCW 46.52.120 and RCW 46.52.130, RCW 46.61.513 and the federal Driver Privacy Protection Act 18 USC 2721.

3. Brief but clear description of the data to be shared.

DOL will provide the Contractor staff, with on-line or Internet access to DOL driver databases.

Contractor staff will update DOL's drive records with FTA adjudications.

Access will permit the Contractor staff to obtain information to be used exclusively for the purpose of determining requirements to reinstate the named individual's Washington driving privilege. This information is limited to:

- Failure to Appear Information (FTAs) (list);
- Reinstatement data and status;
- Middle initial search.

4. How will the data be shared?

The data shall be provided by the DOL based upon the option(s) chosen by Contractor at the time of application either Digital Certificate with IdenTrust and/or SecureAccess Washington or both.

5. Names of individuals or employees and their working titles who are authorized access to the shared data:

- Should be included on *attachement "E"*.

6. Brief and clear description of the procedure or protocol for accessing the data:

Aside from preventative maintenance and database updates, the application will be available for record access Sunday through Saturday. The Contractor will guard against unauthorized access to DOL databases as follows:

- 6.1 Only Contractor's staff needs this information in the execution of their official duties will be granted access privileges to the DOL databases specified in this Contract.
- 6.2 Access to DOL databases will be secured using log-on ID's/User Group Codes.
- 6.3 The Contractor's equipment capable of accessing these databases will be located in areas that are not accessible to the general public.
- 6.4 IHPS requires a UserID and password. SecureAccess requires user authorization. SecureAccess allows authorized staff access from any location with UserID and password. The applications allow the user to read and print the data and to update DOL's drive records with FTA adjudications.

7. How will the data be destroyed by data recipient/returned to data provider?

When information is no longer needed, it will be destroyed in the manner as other confidential client data.

The Contractor will comply with all statutory or administrative rules including, but not limited to Washington State Department of Information Services Board IT Portfolio Security Policy, Standards and Guidelines (<http://isb.wa.gov/policies/security.aspx>).

8. Security Controls. Contractor shall protect the data from unauthorized physical and electronic access while it is in motion and at rest, as described below:

1. Electronic Access: Contractor shall ensure electronic access is authorized using individual accounts, hardened passwords and require changing of passwords at least every 90 days.
2. Encryption and Decryption: Contractor shall furnish encryption and decryption software compatible with DOL's software to ensure security and confidentiality.

3. Apply Security Patches: Contractor shall be diligent in the timely installation of security patches for all information technology assets, hosts and networks, that process DOL data.
4. IT Security Policies and Procedures: Contractor shall maintain and enforce information technology security policies and procedures consistent with this Contract, and provide an electronic copy to DOL upon request within three (3) business days. Contractor's information technology security policies and procedures shall include a computer incident response policy and procedure and annual security training to their employees.
5. Protection/Intrusion Devices: All Contractors' information technology assets that store/process DOL data shall be physically secured from unauthorized access. Contractor shall employ adequate devices such as Intrusion Protection (IPS) and Intrusion Detection (IDS) devices and system log monitoring to ensure unauthorized users cannot access Contractor information technology assets in a manner that allows DOL data to be compromised.
6. Periodic Vulnerability Scanning and Penetration Testing: Contractor shall periodically scan information technology hosts and networks that process DOL data for vulnerabilities to exploitation.
7. Self Audits: Internal and independent audits to review Contractor's data protection and access may be conducted at a time or times determined by DOL at the Contractor's expense and DOL being the client.

Attachment B
DATA CLASSIFICATION DECLARATION

DATA CLASSIFICATION DECLARATION

Data described in this Contract is assessed by DOL to be in the following data (confidentiality) classification:

PUBLIC

A data classification for data whose access is unrestricted. It applies to all data that is not classified as CONFIDENTIAL or RESTRICTED CONFIDENTIAL.

CONFIDENTIAL

A data classification for data that, due to its sensitive or private nature, requires limited and authorized access. Its unauthorized access could adversely impact the Contractor legally, financially or damage its public integrity.

RESTRICTED CONFIDENTIAL

A data classification for the most sensitive data within the Contractor. It is confidential (as defined above); however, with a need for added protection. Its unauthorized access would seriously and adversely impact the organization, its customers, employees or business partners.

METHOD OF ACCESS/TRANSFER

The data shall be provided by the DOL to the Contractor in the following format(s):

- Secure file transfer (FTP/PGP, SFTP – Regular ADR Sales, ADR Monitoring)
- US or CMS mail (certified or registered with ID required)
- Secure on-line application (IHPS)
- Facsimile (exceptions only)
- Other FED EX – (with ID and return receipt required)

FREQUENCY OF DATA EXCHANGE

- One time: data shall be delivered by _____ (date)
- Repetitive
- As available

AUTHORIZED ACCESS TO DATA

Access to "Confidential" or "Restricted Confidential" information is limited to Contractor staff, who are specifically authorized and who have a business need-to-know. In accordance with the terms contained herein and prior to making the data available, the Contractor shall notify all Contractor staff with access to the data of the use, disclosure and disposition requirements.

USER will be responsible for ensuring that all employees obtaining access to the IHPS application have reviewed this contract and signed the *IHPS Appropriate Use Declaration* form incorporated herein by reference. This form will be kept on file at the USER's location.

**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> Exec / Brian Hartsell	<u>Workshop / Meeting Date:</u> 09 Jun 2009	<u>Agenda Bill Number:</u> AB09-91
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 1949	<u>Councilmember Sponsor:</u> Councilmember Dave King

Agenda Subject: State Farm Good Neighbor Citizenship Grant Application

Proposed Motion: A Resolution of the City of Council of the City of Bonney Lake, Pierce County, Washington, authorizing the city to submit a grant application to the State Farm Good Neighbor Citizenship Grant Program.

Administrative Recommendation: Authorize the mayor to sign the grant application and authorize the Executive Assistant to submit application to State Farm.

Background Summary: The City of Bonney Lake is applying for a \$15,000 grant from the State Farm Good Neighbor Citizenship (GNC) grant program. The funds will be applied towards the Sabre Monopole Radio Tower project and would reduce the amount of funds currently needed from the drug seizure to fund the balance of the project.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
Budget Explanation:			
	Dept of Justice--Justice Assistance Grant \$23,468		
	City of Puyallup--reimbursement agreement \$55,000		
	Bonney Lake City Drug Seizure Fund \$31,532		
	State Farm Good Neighbor Citizenship Grant \$15,000		
	Total Estimated Project Cost \$125,000		

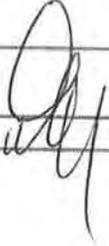
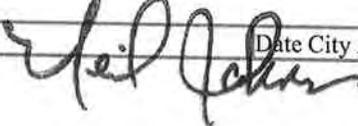
COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Public Safety Committee - 01 Jun 2009
Commission/Board Review Date: -
Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s): _____ **Public Hearing Date(s):** _____
Meeting Date(s): _____ **Tabled To Date:** _____

Signatures:

Director Authorization		Mayor		Date City Attorney Reviewed
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RESOLUTION NO. 1949

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE CITY TO ELECTRONICALLY SUBMIT A GRANT APPLICATION FOR \$15,000 IN CONNECTION WITH THE STATE FARM GOOD NEIGHBOR CITIZENSHIP GRANT PROGRAM.

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the Good Neighbor Citizenship grant and designate the executive assistant to electronically submit the grant application as required by the grant program.

PASSED by the City Council this 9th day of June, 2009

Neil Johnson Jr., Mayor

ATTEST:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney



Application for Requesting GNC Funds

- This application must be submitted with a brief cover letter requesting funds on your organization's letterhead.
- Applications should be sent electronically to: tim.wade.mm0e@statefarm.com.
- All requested information in the application must be included for us to consider your grant request.
- Telephone solicitations cannot be considered.
- For questions or additional information, please contact:

Tim Wade, Public Affairs
 State Farm Insurance
 253-912-6457

Application Date: June 10, 2009
Organization Information
Name: City of Bonney Lake, WA Address: 19306 Bonney Lake Blvd, PO Box 7380, Bonney Lake, WA 98391 Phone: 253-447-3102 Email: hartsellb@ci.bonney-lake.wa.us Website: www.ci.bonney-lake.wa.us Type: Government Agency
Federal Tax ID Number or Employer ID Number: 91-0753552
Total Estimated Budget for Project: \$125,000
Total Amount Requested from State Farm: \$15,000
Have you received funding from State Farm in the last 12 months? <i>(State Farm will issue funding ONE TIME per 12 month period per qualifying organization.)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No



Grant Request Details

1. What is the purpose and objective(s) of the program/project State Farm is being asked to support? And which part(s) are you requesting funding for?

Purpose: Establish radio frequency interoperability for the City of Bonney Lake. Interoperability will create an effective communications system that will enhance the police department's ability to meet citizen's routine public safety needs and improve response during large-scale disasters or emergencies.

This purpose is consistent with the Federal Communications Commission's goal of promoting public safety interoperability and will meet the Association of Public-Safety Communications Officials recommended public safety standard for radio coverage.

2. What are the measurable results of this program/project? Please include information about the outcome expected of the participants (e.g., attitude or behavior changes). Include your plans to measure this information.

The success of the project will be measured by dramatically increased frequency coverage. Upon project completion and as part of the acceptance test package, frequency coverage testing will be conducted in accordance with the Telecommunications Industry Association standard.

