



City Resolutions Archive

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RESOLUTION NO. 15-001

A RESOLUTION of the City Council of the City of SeaTac, Washington, appointing the initial Board of Directors of the Seattle Southside Regional Tourism Authority, and certain matters related thereto.

WHEREAS, pursuant to Ordinance No. 14-1014 of the City of SeaTac, Washington (the “City”) adopted on October 14, 2014 (the “Enabling Ordinance”), and pursuant to the Revised Code of Washington (“RCW”) 35.21.730 through 35.21.755, the City chartered the Seattle Southside Regional Tourism Authority (the “SSRTA”) as a public corporation; and

WHEREAS, the purpose of the SSRTA is to manage and operate the Seattle Southside Tourism Promotion Area, a tourism promotion area formed pursuant to chapter 35.101 RCW (the “TPA”), in the jurisdictional boundaries of the City, the City of Tukwila (“Tukwila”) and the City of Des Moines (“Des Moines”); provide tourism promotion services to the City, Tukwila, Des Moines, and other contracting parties as provided for in the Interlocal Agreement for a Joint Establishment of a Tourism Promotion Area by and among the City, Tukwila, and Des Moines (the “Interlocal Agreement”); serve as a destination marketing organization for the benefit of the City, Tukwila, Des Moines, and other contracting parties; and provide such other services as determined to be necessary to implement the Interlocal Agreement and fulfill the purposes outlined in the SSRTA’s organizational charter (the “Charter”); and

WHEREAS, pursuant to Section 6 of the Enabling Ordinance and Article VII, Section 1 of the Charter, the management of all SSRTA affairs will reside in a Board of Directors (the “Board”), which initially shall consist of at least seven but not more than eleven members meeting the qualifications set forth in the Charter and appointed by the City Council; and

WHEREAS, in October 2014, the City solicited applications for appointment for membership in the Board from ratepayers, representative of a variety of geographic locations,

property sizes, and price points of lodging businesses within the Seattle Southside TPA, and other members of the public and now desires to appoint the initial Board as set forth herein;

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

Section 1. Appointment of Board of Directors. Pursuant to Section 6 of the Enabling Ordinance and Article VII, Section 1 of the Charter, the City Council hereby nominates and appoints the following members to the Board of the SSRTA. Initial terms shall be as provided below.

Member	Expiration of Initial Term
Barry Baxter	December 31, 2016
Barbara Brunetti	December 31, 2017
Maureen Huffman	December 31, 2017
Sanjay Mahajan	December 31, 2015
Ken Stockdale	December 31, 2015
David Sullivan	December 31, 2016
Frank Welton	December 31, 2017

Successor appointments to the Board shall be made pursuant to the terms of the Charter. Members of the Board shall select from among themselves officers pursuant to Article VIII of the Charter. All members of the Board shall have those powers and duties as provided for in the Enabling Ordinance, the Charter, and the SSRTA bylaws, and necessary to accomplish the purposes of the SSRTA.

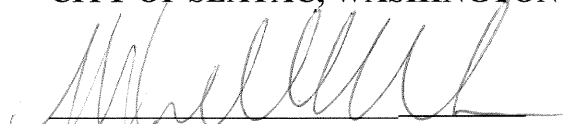
Section 2. General Authorization; Prior Acts. The City Manager and each of the other appropriate employees of the City are each hereby authorized and directed to take such steps, to do such other acts and things, and to execute such documents and agreements as in their judgment may be necessary, appropriate or desirable in order to carry out the terms and provisions of, and complete the transactions contemplated by, this resolution. All acts taken

pursuant to the authority of this resolution but prior to its effective date are hereby ratified and confirmed.

Section 3. Effective Date. This resolution shall take effect and be in force from and after passage as provided by law.

PASSED this 13 day of January, 2015 and signed in authentication thereof on this 13 day of January, 2015.