3. What specifically will this contribution pay for?

All funds associated with this project will pay for the radio antenna tower and its installation on city-owned property at Allan Yorke Park, Bonney Lake, WA.

4-a. Does this program qualify under the Community Reinvestment Act?

4-b. Has this person or organization made a CRA communication anytime within the last 3 years? (*Double-click here to learn more about the Community Reinvestment Act.*)

4-a: Yes No

4-b: Yes No

If yes, please explain:

5. Will State Farm receive recognition from this contribution? *(Recognition is not a decisive factor for receiving funds. However, we need to know how you plan to use the applicable State Farm logo and name, making sure it's compliant with our trademark guidelines.)*

Yes (if yes, please describe) The city will gladly work with State Farm, including the Bonney Lake Office and other State Farm offices that fall within the radio frequency coverage area, to ensure appropriate recognition occurs—possibilities include a media event and other announcements through various outlets. The tower itself does not lend itself structurally to have a logo, nor will the base of the tower be in a highly visible location. The city could also potentially coordinate a media event involving local, regional, and state elected officials to highlight the contribution.

No

6. What types of opportunities are available for State Farm agents and employees to be involved as volunteers with your organization (volunteer event, board position, etc.)?

There are several city events and city organizations, or organizations affiliated with the city, that have one-time and recurring opportunities for volunteers. These events include National Night Out, Beautify Bonney Lake, Bonney Lake Days, and others. These events require volunteers for various service projects, provide opportunities for booths, or host other activities that volunteers could man or sponsor.

7. Which of State Farm's community focus areas does this program/project fall within? Expand on all that apply to your program or event. *(Double-click on the links below to learn more about State Farm's commitment to building safer, stronger, and better-educated communities.)*

Safe Neighbors:

Once the project is complete, Bonney Lake and surrounding areas will have dramatically improved radio coverage at 800 MHz. The resulting interagency operability, reduced interference, and improved in-building coverage will increase officer safety and effectiveness during all types of emergencies—including natural and manmade disasters. These results directly align with the Safe Neighbors focus to support disaster preparedness and recovery services and minimize the impact that such events have on community infrastructure and facilities.

Strong Neighborhoods:

Education Excellence:

Teacher Excellence**Error! Bookmark not defined.,**

Service-Learning,

Systematic Improvement

Does this program reach low-income or academically at-risk students?

Yes (please describe) No

This program will improve the public safety of all Bonney Lake residents across all income and academic classifications plus outlying areas—an estimated population of 23,000 to benefit.

8. Please list any media, community, or political leaders involved with the organization.

Our elected officials include the Mayor and the 7-member City Council. This project is spearheaded by our Police Department.

9. For 501 (c)(3) organizations, please provide background information about the organization including history, mission statement, and purpose.

N/A

10. What is the total or overall funding required for this program/project?

An estimated \$125,000 is required to complete this project. On May 26, 2009 the Bonney Lake City Council passed Resolution 1947 authorizing the signing of a contract with Sabre Communications for the purchase and installation of the 800 MHz radio frequency tower.

11. Please itemize the amount in question #10 showing a breakdown of total expenses for this program/project.

Itemized Project Costs for Bonney Lake Monopole Radio Antenna & Installation	
Monopole Materials	\$ 60,000
Foundation Installation	\$ 36,000
Monopole Erection	\$ 21,000
Freight	\$ 8,000
Total Estimated Project Cost	\$ 125,000

12. What amount of funding are you requesting from State Farm?

\$15,000

13. Please itemize the amount in question #12 showing a breakdown of only what State Farm's donation will pay for (e.g., supplies -- \$100; printing -- \$50)

The \$15,000 will be applied towards the itemized project items detailed in Question 11.

14. What is the timeline for your program/event? Please list important dates if appropriate (e.g. event date, publication deadlines, etc.)

Project will start mid-summer with an estimated project completion of November 30, 2009.

15a. How many program participants will directly benefit from State Farm's support?

15b. How many participants overall will benefit from this program/project?

15-a: State Farm's contributions would cover an estimated 12% of the project cost. With an estimated 23,000 beneficiaries, State Farm would be benefitting 23,000 x .12, or 2,760. However, the contributions would be a critical piece of the overall project, so it could be argued that all 23,000 benefit from State Farm's support.

15-b: An estimated 23,000 people within the radio frequency coverage area will benefit from the project—16,000 within city limits, and 7,000 in outlying areas.

16. What are the expected funding sources, including funds committed, pledged, and pending? State Farm prefers to fund programs with a diverse funding base.

Name	Amount	Commitment Level
1. Dept of Justice—Justice Assistance Grant	\$23,468	Pending, but earmarked
2. City of Puyallup, WA reimbursement	\$55,000	Part of agreement
3. Bonney Lake City drug seizure fund	\$31,532	Committed
4. State Farm GNC Grant	\$15,000	Pending
5.		

17. Has State Farm been involved, in any way, with this organization? If so, please explain the relationship.		
N/A		

¹ Updated: 7/1/2008 by A. McVicar (p50j)

Scope of Work

Project Description: The City of Bonney Lake will complete an update of the Shoreline Master Program (SMP) that is developed and adopted in a manner consistent with the procedural and substantive requirements of the Shoreline Management Act (SMA) and its implementing rules, including the Shoreline Master Program Guidelines (Guidelines). The SMP update process includes completion of inventory and analysis reports with corresponding maps and illustrations that characterize shoreline ecological conditions; development of shoreline policies, environment designations, and use regulations; as well as analysis of cumulative impacts and uses, preparation of a shoreline restoration plan and a formal local adoption process. Bonney Lake will incorporate public participation in all phases of the SMP update. Bonney Lake may use consultant support as appropriate.

Work Program: Bonney Lake shall perform the following tasks:

Task A: Coordination

The City of Bonney Lake will coordinate throughout the SMP update process with Ecology and other applicable state agencies, neighboring jurisdictions, and Indian tribes as provided in the Guidelines and SMA procedural rules. In addition, consult with all other appropriate entities which may have useful scientific, technical, or cultural information, including federal agencies, watershed management planning units, salmon recovery lead entities, universities and other institutions, local individual outdoor recreationists and conservationists, and organizations with special expertise representing these interests.

Bonney Lake will coordinate with adjacent jurisdictions that share areas within shoreline jurisdiction (for example, jurisdictions on the same lake or stream) for the purpose of efficiently using grant funds; sharing information and methods of analysis; drafting compatible SMP policies, regulations, environment designations; and coordinating public involvement.

Bonney Lake representatives will attend Ecology-sponsored coordination meetings, which occur on a regular basis, for the duration of the project. The City will provide Ecology opportunities for review of draft deliverables at appropriate intervals. When requested, Bonney Lake shall include a written response to Ecology's comments on draft deliverables.

Ecology will provide ongoing technical assistance on data sources and approaches, and will evaluate consistency of deliverables with the Shoreline Management Act and applicable guidelines throughout the update process.

Deliverables:

1. Documentation of contacts in quarterly progress reports (three hard copies and one digital copy).

Due Dates: January 20, April 20, July 20 and October 20, each year for three years.

2. Written responses to Ecology's comments on draft deliverables, when requested. (May be provided in email format.)

Due Dates: Following receipt of Ecology's comments.

YEAR 1

Project Initiation

Task B: Secure qualified consultant services

Bonney Lake shall prepare a detailed scope of work for consultant services consistent with the grant scope of work, publish a Request for Proposals, and enter into a contract with the selected consultant.

Deliverable:

- Final executed consulting contract (digital or hard copy).

Due Date: 8/15/09

PHASE 1: PRELIMINARY ASSESSMENT OF JURISDICTION, PUBLIC PARTICIPATION PLAN, AND SHORELINE INVENTORY

Task 1.1: Identify preliminary shoreline jurisdiction

Bonney Lake will identify the preliminary geographic scope for the comprehensive SMP update project. The City will use available information to map required and optional Shorelines of the State as defined by statute and rule in order to identify the initial area under SMA shoreline jurisdiction. The shoreline jurisdiction area will be refined during later tasks. The preliminary jurisdiction mapping will include:

- Statutory minimum areas consisting of the following Shorelines, Shorelines of Statewide Significance and Shorelands (per RCW 90.58.030(2)). This includes national forests and other federal or tribal areas that are not under sole jurisdiction of the federal government or tribes.
 - Marine shorelines.
 - Rivers and streams with mean annual flow over 20 cubic feet per second.
 - Lakes and reservoirs exceeding 20 acres.
 - Associated wetlands of these areas.
 - Lands extending landward 200 feet from the ordinary high water mark, floodways and floodplain areas landward 200 feet from the ordinary high water mark.

Optional areas to be considered for inclusion in the SMP:

- Floodplains: All or part of the floodplain landward of the 200-foot mark from the floodway (per RCW 90.58.030(2)(f)(i)).
- Buffers: Buffers necessary for the protection of Critical Areas as defined in Growth Management Act regulations (per RCW 90.58.030(2)(f)(ii)).
- Future annexation areas: For cities, SMPs may include Shoreline Environment predesignation within designated unincorporated Urban Growth Areas.

Contact the Ecology project officer for the most recent maps of stream segments meeting the 20 cfs threshold and other available information. If federal or tribal areas are

proposed for exclusion, provide documentation that the area is under sole jurisdiction which precludes application of local and state authorities.

Deliverables:

1. Preliminary jurisdiction map (digital) of Shorelines of the State subject to local SMP.

Due Date: 10/1/09

Task 1.2: Prepare plan for public participation

Throughout Phases 1 through 5 of the SMP update planning process, Bonney Lake will inform and involve the public in updating the SMP consistent with the Shoreline Management Act (see RCW 90.58.130) and WAC 173-26. The City will prepare a public participation plan that identifies specific objectives, outreach strategies, key parties (Planning Commission and elected officials, shoreline property owners, state agencies, Tribes, local residents, neighboring jurisdictions, etc.), and establishes timelines for public participation activities. Bonney Lake will engage all parties early and continuously in the update process, particularly those relevant individual recreationists and conservationists or organizations that may not typically seek involvement in new shoreline regulations. The City will documenting all public outreach and public events related to SMP development as required.

Ecology recommends that the public participation process be coordinated by a designated facilitator (with responsibilities distinct from the local planner managing the update effort).

Deliverables:

1. Public participation plan (digital copy).
2. Public participation updates in quarterly progress reports.

Due Date: 10/1/09

Task 1.3: Demonstrate how Phase 1 complies with the Guidelines

Bonney Lake will fill in the SMP Submittal Checklist for the tasks that you have completed under Phase 1.

Deliverables:

1. An SMP Submittal Checklist completed as relevant to task.

Due Date: 10/1/09

PHASE 2: SHORELINE INVENTORY, ANALYSIS & CHARACTERIZATION

Task 2.1: Complete shoreline inventory

Bonney Lake shall compile all pertinent and reasonably available data, plans, studies, inventories, maps and other applicable information. Bonney Lake will collect the following information to the extent that such information is relevant and reasonably obtainable:

- Shorelines of the State (all marine shorelines, streams >20 cfs mean annual flow, lakes >20 acres, and shorelands) as defined in RCW 90.58.030, located in the City's jurisdiction.

- General location of channel migration zones, floodplains, and the floodway.
- Critical areas, including wetlands, aquifer recharge areas, fish and wildlife conservation areas, geologically hazardous areas, and frequently flooded areas, as defined in RCW 36.70A, the Growth Management Act.
- Shoreline and adjacent land use patterns/density and transportation and utility facilities, including the extent of existing structures, impervious surfaces, vegetation and shoreline modifications within shoreline jurisdiction.
- Degraded areas and sites with potential for ecological restoration.
- Areas of special interest, such as priority habitats, rapidly developing waterfronts, previously identified toxic or hazardous material clean-up sites, and eroding shorelines.
- Existing and potential shoreline public access sites, including public rights-of-way and utility corridors. The inventory will include descriptions of recorded public access easements, their prescribed use, maintenance and terms.
- Historical aerial photographs documenting past conditions to assist in preparing an analysis of cumulative impacts of development.
- Archaeological and historic resources in shoreline jurisdiction.
- Policies and regulations in shoreland and adjacent areas that affect shorelines, such as surface water management and land use plans and regulations (Critical Areas Ordinance, flood ordinance, etc.).

Deliverables:

1. Draft list of inventory data sources (digital copy) for review and comment.
2. Digital working maps of inventory information displayed at appropriate scales.
3. An SMP Submittal Checklist completed as relevant to task.

Due Date: 1/30/10

Task 2.2: Conduct shoreline analysis

Conducting the shoreline analysis will result in a shoreline characterization report. The report will define the ecological functions of the shorelines in Bonney Lake, identify shoreline management challenges, and present recommendations for protection and restoration of shoreline functions. (Please see description of this report in Task 2.3.)

Bonney Lake will conduct an analysis of the inventory information and data collected in Task 2.1 as it relates to development of an effective SMP. The City will develop a characterization of the ecosystem processes and shoreline functions, identify opportunities for shoreline protection and restoration, identify current and potential public access sites, and conduct a shoreline use analysis. The City will also identify measures and actions to protect and restore shoreline functions and ecosystem wide processes (e.g. appropriate land use activities or environment designations, regulations, development standards, etc.) These tasks should be conducted as they are relevant to shorelines in your jurisdiction.

2.2.1 Characterize ecosystem-wide processes

This characterization will include a coarse analysis of the broader area that influences the shoreline jurisdiction. It will include a narrative with reference to maps that describes and illustrates the processes in the larger drainage area that are linked to the shoreline through hydrologic flows. These processes include the uptake, transport and deposition of sediment, nutrients, woody debris, and pollutants. Specifically, this characterization will:

- Present the geographic context for shoreline jurisdiction areas –with geology, soils, topography, vegetation, and drainage patterns of the watersheds. Describe how these large scale upland areas relate to and affect the shoreline. Review existing regional watershed or natural resource related plans for inclusion of relevant information.
- Identify areas throughout the watersheds, or, within and beyond shoreline jurisdiction, that are important to maintaining shoreline ecological functions (e.g. wetlands, forest cover, floodplains, higher permeability deposits, discharge, organic/clay soils, etc.)
- Identify areas that are key impairments (e.g. forest clearing, impervious cover, channelized streams, altered wetlands, roads and ditches, dams/diversions, groundwater withdrawals, and listed impairments such as those published in the 303(d) list.
- Identify opportunities for protection/restoration of upland and adjacent areas essential for maintaining shoreline processes and function.

2.2.2 Characterize shoreline functions

This will be a more detailed analysis of the shoreline jurisdiction that includes a narrative with reference to maps and GIS data. The shoreline will be separated into reaches based on land use and ecological processes (such as man-made physical features, stream confluences, or littoral drift cell boundaries). Functions will be described as they are associated with each shoreline reach. Specifically, this characterization will:

- Detail the physical, biological, and land-use components within the shoreline jurisdiction.
- Evaluate and assess shoreline ecological function using current scientific understanding of the relationship between the conditions of ecosystem-wide processes and functions within shoreline jurisdiction. Identify functions that are healthy, functions that are adversely impacted and functions that may have existed and are now missing.

2.2.3 Conduct Shoreline Use Analysis; analyze opportunities for public access

- Conduct shoreline use analysis:
 - Identify current patterns of land uses in shoreline areas.
 - Identify likely or projected uses in shoreline areas.
 - As applicable, analyze potential use conflicts and identify possible adverse impacts those could have on current ecological functions.
 - Estimate future demand for shoreline space consistent with WAC 173-26-201(3)(d)(ii) requirements.
 - Identify opportunities and demand for SMA preferred uses and potential use conflicts based on current use patterns and projected trends.
- Identify current public access sites and opportunities for future access sites.

Task 2.3: Prepare shoreline inventory and characterization report

Bonney Lake will prepare a shoreline inventory and characterization report with accompanying maps that provides an analysis of the inventory data, ecosystem characterization and shoreline functions, shoreline use and public access findings as it relates to development of an effective SMP. The report will present findings and recommendations in a way that is useful for making SMP planning decisions. This report

will provide a foundation for establishing environment designations, policies and implementing regulations. The report should identify data gaps, focusing on information that would be useful to support shoreline program development and implementation. The report should:

- Present the geographic and jurisdictional context for the SMP update.
- Characterize ecosystem processes and functions.
- Present reach level analysis information. Detailed information on shoreline reaches will identify opportunities and constraints in:
 - Protecting intact and restoring degraded ecological processes and functions.
 - Addressing the requirements for shorelines of statewide significance per WAC 173-26-251.
 - Providing public access.
 - Accommodating appropriate water-oriented uses.
- Identify potential use conflicts to inform environment designation and allowed use decisions.
- Develop shoreline management measures for protection and restoration of ecological functions, SMP policies, regulations, and environment designations based on the findings of the inventory and characterization. (For example, recommendations may include appropriate land use activities or environment designations, regulations, development standards, restoration and protection actions and strategies.)
- Organize relevant data for efficient review and use in the cumulative impact analysis. (A table is recommended.)

The report will also include refined shoreline jurisdiction boundaries and synthesis maps at appropriate viewing scales that will inform the report and illustrate findings that correspond with the narrative. For example, the user will be introduced to the area with coarser resolution vicinity maps indicating the county/city location in the state and delineating county/city and watershed boundaries. Maps at the shoreline reach scale will clearly differentiate the land and water contained within SMA jurisdiction from adjacent lands and contributing drainages. Maps at this scale will present the significant geologic, hydrologic, and ecologic features most essential to maintaining shoreline form and function and those land uses that may have altered upland processes influencing shoreline function. The reach scale maps also will indicate applicable inventory features such as known presence of listed species, critical riparian or aquatic vegetation, existing land uses, designated critical areas, and shoreline modifications. Potential areas for shoreline uses, public access, restoration and/or protection will be indicated. The portfolio will include a comprehensive list and map of public access to shorelines.

Deliverables (digital copy with accompanying maps):

1. Shoreline characterization and analysis report with map portfolio that addresses the above task requirements in 2.1, 2.2 and 2.3, above.

Due Date of DOE Draft: 4/30/2010

Final Due Date: 6/30/2010

Task 2.4: Demonstrate how Phase 2 complies with the Guidelines

Fill in the SMP Submittal Checklist for the tasks that you have completed under Phase 2.

Deliverables:

1. An SMP Submittal Checklist completed as relevant to task (adding incrementally to earlier completed tasks).

Due Date: 6/30/2010

YEAR 2

PHASE 3: COMPLETE DRAFT SMP and CUMULATIVE IMPACTS ANALYSIS

Task 3.1: Conduct community visioning process

Conduct a community visioning process that includes as many citizens as possible to determine goals for future use of the shoreline. This process should be conducted with respect to the findings of the shoreline inventory and characterization report. The visioning process will identify shoreline problems and opportunities. It will result in a strategy for shoreline uses, public access, resource protection, and restoration that is consistent with SMA policy and SMP Guidelines objectives.