CITY OF SEATAC, WASHINGTON


Mia Gregerson, Mayor

ATTEST:


Kristina Gregg, City Clerk

APPROVED AS TO FORM:


Mary E. Mirante Bartolo, City Attorney

Committee	Board Experience	Title	Hotels	Service level	Number of rooms	Franchised/Owner
	yes	GM	Cedarbrook	Full Service/Luxury	167	Owner Operator
	yes	GM	Hilton/Doubletree	Full Service	1246	Corporate
	yes	GM	Crowne Plaza	Full Service	260	Owner Operator
	yes	GM	Radisson	Select Service	204	Corporate
	yes	GM	Ramada	Select Service	146	Owner Operator
	yes	GM	Embassy Suites	Full Service	238	Owner Operator
	yes	GM	Home2Suites	Extended Stay	139	Corporate
Director	yes	GM	Super 8	Select Service		
Director	yes	GM	Cedarbrook	Full Service/Luxury		Owner Operator
	yes	GM	Hilton/Doubletree	Full Service		Corporate
Director	yes	GM	Crowne Plaza	Full Service		Owner Operator
Director	yes	GM	Radisson	Select Service		Corporate
	no	VP Operations	BMI	Select Service		Owner Operator
	yes	GM	Marriott	Select Service		Corporate
	yes	GM	Hilton Embassy Suites	Full Service		Owner Operator
	yes	GM	Ramada	Select Service		?
Director	yes	GM	Home2Suites	Extended Stay		Corporate
	no	Regional Sales Manager	Marriott	Select Service		Corporate
Committee; Sales Committee; and additional committees may be created at the Boards discretion.						

RESOLUTION NO. 15-002

A RESOLUTION of the City Council of the City of SeaTac, Washington related to Council meeting times and amending the City Council Administrative Procedures.

WHEREAS, the City Council desires to change the start time for the Council Study Sessions; and

WHEREAS, it is necessary adopt a meeting schedule by formal Resolution in order to comply with the Open Public Meetings Act;

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

Section 1. Section 4 (B) of the City Council Administrative Procedures are hereby amended as follows:

(B) Study Sessions. The City Council shall hold Study Sessions on the second and fourth Tuesday of each month at 4:00-30 p.m. except if at any time any Study Session falls on a holiday, the Council shall meet on the next business day at the same hour. The City Council shall meet at SeaTac City Hall, unless otherwise publicly announced. Meetings may be canceled by majority vote of the Council and public notice given by posting such notice at City Hall. Notwithstanding the above, there shall be no City Council Meeting on the fourth Tuesday during the months of August and December for summer and winter recess.

Section 2. All Meetings of the City Council shall be open to the public and shall be held at the SeaTac City Hall, 4800 South 188th Street, SeaTac, Washington 98188, as follows:

Study Sessions. 4:30 p.m. on the second and fourth Tuesday of each month.

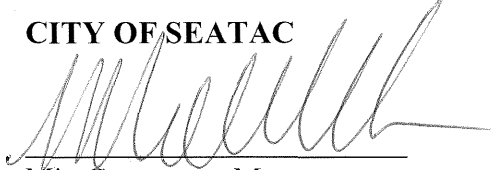
Regular Council Meetings. 6:30 p.m. on the second and fourth Tuesday of each month.

and except that, if any such meeting shall fall upon a holiday, the scheduled meeting shall be held on the next business day, commencing at the same hour.

Section 3. This Resolution is effective immediately upon passage.

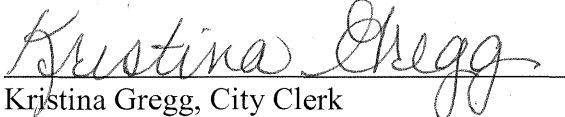
PASSED this 13th day of January, 2015 and signed in authentication thereof on this 13th day of January, 2015.

CITY OF SEATAC



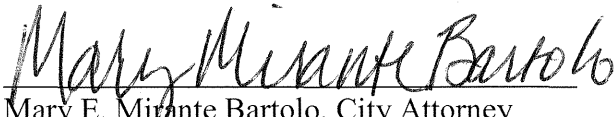
Mia Gregerson, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary E. Mirante Bartolo, City Attorney

[Change Council Meetings Times]

RESOLUTION NO. 15-003

A RESOLUTION of the City Council of the City of SeaTac, Washington expressing City Council support for Highline School District Proposition No. 1--Replacement of Expiring Educational Programs and Operation Levy, and Proposition No. 2--Bonds to Construct New Schools and Replace and Renovate Deteriorating Schools, both to be presented to the electorate on February 10, 2015.

WHEREAS, Highline School District Proposition No. 1 will be presented to the voters in the Highline School District at the special election on February 10, 2015, with the following official Ballot Title and Description:

Highline School District Proposition No. 1--Replacement of Expiring Educational Programs and Operation Levy.

The Board of Directors of Highline School District No. 401 adopted Resolution No. 14-14, concerning a proposition for a replacement levy for education. This proposition would authorize the District to meet the educational needs of students by levying the following excess taxes, in place of an expiring levy, on all taxable property within the District, for support of educational programs and operation expenses, including instruction, safety, materials and facility maintenance and operations:

	Approximate Levy Rate/\$1,000	
<u>Collection Year</u>	<u>Assessed Value</u>	<u>Levy Amount</u>
2016	\$4.22	\$55,454,000
2017	\$4.43	\$60,788,000
2018	\$4.55	\$64,681,000

all as provided in Resolution No. 14-14. Should this proposition be approved?
Yes [] No []; and

WHEREAS, Highline School District Proposition No. 2 will be presented to the voters in the Highline School District at the special election on February 10, 2015, with the following official Ballot Title and Description:

Highline School District Proposition No. 2—Bonds to Construct New Schools and Replace and Renovate Deteriorating Schools.

The Board of Directors of Highline School District No. 401 adopted Resolution No. 15-14, concerning a proposition to relieve overcrowding and replace deteriorating, outdated schools. This proposition would authorize the District to: rebuild Highline High School, construct two new middle schools, construct a new Des Moines Elementary School at Zenith, make critical improvements at Evergreen and Tyee Campuses, and make District-wide health, safety, security, arts, technology, and other capital improvements; issue no more than \$376,033,461 of general obligation bonds maturing within 21 years; and levy annual excess property taxes to repay the bonds, all as provided in Resolution No. 15-14. Should this proposition be: Approved [] Rejected []; and

WHEREAS, in accordance with RCW 42.17A.555, notice to comment was provided;

and

WHEREAS, public statements and comments were received by the Council; and

WHEREAS, the Council finds that an expression of support for both Highline School District Propositions is appropriate;

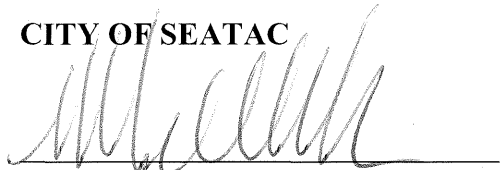
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC,

WASHINGTON HEREBY RESOLVES as follows:

1. The City Council of the City of SeaTac expresses its support for both Highline School District Proposition No. 1 and Proposition No. 2, which will be presented to the electorate on February 10, 2015.

PASSED this 27th day of January, 2015 and signed in authentication thereof on this 27th day of January, 2015.

CITY OF SEATAC

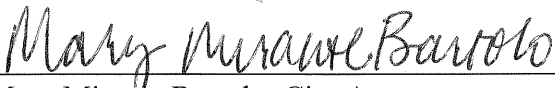


Mia Gregerson, Mayor

ATTEST:

Kristina Gregg, City Clerk

Approved as to Form:



Mary Mirante Bartolo, City Attorney

[Resolution regarding HSD Prop 1 & 2]

RESOLUTION NO. 15-004

A RESOLUTION of the City Council of the City of SeaTac, Washington approving and authorizing entry into a Second Amended Development Agreement with International Boulevard, LLC.

WHEREAS, RCW 36.70B.170 through .200 and SMC 15.05.057 authorize the City to enter into Development Agreements with persons or entities having ownership or control of real property within the City; and

WHEREAS, International Boulevard, LLC currently has a Development Agreement with the City; and

WHEREAS, International Boulevard, LLC has requested an Amendment to the aforesaid Development Agreement and representatives of International Boulevard, LLC and the City have conducted negotiations toward such an Amendment; and

WHEREAS, notice was published and mailed to surrounding owners pursuant to SMC 16.07.030, and the Council having held a public hearing; and

WHEREAS, the Council finds that the proposed Amended and Restated Development Agreement satisfies the criteria of SMC 15.22.055 and remains generally consistent with current City development regulations and that the departures therefrom are offset by benefits to be received by the City;

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

Section 1. The City Manager is authorized to execute, on behalf of the City, a Second Amended Development Agreement, generally in the form attached to this Resolution, as Exhibit "A".

Section 2. The City Clerk shall cause the fully executed Second Amended Development Agreement to be filed with the King County Recorder.