Deliverable: (digital copy)

1. Strategy for shoreline uses, public access, resource protection and restoration (Task 3.1).

Due date: 5/1/2011

Task 3.2: Develop general SMP policies and regulations

Prepare general shoreline goals and policies that are applicable throughout the area within shoreline jurisdiction. Optional SMP components may include general SMP regulations that apply in all environment designations.

Task 3.3: Develop environment designations

Develop environment designations that are appropriate to current waterfront conditions per the findings of the shoreline inventory and characterization. Shoreline environment designations may be comprised of those recommended in the guidelines; the existing local SMP; unique, locally developed environments; or any combination of these, so long as they are consistent with WAC 173-26-211 environment designation criteria.

Prepare draft maps illustrating the land and water area contained within mapped shoreline designation boundaries together with justification and rationale for the proposed designations. Boundaries of shoreline environment designations shall be clearly mapped. Optional shoreline jurisdiction areas, including entire floodplains and buffers for critical areas, should be mapped and designated if they are included within shoreline jurisdiction. A map clearly illustrating existing designations compared to proposed designations should

be prepared. A narrative rationale describing reasons for maintaining or changing the designations shall be included.

Task 3.4: Develop environment-specific shoreline use & modification policies, regulations and standards

Prepare draft policies and regulations for environment designations, all uses discussed in the SMP Guidelines, and shoreline modifications. The draft policies and regulations for shoreline environment designations shall, at a minimum, identify:

- Shoreline use and modification activity goals and policies.
- Shoreline uses and modifications that are prohibited and allowed by Substantial Development Permit or Conditional Use Permit.
- Bulk dimensional standards (buffers, setback, density, etc).
- Shoreline modification activity standards.
- Any local policies or regulations adopted by reference, if relied upon to satisfy SMA or guidelines requirements.

Optional SMP components may include:

- Shoreline use and dimensional standards listed in matrices, by environment designation. (*Strongly encouraged.*)

Task 3.5: Draft SMP administrative provisions

Prepare draft provisions for SMP administration, including necessary elements and timelines for permit administration, compliance, and enforcement. Statements about the role of Ecology in permit decisions should be included.

A definitions section should be prepared. Definitions should be particular to SMP administration, consistent with the SMP's implementing rules. Definitions should be clearly and concisely written.

Optional SMP components may include additional administrative provisions, if not inconsistent with SMA procedural rules and the guidelines. An SMP "user's guide" may be prepared.

Deliverables (three hard copies and one digital copy, with accompanying maps):

1. Complete Draft SMP, including:
 - Draft general goals and policies and optional general regulations. (Task 3.2)
 - Draft environment designations and draft environment maps. (Task 3.3)
 - Draft environment-specific shoreline use and modification policies, regulations, and standards. (Task 3.4)
 - Draft administrative provisions. (Task 3.5)
 - Maps showing environment designations within shoreline jurisdiction
2. An SMP Submittal Checklist completed as relevant to task (adding incrementally to earlier completed tasks).

Draft Due Date: 4/30/2011

Final Due Date: 6/30/2011

Task 3.6: Prepare preliminary cumulative impacts analysis

Evaluate and analyze draft SMP policies, regulations and environment designations to show how they achieve no net loss of shoreline ecological functions during the planning period. The analysis will include incremental and cumulative impacts of future uses and development allowed by the proposed SMP as an ongoing part of the update process. The analysis will identify how proposed SMP regulations and standards and restoration activities will avoid and offset expected impacts of future permitted and exempt shoreline development. Scenario-based impacts analysis is encouraged. The cumulative impacts analysis may need to be revised if the initial document shows that cumulative impacts would result from the draft SMP. (Note: The preliminary cumulative impacts analysis should be submitted at the same time as the Draft SMP.)

Deliverable (three hard copies and one digital copy, with accompanying maps):

1. A cumulative impacts analysis of the SMP demonstrating how no net loss of ecological functions will be achieved over time at in the jurisdiction.

Draft Due Date: 4/30/2011

Final Due Date: 6/30/2011

Task 3.7: Demonstrate how Phase 3 complies with the Guidelines

Fill in the SMP Submittal Checklist for the tasks that you have completed under Phase 3.

Deliverables:

1. An SMP Submittal Checklist completed as relevant to task (adding incrementally to earlier completed tasks).

Due Date: 6/30/2011

YEAR 3

PHASE 4: RESTORATION PLANNING, REVISITING PHASE 3 PRODUCTS AS NECESSARY

Task 4.1: Prepare restoration plan

Based on the Inventory and Characterization report, develop a plan for restoration of impaired ecological functions in specific shoreline reaches. Restoration plans should include:

- Identification of degraded areas, impaired ecological functions, and sites with potential for ecological restoration.
- Goals and priorities for restoration of degraded areas and impaired ecological functions.
- Existing and ongoing restoration projects and programs.
- Additional projects needed to achieve restoration goals and implementation strategies, including identification of prospective funding.
- Times and benchmarks for achieving restoration goals.
- Mechanisms to ensure that restoration projects and programs will be implemented.

Consult with organizations conducting restoration work for assistance in developing restoration strategies. The restoration plan should identify overlaps in how and where restoration work is being conducted. An implementation strategy should include recommendations for coordination between groups doing restoration work. A list of specific prioritized restoration projects may be included as an appendix to the SMP.

Deliverables (three hard copies and one digital copy, with accompanying maps):

1. A complete restoration plan.

Due Date: 11/1/2011

Task 4.2: Revisit draft SMP and cumulative impacts analysis; finalize SMP jurisdiction maps

Based on findings in the cumulative impacts analysis, Bonney Lake will re-evaluate and revise the draft SMP environment designations, policies, and regulations developed in Phase 3 as necessary to assure that they are adequate to achieve no net loss of ecological functions. Revise the cumulative impacts analysis as needed to reflect changes in the draft SMP.

Bonney Lake will prepare final jurisdiction maps (digital) of Shorelines of the State identified in Task 1.1 that will be subject to the local SMP.

Deliverables (three hard copies and one digital copy, with accompanying maps):

1. Revised designations, policies, and regulations that address the findings of the cumulative impacts analysis.
2. Revised cumulative impacts analysis.
3. Final SMP jurisdiction maps and boundary descriptions

Due Date: 2/1/2012

Task 4.3: Prepare a report that demonstrates how no net loss will be achieved

Bonney Lake will prepare a report that demonstrates how the recommended shoreline management measures in Task 2.3, together with the findings of the cumulative impacts analysis and the restoration plan, are reflected in the proposed SMP and achieve no net loss.

Deliverables (one digital copy)

1. A report that demonstrates how no net loss will be achieved through SMP implementation.

Due Date: 2/1/2012

Task 4.4: Demonstrate how Phase 4 complies with the Guidelines

Bonney Lake will fill in the SMP Submittal Checklist for the tasks that have been completed under Phase 4.

Deliverables:

1. An SMP Submittal Checklist completed as relevant to task (adding incrementally to earlier completed tasks).

Due Date: 2/1/2012

PHASE 5: LOCAL SMP ADOPTION PROCESS

Bonney Lake shall conduct a local review and adoption process for the proposed SMP as provided in the SMA, WAC 173-26, and the State Environmental Policy Act. The SMP shall contain shoreline policies, regulations, environment designations, definitions, required administrative provisions, and a clear description of final SMP jurisdiction boundaries together with copies of any provisions adopted by reference.

Task 5.1: Assemble complete draft SMP

Bonney Lake shall assemble a complete draft SMP and submit it to Ecology for informal review together with supporting documentation.

Task 5.2: Complete SEPA review and documentation

Bonney Lake shall conduct and document SEPA review pursuant to chapter RWC 43.21C, the State Environmental Policy Act

Task 5.3: Provide GMA 60-day notice of intent to adopt

Upon conclusion of Tasks 5.1 and 5.2, local governments planning under the Growth Management Act, Bonney Lake shall notify Ecology and the Department of Community, Trade and Economic Development of its intent to adopt the SMP as least sixty days in advance of final local approval, pursuant to RCW 36.70A.106 and WAC 173-26-100 (5).

Task 5.4: Hold public hearing

Bonney Lake shall hold at least one public hearing prior to local adoption of the draft SMP, consistent with the requirements of WAC 173-26-100. The names and mailing addresses of all interested parties providing comment shall be compiled.

Task 5.5: Prepare a responsiveness summary

Prior to adoption of the draft SMP by the local elected body, Bonney Lake shall prepare a summary responding to all comments received during the public hearing and the public comment period, discussing how the draft SMP addresses the issues identified in each comment.

Task 5.6: Adopt SMP and submit to Ecology

Bonney Lake shall complete the adoption process for the SMP update and adoption by the local elected body, and submit the adopted Draft SMP to Ecology.

Task 5.7: Demonstrate how Phase 5 complies with the Guidelines

Fill in the SMP Submittal Checklist for the tasks that you have completed under Phase 5.

Deliverables (two hard copies and one digital copy in Microsoft Word format, with accompanying maps):

1. A complete, locally adopted SMP including maps, with relevant supporting documentation. (Tasks 5.1 and 5.7)
2. SEPA products (checklist, MDNS or EIS; SEPA notice. (Task 5.3)
3. Evidence of compliance with GMA notice requirements. (Task 5.4)
4. Public hearing record. (Task 5.5)
5. Response to comments received. (Task 5.6)
6. A complete SMP Submittal Checklist.