PASSED this 10th day of February 2015 and signed in authentication thereof on this 10th day of February 2015.

CITY OF SEATAC



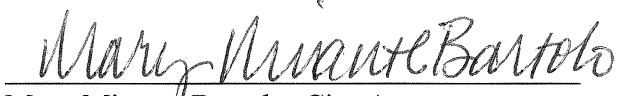
Mia Gregerson, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary Mirante Bartolo, City Attorney

SECOND AMENDMENT TO DEVELOPMENT AGREEMENT
BETWEEN
INTERNATIONAL BOULEVARD LLC AND THE CITY OF SEATAC, WASHINGTON

This Second Amendment to Development Agreement between International Boulevard LLC and the City of SeaTac, Washington (the “Second Amendment”) is entered into between the City of SeaTac, a Washington municipal corporation (“City”) and International Boulevard LLC, a Washington limited liability company (“International”) effective the ____ day of _____, 2015.

Pursuant to the authority granted by RCW 36.70B.170 through 210 and SMC 15.22.055, the City and International previously entered into that certain Development Agreement Between International Boulevard LLC and the City of SeaTac, Washington dated August 24, 2005 (the “2005 Agreement”), as amended by that certain Amendment #1 to Development Agreement Between International Boulevard LLC and the City of SeaTac dated March 28, 2008 (the “First Amendment”).

The 2005 Agreement, as amended by the First Amendment, is referred to as the “Existing Development Agreement.” Terms with initial capitalization which are not defined in the Second Amendment shall have the meanings defined in the Existing Development Agreement.

The City and International have now agreed to amend certain provisions of the Existing Development Agreement, as follows:

1. Section 4.1 of the Existing Development Agreement shall be amended to read as follows:

4.1 Construction. International shall have the right at any time prior to December 31, 2022 to commence the permitting process for necessary approvals to construct the Development, which includes the following elements:

- (i) A mixed-use structure, consisting of at least 7,500 square feet of retail and/or office use. The retail/mixed-use building portions of the Development shall be allowed all uses allowed as permitted and conditional uses in the C-BC classification under SMC 15.35.110 - 160, except: adult entertainment, arcade, auto rental/auto sales/auto repair/auto service, construction/trade, funeral home, general repair, kennel, laundromat, miscellaneous equipment rental facility, tavern, warehouse/storage, wholesale/bulk store; and
- (ii) A parking structure with parking capacity for the number of vehicles equal to the greater of: the number permitted by SMC 15.35.950, Parking Bonus Incentive Program, as it exists on the Application Date, or the number of permitted under applicable codes in effect on the date a complete construction permit is received by the City. An example calculation of the number of vehicles permitted by the current SMC

15.35.950 is attached as **Exhibit B**. The parties acknowledge that the number of stalls permitted under SMC 15.35.950 will vary with the number of square feet of retail/office space constructed by International.

- (iii) Construction of the Development shall be complete no later than December 31, 2024, subject to events of force majeure.
2. Within ten (10) days following execution by the City and International of this Second Amendment, International shall pay to the City Two Hundred Ten Thousand Dollars (\$210,000) in immediately available US funds. The terms of this Second Amendment shall be null and void if not fully executed within thirty (30) days after approval by the SeaTac City Council.
3. A new Section 4.6 shall be added to the Existing Development Agreement to read as follows:
 - 4.6 Extension. International shall have the right to extend the deadlines contained in Section 4.1 by written notice to the City delivered on or before December 31, 2022, provided that at the time the written notice is delivered to the City, International pays to the City One Hundred Thousand Dollars (\$100,000) in immediately available US funds. Should International exercise its rights under this Section 4.6, the deadline to commence the permitting process shall be extended to December 31, 2024, and the deadline to complete construction shall be extended to December 31, 2026.
4. The City and International agree that the use of the Property for surface parking business, as described in Section 3.1 of the Existing Development Agreement, includes commercial park-and-fly parking.
5. The City and International agree that the design of the façade of the garage/mixed use structure described in Section 4.3 of the Existing Development Agreement will be articulated in accordance with the provisions of Section 15.35.920 (Parking Structure Character and Massing) and Section 15.35.530 (Treatment of Blank Walls) of the SeaTac Municipal Code.

Except as amended by this Second Amendment, the Existing Development Agreement remains in full force and effect. The Existing Development Agreement, as amended by this Second Amendment, may be amended by written consent of the City and International with approval of the City Council, provided that minor modifications of the Existing Development Agreement as amended by this Second Amendment which are consistent with the objectives of the Existing Development Agreement as amended by this Second Amendment and which do not vary its material terms may be authorized by the City Manager.

It is so agreed:

CITY OF SEATAC

INTERNATIONAL BOULEVARD LLC

By: _____
Its: _____

By: _____
Its: _____

Approved as to form:

SeaTac Legal Department

RESOLUTION NO. 15-005

A RESOLUTION of the City Council of the City of SeaTac, Washington sponsoring the request of the Seattle Southside Regional Tourism Authority to join the Association of Washington Cities Employee Benefit Trust.

WHEREAS, the City chartered the Seattle Southside Regional Tourism Authority (SSRTA) on October 14, 2014; and

WHEREAS, the SSRTA would like to participate in the Association of Washington Cities Employee Benefit Trust benefits program as a quasi-municipal entity; and

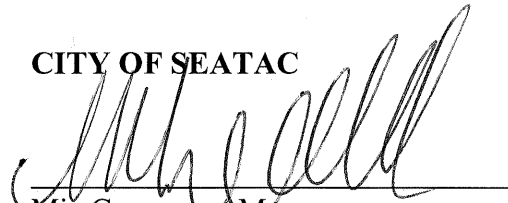
WHEREAS, the Association of Washington Cities Employee Benefit Trust requires that a city member of the Association of Washington Cities Employee Benefit Trust sponsor a non-city entity's request before the non-city entity can participate in the Association of Washington Cities Employee Benefit Trust benefit programs;

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


1. The City of SeaTac, with this Resolution, sponsors the Seattle Southside Regional Tourism Authority's request for application to join the Association of Washington Cities Employee Benefit Trust as a non-city entity.
2. The City of SeaTac requests that the Seattle Southside Regional Tourism Authority be allowed into the Association of Washington Cities Employee Benefit Trust.

PASSED this 24th day of March, 2015 and signed in authentication thereof on this 24th day of March, 2015.

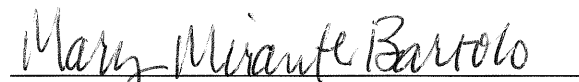
CITY OF SEATAC


Mia Gregerson, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to Form:


Mary E. Mirante Bartolo, City Attorney

[Seattle Southside Regional Tourism Authority – AWC Benefit Trust]

RESOLUTION NO. 15-007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEATAAC, WASHINGTON, EXPRESSING ITS STRONG SUPPORT OF A 2015 TRANSPORTATION REVENUE AND REFORM PACKAGE

WHEREAS, a healthy transportation system is a critical foundation of our state and local economies and our quality of life, as well as our global position as the nation's most trade-dependent state; and

WHEREAS, Washington state's transportation system is suffering from disrepair, with a backlog of maintenance and preservation needs, and data showing that the hours of congestion and delay on critical freeways are getting significantly worse, including a trip on Interstate 5 from Federal Way to Seattle during weekday commute times that should take 27 minutes averaging 49 minutes; and

WHEREAS, failing roads and bridges, congested highway corridors, and bottlenecked interchanges undermine the safety and mobility of vehicles, buses, and freight carriers to transport people and goods; and

WHEREAS, the Connecting Washington Task Force released a report in early 2012, identifying \$50 billion in unfunded transportation needs and recommending an investment of \$21 billion in state funding during the next 10 years for maintenance, preservation, and strategic investments; and

WHEREAS, investing in maintaining and upgrading our transportation system is a positive step the Legislature can take to catalyze construction jobs, enhance freight mobility for our Ports, and create a pathway for retaining and growing new jobs for key industry sectors; and

WHEREAS, through the passage of **ESSB 5987** and **ESSB 5988** the Washington State Senate has approved a 16-year, \$14 billion package that makes a very good down-payment on

transportation package investments and includes eight different reform bills to help ensure the state designs, permits and builds transportation projects in the most efficient way possible; and

WHEREAS, this package provides critical funding for key highway corridor projects throughout the state, including the Puget Sound Gateway Project for extending State Route 509 and State Route 167; and

WHEREAS, the City of SeaTac is spending nearly \$22 million in federal, state and local funds to complete its 28th/24th Avenue South arterial to connect to the State Route 509 project; and