Draft SMP Due Date: 2/30/2012

Adoption Due Date: 4/30/2012

Appeal Period Complete: 6/30/2012

SMA Grant Agreement No. G1000____

between the

State of Washington Department of Ecology

and

The City of Bonney Lake

Project: Comprehensive Shoreline Master Program Update

THIS is a binding agreement entered into by and between the State of Washington, Department of Ecology, (PO Box 47600, Olympia, Washington, 98504-7600) hereinafter referred to as the "DEPARTMENT" or as "ECOLOGY" and the City of Bonney Lake, hereinafter referred to as the "RECIPIENT" to carry out activities described herein, and as authorized by the Washington State Legislature under Chapter 173-26 of the Washington Administrative Code (WAC) for shoreline implementation.

RECIPIENT Name: **City of Bonney Lake**
Department: Community Development Department
Address: PO Box 7380,
Bonney Lake, WA 98391

RECIPIENT Project Coordinator: **Heather Stinson**
Telephone Number: 253-447-4355/FAX: 253-826-1921
E-mail address: stinsonh@ci.bonney-lake.wa.us

Fiscal Contact for RECIPIENT: **Al Juarez**
Telephone Number: 253-447-4314
E-mail Address: juareza@ci.bonney-lake.wa.us

Payee on Warrant: City of Bonney Lake
19306 Bonney Lake Blvd.
Bonney Lake, WA 98391

Project Officer for the Department: **Kim Van Zwalenberg**
SEPA Program, _____ Regional Office
Washington State Department of Ecology

Telephone Number: _____ / Fax: _____
E-mail address: kvan461@ECY.WA.GOV

The source of funds provided by the DEPARTMENT is the Washington State Legislature for shoreline implementation.

Maximum Grant Amount, Fiscal Year 1 (7/1/09-6/30/10):	\$ 30,000
Maximum Grant Amount, Fiscal Year 2 (7/1/10– 6/30/11):	\$ 30,000
Subtotal:	\$ 60,000
Maximum Grant Amount, Fiscal Year 3 (7/1/11 – 6/30/12) *:	\$ 15,000
Total Grant Amount:	\$ 75,000

*Year 3 funding is subject to legislative appropriation in Fiscal Year 2011-2012 and will be made available via formal amendment to this agreement.

State Maximum Cost Share Rate: 100% UP TO a maximum State Share of \$75,000

The effective date of this agreement is from July 1, 2009 to June 30, 2012.

Project Location Information

<u>State Legislative District</u>	No.	31	% of project within District?	100%
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	No.		% of project within District?	
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(% need to total 100%)	No.		% of project within District?	
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<u>Federal Congressional District</u>	No.	8	% of project within District?	100%
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<u>Watershed/Drainage Basin</u> (Water Resources Inventory Area)	No.	712	% of project within WRIA?	100%
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	No.		% of project within WRIA?	
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	No.		% of project within WRIA?	
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SMA Grant Agreement No. G1000____
between the Washington State Department of Ecology and the
City of _____

Scope of Work

- Insert Scope of Work Here -

Budget Summary and Conditions

Budget Conditions

Very Important Note: *Due to state law, all state funds that are disbursed to local governments under these grants are appropriated in the state budget on an annual basis within the biennium. Funds appropriated for each fiscal year of the grant must be spent on eligible activities within that fiscal year. Local governments are not allowed to carry unexpended funds past those annual dates without an amendment to the grant agreement. Amending grant agreements to shift money from one fiscal year to another is unlikely and will only occur if the legislature amends the biennial budget to revise the annual appropriations for the entire SMP Grant Fund.*

We are aware that state and local fiscal years are not on the same schedule; however, state law requires strict adherence to the state fiscal year for state agreements. Grantees are strongly encouraged to actively manage their projects to ensure that spending occurs at budgeted levels.

1. **Project Administration:** For the administration of this agreement the RECIPIENT must follow the current edition of the *Administrative Requirements for Ecology Grants and Loans* (Yellow Book). <http://www.ecy.wa.gov/biblio/9118.html>

2. **Invoicing:**
 - Grants are awarded on a reimbursable basis. The Recipient initially pays project costs as they incur. Invoicing to Ecology is usually by quarter but not more often than once per month. Upon presentation of an invoice to Ecology, Ecology's share of the project is reimbursed to the Recipient.

 - Expenditures will be monitored by the Ecology Fiscal Office for compliance with the budget (see below). Budget deviations are allowed between tasks (e.g., a grantee may spend less money on one task and more on another), but in no circumstances may the RECIPIENT exceed the total project cost. If the total of all budget deviations exceeds 10% of the entire project cost, the Ecology Project Officer may require a written budget redistribution. When submitting invoices to Ecology, **the RECIPIENT shall itemize all costs by task** and provide subtotals by task on Ecology's Form C2, Voucher Support Form. All payment requests must have forms A, B, C (and D if applicable), be accompanied by a commensurate progress report, and receive Ecology Project Officer approval before payment can be released.

NOTE: For payment requests, the RECIPIENT must use the Ecology forms provided. Otherwise, Ecology will return requests to the RECIPIENT for submittal on the correct forms.

 - The RECIPIENT must **maintain complete backup documents** including but not limited to all invoiced costs and time sheets - signed and dated by employee and supervisor. The RECIPIENT must keep these expenses in grant files according to budget task for a period of three years after project completion and make them available at any time for inspection by the DEPARTMENT.

- Requests for reimbursement must be **submitted at least quarterly** but not more than once per month by the RECIPIENT on state invoice voucher forms.
 - The **indirect rate must not exceed 25 percent** of direct (staff) labor and benefit costs. This rate covers space utilities, miscellaneous copying, telephone, motor pool, janitorial services, records storage, rental, county fiscal and legal services, etc. Items not included in this list must be reported with the first payment request and must remain consistent for the life of the grant.
 - **Right to Audit:** The Recipient agrees that payment(s) made under this grant shall be subject to reduction for amount charged thereto which are found after audit examination not to constitute allowable costs under this grant. The Recipient shall refund by check payable to the DEPARTMENT the amount of such reduction of payments under completed or terminated grants.
3. **Estimates:** Near the end of each fiscal year, RECIPIENTS will receive an Estimate Form from Ecology's Fiscal Office. An **estimate** is the dollar amount you anticipate requesting from Ecology for project costs incurred through June 30 and have not yet submitted for reimbursement. RECIPIENTS must fill out and submit the form to Ecology by the specified due date. Ecology must have these estimates to ensure sufficient funds are reserved to reimburse RECIPIENTS for expenditures incurred within that specific fiscal year ending June 30. **Failure to submit the Estimate Form by the due date could result in a considerable delay in payment from Ecology.** Timely receipt of estimates also helps Ecology more effectively manage the overall SMP grant fund.
4. **Final payment** of grant projects is contingent on receipt of viable work products as listed in the grant document.
5. **Funding Budget** (for RECIPIENT reporting and Ecology tracking purposes):

Maximum Grant Amount, Fiscal Year 1 (7/1/09-6/30/10):	\$ 30,000
Maximum Grant Amount, Fiscal Year 2 (7/1/10– 6/30/11):	\$ 30,000
Subtotal:	\$ 60,000
Maximum Grant Amount, Fiscal Year 3 (7/1/11 – 6/30/12) *:	\$ 15,000
Total Grant Amount:	\$ 75,000

***Note:** Year 3 funding is subject to legislative appropriation in Fiscal Year 2011-2012 and will be made available via formal amendment to this agreement.

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SMA Grant Agreement No. G1000____
 between the Washington State Department of Ecology and the
 City of _____

Expenditure Budget

Phase / Task	Year 1 09-10	Year 2 10-11	Year 3 11-12
A . Secure Consult Services			
B. Project Coordination			
1. Prelim Assessment / Public Participation Plan			
2. Shoreline Inventory, Analysis, and Characterization	\$30,000		
3. Shoreline Policy, Environment Designation; Policy and Regulation Development		\$30,000	
4. Cumulative Impacts Analysis / Restoration Planning / Revisit Phase 3 products as necessary			\$15,000
5. Local Adoption Process			
Subtotal	\$30,000	\$30,000	\$15,000

**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> ASD / Harwood Edvalson	<u>Workshop / Meeting Date:</u> 09 Jun 2009	<u>Agenda Bill Number:</u> AB09-90
<u>Ordinance Number:</u>	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: Cancellation of June 23, 2009 Regular Council Meeting

Proposed Motion: A motion of the Bonney Lake City Council cancelling the June 23, 2009 Regular Meeting to allow the Mayor and Councilmembers to participate in the Association of Washington Cities Annual Conference.

Administrative Recommendation: Approve the motion cancelling the meeting.

Background Summary: The Mayor, Councilmembers and limited staff will participate in the AWC Annual Conference during the week that includes the June 23rd regular Council meeting. The Council has traditionally canceled the meeting occurring during this week to allow Council and staff to participate in the training and networking occurring at this conference. It is proposed, again, that the Council cancel their June 23rd regular meeting.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
		None.	
Budget Explanation:			

<u>COMMITTEE/BOARD REVIEW:</u>
Subcommittee Review Date: -
Commission/Board Review Date: -
Hearing Examiner Date:

<u>COUNCIL ACTION:</u>	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 28 April 2009	Tabled To Date:

Signatures:

Director Authorization HTE		Mayor NJ		Date City Attorney Reviewed N/A
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**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> Exec / Brian Hartsell	<u>Workshop / Meeting Date:</u> 09 Jun 2009	<u>Agenda Bill Number:</u> AB09-92
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 1950	<u>Councilmember Sponsor:</u>

Agenda Subject: Authorization to Surplus City Vehicles

Proposed Motion: A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing the mayor to surplus vehicles to the State of Washington, General Administration (GA) surplus program.

Administrative Recommendation: Authorize surplus of vehicles detailed in attached list.

Background Summary: The City of Bonney Lake has multiple vehicles that currently reside unused at the Moriarty Property adjacent to Allan Yorke Park. To create space on the city property, to remove the eyesores they create, and to salvage any remaining value they may still have, it is recommended that these vehicles be declared surplus and disposed through the State's General Administration surplus program. In all cases the city either has no practical use for the vehicles, have replaced the vehicles, or the vehicles are no longer serviceable. The attached list details the vehicles recommended for surplus.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
Budget Explanation:			

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: -
 Commission/Board Review Date: -
 Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s):
 Meeting Date(s):

Public Hearing Date(s):
 Tabled To Date:

Signatures:

Director Authorization		Mayor		Date City Attorney Reviewed
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FINANCE COMMITTEE

DATE: Jun 9, 2009

ORIGINATOR: Brian Hartsell

TITLE: Executive Asst

SUBJECT/DISCUSSION: A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing the mayor to surplus vehicles to the State of Washington, General Administration (GA) surplus program.

The City of Bonney Lake has multiple vehicles that currently reside unused at the Moriarty Property adjacent to Allan Yorke Park. To create space on the city property, to remove the eyesores they create, and to salvage any remaining value they may still have, it is recommended that these vehicles be declared surplus and disposed through the State's General Administration surplus program. In all cases the city either has no practical use for the vehicles, have replaced the vehicles, or the vehicles are no longer serviceable. A detailed list of vehicles recommended for surplus is provided as an attachment to this and to the agenda bill.

ORDINANCE/RESOLUTION NUMBER: 1950

REQUEST OR RECOMMENDATION BY ORIGINATOR: Approve Proposed Resolution

**ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE
MAYOR
FINANCE DIRECTOR
CITY ATTORNEY**

BUDGET INFORMATION

<u>2009 Budget Amount</u>	<u>Required Expenditure</u>	<u>Remaining Balance</u>
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Explanation:

**COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL
DATE APPROVED DISAPPROVED**

Dan Swatman, Chair, Finance

David King, Chair, Public Safety

James Rackley, Chair, CDC

COMMITTEE COMMENTS:

**COMMITTEE'S RECOMMENDATION TO FORWARD TO:
CITY CLERK FINANCE DIRECTOR CITY ATTORNEY**

Please schedule for Council Meeting date of: Jun 9, 2009
Consent Agenda:

RESOLUTION NO. 1950

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SURPLUS PROPERTY IN ACCORDANCE WITH THE PROVISIONS OUTLINED IN BLMC 2.70.100.

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington, does hereby resolve that the vehicles and equipment listed in Exhibit "A" are surplus to the City's needs and hereby authorizes the mayor to dispose of said property through the State's General Administration surplus program

PASSED by the City Council this 9th day of June, 2009.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

Exhibit A--Vehicle Surplus List for Resolution 1950

List is being finalized and will be available for review at Jun 9 Finance Committee Meeting

**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> PD / Mike Mitchell	<u>Workshop / Meeting Date:</u> 09 Jun 2009	<u>Agenda Bill Number:</u> AB09-94
<u>Ordinance Number:</u> D09-94	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: Criminalization of Acts of Domestic Violence in front of Children and Strangulation in Domestic Violence

Proposed Motion: To Adopt Ordinance No. 09-94--
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 9.23 OF THE BONNEY LAKE MUNICIPAL CODE TO CRIMINALIZE DOMESTIC VIOLENCE IN THE PRESENCE OF CHILDREN AND DOMESTIC VIOLENCE STRANGULATION.

Administrative Recommendation: Approval.

Background Summary: There are approximately 13.3 domestic violence calls per month or 159.6 per year in the city. 98% of acts of domestic violence take place in front of or within earshot of children. The domestic violence and human resources pages of the city website have been updated with current resources for those in need of assistance.
http://www.ci.bonney-lake.wa.us/section_government/departments/police/community_service/domestic_violence.shtml
http://www.ci.bonney-lake.wa.us/section_community/community_resources/human_services.shtml

BUDGET INFORMATION:

Budget Amount	Required Expenditure	Budget Impact	Budget Balance
		None	

Budget Explanation:
There is no budget impact to this proposed legislation.

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Public Safety Committee - 01 Jun 2009
Commission/Board Review Date: -
Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 06/09/09	Tabled To Date:

Signatures:

Director Authorization *MM* Mayor *[Signature]* Date City Attorney Reviewed *6/1*

PUBLIC SAFETY COMMITTEE

DATE: June 1, 2009

ORIGINATOR: Laurie Carter

TITLE: Council Member

SUBJECT/DISCUSSION: Amending Chapter 9.23 to Criminalize Domestic Violence in the Presence of Children and Domestic Violence Strangulation

ORDINANCE/RESOLUTION # D09-94

REQUEST OR RECOMMENDATION BY ORIGINATOR: See attached

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE:

MAYOR
FINANCE DIRECTOR
CITY ATTORNEY Yes

BUDGET INFORMATON:

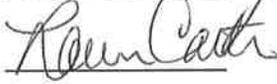
BUDGETED ITEM: N/A

TOTAL COST:

(Note: If budgeted item, attach copy of budget page and identify)

<u>2009 Budget Amount</u>	<u>Required Expenditure</u>	<u>Impact</u>	<u>Remaining Balance</u>
\$0			

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

	DATE	APPROVED	DISAPPROVED
Dave King, Chair	6/2/09		_____
Laurie Carter	6/2/09		_____
Mark Hamilton	6/2/09		_____

COMMITTEE COMMENTS:

COMMITTEE'S RECOMMENDATION TO FORWARD TO:

CITY CLERK FINANCE DIRECTOR CITY ATTORNEY

Please schedule for Council Meeting date of: June 9, 2009

ORDINANCE NO. 09-94

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 9.23 OF THE BONNEY LAKE MUNICIPAL CODE TO CRIMINALIZE DOMESTIC VIOLENCE IN THE PRESENCE OF CHILDREN AND DOMESTIC VIOLENCE STRANGULATION.

WHEREAS, Article XI, Section 11 of the Washington State Constitution authorizes the City Council to criminalize conduct which affects the health, welfare, or safety of its citizens, establish additional crimes as long as said crimes established by the City do not conflict with sState lLaw; and

WHEREAS, the City Council has enacted the City's law as set forth in the Bonney Lake Municipal Code; and

WHEREAS, Chapter 9 of the Bonney Lake Municipal Code, which identifies certain criminal violations, is designed to provide for public health, welfare and safety within the City; and,

WHEREAS, the crime of domestic violence, including abuse to children and the elderly, violates an individual's privacy, ~~and~~ dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control ~~and/or~~ abuse including abuse to children and the elderly; and

WHEREAS, the problems of domestic violence are not confined to any group or groups of people, but cut across all economic, racial, and societal barriers, and are supported by societal indifferences; and

WHEREAS, the impact of domestic violence is wide-ranging, directly affecting individuals and society as a whole, here in this community and; throughout the United States and the world; and

WHEREAS, the City of Bonney Lake has taken an active role in the fight against domestic violence, including active support of community organizations and the installation of a computerized kiosk allowing residents to file for court protective orders without traveling to Tacoma; and

WHEREAS, crimes of domestic violence are pervasive, with the long-term consequences suffered by not just the direct victims, but also ~~the~~ child witnesses; and

WHEREAS, studies show that strangulation domestic violence crimes ~~for~~ are some of the most lethal, with the perpetrators using strangulation as a form of power and control, and studies show that perpetrators who have used strangulation in the past are far more likely to commit homicide; and

WHEREAS, the City Council finds it is in the best interest of the citizens to

~~criminalize the acts add the crime of domestic violence involving children witnesses and the crime domestic violence involving strangulation,~~

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington, does hereby ordain as follows:

Section 1: Chapter 9.23 of the Bonney Lake Municipal Code is hereby amended as follows:

Chapter 9.23 DOMESTIC VIOLENCE

Sections:

- 9.23.010 Definitions.
- 9.23.020 Law enforcement officers – Training – Duty – Arrest powers – Offense reports – Transportation of victims – Records.
- 9.23.030 Recommendations as to duties of court in domestic violence actions.
- 9.23.040 Appearances by defendant.
- 9.23.050 Restricting contact with victim – Recording – Copy to victim – Clerk’s duties.
- 9.23.060 Service of orders.
- 9.23.070 Enforcement of orders restricting contact with victim.
- 9.23.080 Violation of order for protection – Duty to arrest violator.
- 9.23.090 Notification of victim of prosecution decision – Description of procedures available to institute criminal proceedings.
- 9.23.100 State statutes – Adoption by reference.
- 9.23.110 Interfering with the reporting of domestic violence.
- 9.23.120 Domestic violence – Penalty assessment.
- 9.23.130 Crimes occurring between family or household members – Domestic violence.