WHEREAS, the transportation package also provides a direct gas tax distribution that will provide new funding each year for the City of SeaTac to maintain local roadways and arterials and to leverage existing funding; and

WHEREAS, the package also includes local transportation financing options that cities and counties can submit to their voters for transportation improvements in their communities; and

WHEREAS, the transportation package additionally invests in grant programs that are vital for cities and counties, including the Transportation Investment Board (TIB), the Freight Mobility Strategic Investment Board (FMSIB), Complete Streets, Safe Routes to Schools, and Bicycle-Pedestrian Safety; and

WHEREAS, the City Council of the City of SeaTac, Washington, strongly supports a balanced transportation investment and reform package that creates jobs, relieves congestion, supports our businesses, and maintains our quality of life; and

WHEREAS, it is a long-standing goal of the SeaTac City Council to energetically advocate for completion of State Route 509 to Interstate 5.

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

Section 1. The SeaTac City Council hereby takes an official position in strong support of a


comprehensive transportation investment and reform package including timely funding for phase one of State Route 509.

Section 2. The City Council strongly urges lawmakers and the Governor to approve and enact this transportation revenue and reform package in Olympia including direct funding, grant funding and financing options for local governments.

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

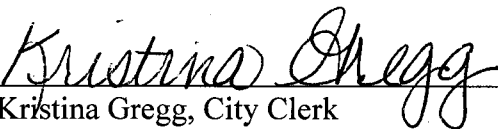
PASSED this 14th day of April, 2015 and signed in authentication thereof on this 14th day of April, 2015.

CITY OF SEATAC



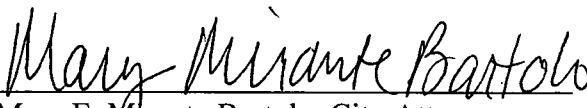
Tony Anderson, Deputy Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary E. Mirante Bartolo, City Attorney

RESOLUTION NO. 15-006

A RESOLUTION of the City Council of the City of SeaTac, Washington expressing City Council support for King County Proposition No. 1—Regular Property Tax Levy for Emergency Public Safety Radio Network Replacement Project, to be presented to the electorate on April 28, 2015.

WHEREAS, King County Proposition No. 1 will be presented to the voters in the County at the special election on April 28, 2015, with the following official Ballot Title and Description:

King County Proposition No. 1—Regular Property Tax Levy for Emergency Public Safety Radio Network Replacement Project.

The King County Council passed Ordinance 17993 concerning funding for a new, upgraded regional emergency radio network. This proposition would provide funding to replace the current aging emergency radio network used for dispatching and communicating with police, fire and other first responders. The proposition would fund capital and transition costs as defined in Ordinance 17993 and would authorize King County to levy an additional regular property tax of \$0.07 per \$1,000 of assessed valuation for nine years with collection beginning in 2016. The 2015 levy amount would be used to compute limitations under Chapter 84.55 RCW for the eight succeeding years. Should this proposition be approved? Yes [] No []; and

WHEREAS, in accordance with RCW 42.17A.555, notice to comment was provided; and

WHEREAS, public statements and comments were received by the Council; and

WHEREAS, the Council finds that an expression of support for King County Proposition No. 1 is appropriate;

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

1. The City Council of the City of SeaTac expresses its support for King County Proposition No. 1, which will be presented to the electorate on April 28, 2015.

PASSED this _____ day of _____, 2015 and signed in authentication thereof on this _____ day of _____, 2015.

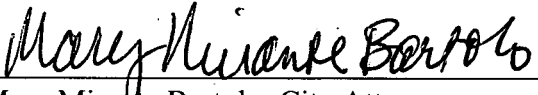
CITY OF SEATAC

Mia Gregerson, Mayor

ATTEST:

Kristina Gregg, City Clerk

Approved as to Form:



Mary Mirante Bartolo, City Attorney

[Resolution regarding King County Prop 1]



CITY OF SEATAC

PUBLIC COMMENT NOTICE



NOTICE IS HEREBY GIVEN THAT THE SEATAC CITY COUNCIL WILL SEEK PUBLIC COMMENT ON **MARCH 24, 2015** AT 4:30 PM AT THE SEATAC CITY HALL COUNCIL CHAMBERS, 4800 SOUTH 188TH STREET. THE CITY COUNCIL IS CONSIDERING TAKING A COLLECTIVE POSITION ON THE BALLOT MEASURE IDENTIFIED BELOW, THAT WILL BE PRESENTED TO THE ELECTORATE DURING THE SPECIAL ELECTION ON APRIL 28, 2015.