9.23.010 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

A. “Family or household members” means spouses, former spouses, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons who have a child in common, regardless of whether they have been married or have lived together at any time, persons 16 years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons 16 years of age or older with whom a respondent 16 years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

B. "Dating relationship" has the same meaning as in RCW 26.50.010.

C. "Domestic violence" includes, but is not limited to, any of the following crimes when committed by one family or household member (as defined in RCW 26.50.010(2)) against another:

1. Assault (BLMC 9.24.010);
2. Assault in the first degree (RCW 9A.36.011);
3. Assault in the second degree (RCW 9A.36.021);
4. Assault in the fourth degree (RCW 9A.36.041);
5. Reckless endangerment in the first degree (RCW 9A.36.045);
6. Reckless endangerment in the second degree (RCW 9A.36.050 and BLMC 9.24.030);
7. Coercion (RCW 9A.36.070);
8. Burglary in the first degree (RCW 9A.52.020);
9. Burglary in the second degree (RCW 9A.52.030);
10. Criminal trespass in the first degree (RCW 9A.52.070);
11. Criminal trespass (Chapter 9.60 BLMC);
12. Malicious mischief in the first degree (RCW 9A.48.070);
13. Malicious mischief in the second degree (RCW 9A.48.080);
14. Malicious mischief in the third degree (RCW 9A.48.090 and BLMC 9.52.010);
15. Kidnapping in the first degree (RCW 9A.40.020);
16. Kidnapping in the second degree (RCW 9A.40.030);
17. Unlawful imprisonment (RCW 9A.40.040);
18. Violation of the provisions of a restraining order issued in divorce proceedings restraining the person or excluding the person from a residence, work place, school, or day care (RCW 26.09.300 and Chapter 9.23 BLMC);
19. Violation of the provisions of a protection order or no contact order restraining the person or excluding the person from a residence, work place, school, or day care made by any court pursuant to the provisions of the Domestic Violence Prevention Act (Chapter 26.50 RCW and Chapter 9.23 BLMC);
20. Rape in the first degree (RCW 9A.44.040);
21. Rape in the second degree (RCW 9A.44.050);
22. Stalking (RCW 9A.46.110 and BLMC 9.25.100);
23. Residential burglary (RCW 9A.52.025); and
24. Interference with the reporting of domestic violence (RCW 9A.36.150).
25. Strangulation (BLMC 9.23.130)

D. "Victim" means a family or household member who has been subjected to domestic violence.

E. "Court" means the superior court, district courts, municipal courts of the state of

Washington, and includes the municipal court of the city of Bonney Lake.

F. "Judicial day" does not include Saturdays, Sundays or legal holidays. (Ord. 790 § 23, 1998; Ord. 703 § 2, [1995][L1]).

G. "Strangulation" means intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by obstructing the nose or mouth of another person.

H. "Witnessed" means if the crime is seen or directly perceived in any other manner by the child.

9.23.020 Law enforcement officers – Training – Duty – Arrest powers – Offense reports – Transportation of victims – Records.

A. All training of law enforcement officers relating to the handling of domestic violence complaints shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

B. The primary duty of peace officers when responding to a domestic violence situation is to enforce laws allegedly violated and to protect the complaining party.

C. 1. When a peace officer responds to a domestic violence call and has probable cause to believe that a crime defined in this chapter as domestic violence has been committed, the peace officer shall exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's rights to initiate criminal proceedings in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.

2. A peace officer responding to a domestic violence call shall take a complete offense report, including officer's disposition of the case.

D. When a police officer responds to a domestic violence call the officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other service in the community, and giving each person immediate notice of legal rights and remedies available. The notice shall include handing each person a copy of the following statement:

If you are the victim of domestic violence, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) An order directing your abuser to leave your household; c) An order preventing your abuser from entering your residence, school, business or place of employment; (d) An order awarding you or the other parent custody of or visitation with your minor child or children; and (e) An order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court. Information about shelters and alternatives to domestic violence is available from a statewide, 24-hour, [include appropriate phone number]. The battered women's shelter and other resources in the area are: [include current local information].

E. The peace officer may offer, arrange or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

F. The law enforcement agency shall forward the offense report to the appropriate prosecutor within 10 days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation.

G. Each law enforcement agency shall make, as soon as practicable, a written record and shall maintain records of all incidents of domestic violence reported to it.

H. Records kept pursuant to subsections C and G of this section shall be made identifiable by means of a departmental code for domestic violence. (Ord. 703 § 2, 1995).

9.23.030 Recommendations as to duties of court in domestic violence actions.

A. Because of the serious nature of domestic violence, the court shall take into consideration the following policy guidelines of the City Council when ruling on domestic violence cases:[L2]

1. The court shall ~~should~~ not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;
2. The court should ~~shall~~ not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;
3. The court should ~~shall~~ waive any requirement that the victim's location be disclosed to any other person, other than to the attorney of a criminal defendant, upon a showing that there is a possibility of further violence; provided, that the court may order a criminal defense attorney not to disclose to his client the victim's location; and
4. The court should ~~shall~~ identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

B. Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when a person charged with, or arrested for, a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. In such case, the court shall determine whether the person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim. In issuing the order, the court shall consider the provisions of RCW 9A.04.110. The no-contact order shall also be issued in writing as soon as possible.

C. If the court has probable cause to believe that the person charged or arrested is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 in any further acts of violence, the court may also require that person to surrender any deadly weapon in that person's immediate possession or control or subject to that person's immediate possession or control, to the chief of police or to the defendant's counsel for safekeeping.

D. Willful violation of a court order issued under this section is a gross misdemeanor. The written order releasing the defendant shall contain the court's directives and shall

bear the legend: "Violation of this order is a criminal offense under Chapter 9.23 of the municipal code of the City of Bonney Lake and will subject the violator to arrest; any assault or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order." A certified copy of the order shall be provided to the victim.

E. If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within 72 hours if charges are not filed. Such orders need not be entered into the computer information system in this state which is used by law enforcement agencies to list outstanding warrants.

F. Whenever an order prohibiting contact is issued, modified, or terminated under subsection B of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order, and the Bonney Lake police department. Upon receipt of the copy of the order, the Bonney Lake police department shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in this state. (Ord. 703 § 2, 1995).

9.23.040 Appearances by defendant.

A. A defendant arrested for an offense involving domestic violence as defined by BLMC 9.23.010 shall be required to appear in person before a magistrate within one judicial day after the arrest, or in a manner consistent with the existing court rules.

B. A defendant who is charged by citation, complaint or information with an offense involving domestic violence as defined by BLMC 9.23.010 and not arrested shall appear in court for arraignment in person as soon as practicable, but subject to court rules and if consistent therewith, in no event later than 14 days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

C. At the time of the appearance provided for in subsections A and B of this section, the court shall determine the necessity of imposing or extending a no-contact order or other conditions of pretrial or presentencing release according to the procedures established by court rules for a preliminary appearance or an arraignment. If the court has probable cause to believe that the defendant is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 in any further acts of violence, as one of the conditions of pretrial release the court may require the defendant to surrender any deadly weapon in the defendant's immediate possession or control to the chief of police or to the defendant's counsel for safekeeping. The decision of the judge and findings of fact in support thereof shall be in writing.

D. Appearances required pursuant to this section are mandatory and cannot be waived unless otherwise provided by court rules. (Ord. 703 § 2, 1995).

9.23.050 Restricting contact with victim – Recording – Copy to victim – Clerk’s duties.

A. When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant’s ability to have contact with the victim, such condition shall be recorded and a written certified copy of the order shall be provided to the victim.

B. Willful violation of a court order issued under this section is a gross misdemeanor. The written order shall contain the court’s directives and shall bear the legend: “Violation of this order is a criminal offense under Chapter 9.23 Bonney Lake Municipal Code and will subject a violator to arrest: any assault or reckless endangerment that is a violation of this order is a felony.”

C. Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order, and the Bonney Lake police department. Upon receipt of the copy of the order, the Bonney Lake police department shall forthwith enter the order for one year or computer-based criminal intelligence information system available to this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notices to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. (Ord. 790 § 24, 1998; Ord. 703 § 2, 1995).

9.23.060 Service of orders.

A. An order issued under this chapter shall be personally served upon the respondent by the

police department or sheriff unless the order entered by the court recites that the respondent appeared in person before the court, or petitioner elects to have the respondent served by a private party. The necessity for further service is waived and proof of service is not necessary.

B. If service by the police department or sheriff is to be used, the clerk of the court shall have a copy of any order issued under this chapter forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

C. If the police department or the sheriff cannot complete service upon the respondent within 10 days, the police department or sheriff shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

D. Return of service under this chapter shall be made in accordance with applicable court rules.

E. The Bonney Lake police department, when serving documents as required under this chapter, may collect from respondents ordered to pay fees under RCW 26.50.060 the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs. (Ord. 703 § 2, 1995).

9.23.070 Enforcement of orders restricting contact with victim.

Any order issued pursuant to this chapter which restricts a defendant’s ability to have

contact with a victim shall be enforced by arresting and taking the defendant into custody pending release on bail, personal recognizance or court order, when a peace officer has probable cause to believe that the defendant has knowingly violated the terms of that order. (Ord. 703 § 2, 1995).

9.23.080 Violation of order for protection – Duty to arrest violator.

A. Whenever an order for protection is granted under this chapter, or Chapter 7.90, 10.99, 26.09, 26.10, 26.26, 26.44, 26.50 or 74.34 RCW, and the person restrained knows of the provisions thereof, a violation of any of the following provisions of the order is a gross misdemeanor:

1. The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;
2. A provision excluding the person from a residence, work place, school, or day care; or
3. A provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location.