King County Proposition No. 1—Regular Property Tax Levy for Emergency Public Safety Radio Network Replacement Project.

The King County Council passed Ordinance 17993 concerning funding for a new, upgraded regional emergency radio network. This proposition would provide funding to replace the current aging emergency radio network used for dispatching and communicating with police, fire and other first responders. The proposition would fund capital and transition costs as defined in Ordinance 17993 and would authorize King County to levy an additional regular property tax of \$0.07 per \$1,000 of assessed valuation for nine years with collection beginning in 2016. The 2015 levy amount would be used to compute limitations under Chapter 84.55 RCW for the eight succeeding years. Should this proposition be approved? Yes [] No [];

Any and all interested persons are invited to be present to voice approval, disapproval or opinions on whether the City Council should take a collective position on this ballot measure.

Note: RCW 42.17A.555 generally prohibits the use of city facilities to assist in promotion of or opposition to any ballot proposition. However, RCW 42.17A.555 (1) allows the City Council to adopt a Resolution in support of or opposition to a ballot proposition if certain mandatory procedural steps are taken, including providing notice that the Council will discuss taking a collective position regarding the ballot measure, and providing an opportunity for public comment prior to Council action. The purpose of this notice is to comply with the provisions of RCW 42.17A.555.

ATTACHMENT 1



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 2, 2015

Ordinance 17993

Proposed No. 2015-0016.2

Sponsors McDermott

1 AN ORDINANCE providing for the submission to the
2 qualified electors of King County at a special election to be
3 held in King County on April 28, 2015, of a proposition
4 authorizing a property tax levy in excess of the levy
5 limitation contained in chapter 84.55 RCW for a
6 consecutive nine-year period at a rate of not more than
7 \$0.07 per one thousand dollars of assessed valuation for the
8 capital, transition, and financing costs for the Puget Sound
9 emergency radio network project.

10 STATEMENT OF FACTS:

- 11 1. King County's current emergency public safety radio network
12 ("KCERCS") is owned by four governmental entities: the city of Seattle;
13 the Eastside Public Safety Communications Agency ("EPSCA"); the
14 Valley Communications Center ("ValleyCom"); and King County. Each
15 co-owner owns and manages separate sites, equipment and software and
16 has its own customers.
- 17 2. KCERCS was substantially completed in 1997. It is aging and is
18 requiring increasing repairs.

ATTACHMENT 2

19 3. The vendor for KCERCS intends to stop supplying all replacement
20 parts and repairing all used parts by December 31, 2018. King County
21 must replace its emergency public safety radio network or risk
22 performance degradation.

23 4. The King County council previously established a capital improvement
24 project for this purpose.

25 5. King County executive staff has been working with the co-owners and
26 users to plan the replacement of KCERCS with a new network that is
27 known as the Puget Sound emergency radio network ("PSERN").

28 6. The PSERN project would cost approximately \$246 million, not
29 including the cost of financing. King County will need additional tax
30 revenues if it is to go ahead with the project.

31 7. If the funding measure is put on the ballot and approved by the voters,
32 fire districts' levies may be reduced and services diminished.

33 8. The King County council finds that any reduction in fire district staff or
34 services resulting from the PSERN levy would be contrary to the public
35 interest. This funding proposal is intended to address concerns about
36 prorationing of fire district levies during the term of the proposed levy.

37 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

38 **SECTION 1. Definitions.** The definitions in this section apply throughout this
39 ordinance unless the context clearly requires otherwise.

40 A. "Capital costs" means all costs incurred incident to the planning, design,
41 remodeling, construction and equipping of the project including, but not limited to, the

42 costs of architectural, engineering, legal and other consulting services inspection and
43 testing, project management, relocation, site improvements, demolition and on- and off-
44 site utilities. "Capital costs" also include the costs related to the sale, issuance and
45 delivery of one or more series of bond anticipation notes or bonds. However "capital
46 costs" do not include the costs of maintenance or operations.