B. A peace officer shall arrest without a warrant and take into custody a person the peace officer has probable cause to believe has violated an order issued under this chapter, or Chapter 7.90, 10.99, 26.09, 26.10, 26.26, 26.44, 26.50 or 74.34 RCW, which restrains the person or excludes the person from a residence, work place, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order.

C. Any respondent or defendant who willfully disobeys the terms of any order issued under this chapter, or Chapter 7.90, 10.99, 26.09, 26.10, 26.26, 26.44, 26.50 or 74.34 RCW, may also, in the court's discretion, be found in contempt of court and subject to penalties under BLMC 9.14.020. (Ord. 1304 § 1, 2009; Ord. 703 § 2, 1995).

9.23.090 Notification of victim of prosecution decision – Description of procedures available to institute criminal proceedings.

The city attorney shall be responsible for making the decision whether or not to prosecute, shall advise the victim of that decision within five days of making the decision and, prior to making that decision, shall advise the victim, upon the victim's request, of the status of the case. (Ord. 703 § 2, 1995).

9.23.100 State statutes – Adoption by reference.

The city adopts the following sections by reference: RCW 26.09.300, 26.50.010 through 26.50.900, and 10.31.100. (Ord. 790 § 25, 1998; Ord. 703 § 2, 1995).

9.23.110 Interfering with the reporting of domestic violence.

A. A person commits the crime of interfering with the reporting of domestic violence if the person:

1. Commits a crime of domestic violence, as defined in BLMC 9.23.010; and
2. Prevents or attempts to prevent the victim or witness to that domestic violence crime from calling a 911 emergency communication system, obtaining medical assistance, or making a report to any law enforcement official.

B. Commission of a crime of domestic violence under subsection A of this section is a

necessary element of the crime of interfering with the reporting of domestic violence.

C. Interference with the reporting of domestic violence is a gross misdemeanor. (Ord. 750 § 1, 1997).

9.23.120 Domestic violence – Penalty assessment.

A. The court may impose a penalty assessment not to exceed \$100.00 on any person convicted of a crime involving domestic violence. The assessment shall be in addition to, and shall not supersede, any other penalty, restitution, fine, or costs provided by law.

B. Revenue from the assessment shall be used solely for the purposes of establishing and funding domestic violence advocacy, ~~and domestic violence prevention,~~ and prosecution programs in the city. Revenue from the assessment shall not be used for indigent criminal defense. ~~The city may use the revenue collected from the assessment to contract with recognized community-based domestic violence program providers (already covered in advocacy programs above).~~

C. For purposes of this section, “convicted” includes a plea of guilty, a finding of guilt regardless of whether the imposition of the sentence is deferred or any part of the penalty is suspended, or the levying of a fine. (Ord. 1036 § 1, 2004).

9.23.130 Crimes occurring between family or household members – Domestic violence.

(1) Domestic violence anti-merger clause. Every person who, in the commission of a crime of domestic violence, shall commit any other crime, may be punished therefor as well as for the crime of domestic violence, and may be prosecuted for each crime separately.

(2) Strangulation.

(a) A person is guilty of strangulation if, under circumstances not amounting to a felony, he or she assaults another by means of strangulation.

(b) “Strangulation” means intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by obstructing the nose or mouth of another person.

c) Strangulation is a gross misdemeanor. Any person convicted of this crime shall be punished by imprisonment for not less than 30 days.

(3) Exposing children to domestic violence.

(a) A person commits the crime of exposing children to domestic violence when he or she:

(i) Commits a crime of domestic violence, as defined in RCW 10.99.020 BLMC 9.23.010; and

(ii) The crime is committed in the immediate presence of, or is witnessed by, the person’s or the victim’s minor child, stepchild, or a minor child residing within the household of the person or victim.

(b) For the purposes of this section, “witnessed” means that if the crime is seen or directly perceived in any other manner by the child.

c) Exposing children to domestic violence is a gross misdemeanor. If the person is sentenced to less than the maximum statutory sentence, the court shall place the defendant on probation and the court shall impose conditions of probation that include attendance at a certified domestic violence perpetrator treatment program as well as a treatment program that addresses the effects of domestic violence on children.

Section 2: Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 3: Ratification. Any and all acts consistent with the authority and prior to the effective date of this ordinance are hereby ratified and affirmed.

Section 4: Effective Date. This ordinance shall take effect and be in force five days from its passage, approval and publication, as provided by law.

PASSED BY THE CITY COUNCIL this _____ day of June, 2009.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> ASD / Harwood T. Edvalson	<u>Workshop / Meeting Date:</u> 19 May 2009	<u>Agenda Bill Number:</u> AB09-84
<u>Ordinance Number:</u> D09-84	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: D09-84 - A proposed ordinance authorizing the cancellation of council workshops based on a lack of business or due to an anticipated lack of quorum.

Proposed Motion:

Administrative Recommendation: Discuss and provide direction for further action.

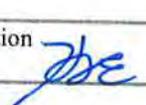
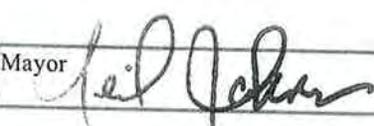
Background Summary: There has been occasion when the City workflow provides little of substance for the Council to consider at one of their workshops. Other than to cancel a meeting by action at a regular Council meeting, the City has no formal way to authorize a meeting cancellation which may occur between regular meetings. At the April 21st workshop, Deputy Mayor Swatman suggested the Council grant specific authorization for cancellation of workshops. The proposed ordinance authorizes the deputy mayor and/or the mayor or the mayor's designee to cancel a workshop for lack of business or an anticipated lack of quorum. The draft ordinance further provides for 24 hr. advance notice by email or other method to the Councilmembers.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
Budget Explanation: No budget impacts.			

<u>COMMITTEE/BOARD REVIEW:</u>
Subcommittee Review Date: -
Commission/Board Review Date: -
Hearing Examiner Date:

<u>COUNCIL ACTION:</u>	
Workshop Date(s): 04/21/09 & 05/19/09	Public Hearing Date(s):
Meeting Date(s):	Tabled To Date:

Signatures:

Director Authorization By HT Edvalson		Mayor		Date City Attorney Reviewed 05/11/09
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ORDINANCE NO. D09-84

**AN ORDINANCE OF THE CITY OF BONNEY LAKE, WASHINGTON
RELATING TO CANCELATION OF WORKSHOPS AND AMENDING
CHAPTER 2.04 OF THE BONNEY LAKE MUNICIPAL CODE AND
ORDINANCE NO. 1061 § 1.**

WHEREAS, the City Council finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater efficiency in scheduling public workshops;

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

Section 1. Bonney Lake Municipal Code section 2.04.120 and the corresponding portions of Ordinance No. 1061 §1 are hereby amended as follows:

2.04.120 Council workshops.

The council shall meet on the first and third Tuesday of each month at 5:30 p.m. to review forthcoming agenda issues, review reports on current programs or projects, receive other similar information from city department heads or conduct procedure workshops. Decisions/votes on the issues discussed at workshops will generally be scheduled for a regular or special council meeting, but the council may take action at a workshop upon approval of a majority vote of the councilmembers present. Workshops shall have a council open discussion period at the beginning of the meetings to discuss issues of concern unless waived by the council. Council workshops shall be open to the public. Council workshops may be canceled at the discretion of the deputy mayor and the mayor or the mayor's designee for a lack of business or a reasonable expectation of a lack of quorum. Prior to cancellation of any workshop, advance notice shall be given to all councilmembers by email or other method no later than twenty-four (24) hours before the scheduled start of the workshop, if possible. The council shall strive to hold at least one workshop per month.

Section 2. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force effect.

Section 3. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this 9th day of June, 2009.

Neil Johnson, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:

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**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> ASD / Harwood Edvalson	<u>Workshop / Meeting Date:</u> 09 Jun 2009	<u>Agenda Bill Number:</u> AB09-95
<u>Ordinance Number:</u>	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: Designating an Alternate Voting Delegate for the AWC Annual Conference Business Meeting.

Proposed Motion: A Motion Of The Bonney Lake City Council Designating An Alternate Delegate To The AWC Annual Conference Business Meeting.

Administrative Recommendation: Appoint an alternate to Councilmember Decker.

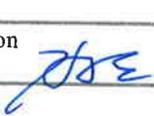
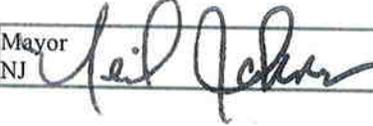
Background Summary: By motion at the April 28, 2009 meeting, the City Council designated Deputy Mayor Swatman, and Councilmembers Carter and Decker as voting delegates at the AWC Annual Conference Business Meeting. Subsequent to the meeting, Councilmember Decker has withdrawn from attendance at the conference. It is proposed that the Council designate an alternate to Councilmember Decker to represent the City during the voting of the Association's business meeting. Other City officials attending the conference may also be appointed by the Council as voting delegates. An alternate would need to be submitted to AWC by June 15th.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
		None.	
Budget Explanation:			

<u>COMMITTEE/BOARD REVIEW:</u>
Subcommittee Review Date: -
Commission/Board Review Date: -
Hearing Examiner Date:

<u>COUNCIL ACTION:</u>	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 28 April 2009	Tabled To Date:

Signatures:

Director Authorization HTE		Mayor NJ		Date City Attorney Reviewed N/A
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