47 B. "Fire district" means an organization authorized under RCW 52.02.020 or
48 chapter 52.26 RCW.

49 C. "Fire service protection allocation" means the portion of levy proceeds, the
50 purpose of which is to prevent a reduction in fire district staff or services resulting from
51 prorationing mandated by RCW 84.52.010 and consistent with interlocal agreements
52 between King County and any participating fire districts.

53 D. "Full system acceptance" means the determination issued to the contractor
54 upon satisfactorily completing the final system development phase.

55 E. "Levy" means the levy of regular property taxes, for the specific purposes and
56 term provided in this ordinance and authorized by the electorate in accordance with state
57 law.

58 F. "Levy proceeds" means the principal amount of revenue raised by the levy,
59 any interest earnings on the revenues and the proceeds of any financing following
60 authorization of the levy.

61 G. "Network" means the Puget Sound emergency radio network that is used
62 primarily for dispatching public safety, fire, emergency medical staff and other
63 responders to incidents for coordinating operations at those incidents.

64 H. "Operator" means King County or an entity established by the county, the
65 Eastside Public Safety Communications Agency cities of Bellevue, Issaquah, Kirkland,
66 Mercer Island and Redmond, the Valley Communications Center cities of Auburn,
67 Federal Way, Kent, Renton and Tukwila, and the city of Seattle, through an interlocal
68 agreement as authorized under RCW 39.34.030, which will own, operate, maintain,
69 repair and govern the network after full system acceptance.

70 I. "Project" means all authorized activities relating to a capital project to plan,
71 build, test, operate and transfer ownership of the network.

72 J. "Rate stabilization allocation" means the portion of the levy proceeds, the
73 purpose of which is to reduce and phase in the impact of increased user rates on network
74 users.

75 K. "Transition costs" means the operational costs to transition from the current
76 emergency radio systems to the network, including , but not limited to, costs to operate
77 the network during the transitional period and until it is transferred to the operator; pay
78 for equipment warranties, updates and upgrades included in the vendor contract; establish
79 an entity that would own and operate the network; and pay for election costs. "Transition
80 costs" also includes payments for rate stabilization allocation and a fire service protection
81 allocation.

82 **SECTION 2. Levy submittal.** To provide necessary revenues for the capital
83 costs and transition costs for the network, the county council shall submit to the qualified
84 electors of the county a proposition authorizing a regular property tax levy in excess of
85 the levy limitation contained in chapter 84.55 RCW for nine consecutive years,
86 commencing in 2015, with collection beginning in 2016, at a rate in the first year not to

87 exceed \$0.07 per one thousand dollars of assessed value. In accordance with RCW
88 84.55.050, the levy shall be a regular property tax levy, subject to the statutory rate limit
89 of RCW 84.52.043.

90 **SECTION 3. Project description.**

91 A. The project will replace King County's aging emergency radio network with a
92 new emergency radio network, the Puget Sound emergency radio network, having
93 improved coverage, capacity and reliability. King County will provide support while the
94 new system is being planned, contracted for, deployed, tested and operated. Once the
95 network has achieved full system acceptance, the network shall be managed and operated
96 by an operator.

97 B. The county estimates that the capital costs and the transition costs for the
98 project will be \$246 million.

99 **SECTION 4. Deposit of levy proceeds.** If approved by the voters, the levy
100 proceeds shall be deposited in a special revenue fund created by ordinance.

101 **SECTION 5. Eligible expenditures.** If approved by the qualified electors of the
102 county, the levy proceeds shall be used only for the capital costs and transition costs of
103 the project. The maximum amount of levy proceeds for the rate stabilization allocation
104 shall be \$2,619,406. Up to a maximum of \$1 million annually may be used for the fire
105 protection services allocation. Consistent with RCW 84.55.050, levy proceeds may not
106 supplant existing funding. If the actual costs for financing and for fire protection services
107 are less than the amounts estimated, any savings shall be used first for capital
108 contingency costs, and if any savings remain after all capital costs have been paid, the
109 savings then may be used for transition costs.

110 **SECTION 6. Call for special election.** In accordance with RCW 29A.04.321,
111 the King County council hereby calls for a special election to be held in conjunction with
112 the special election on April 28, 2015. The director of elections shall cause notice to be
113 given of this ordinance in accordance with the state constitution and general law and to
114 submit to the qualified electors of the county, at the said special county election, the
115 proposition hereinafter set forth. The clerk of the council shall certify that proposition to
116 the director of elections, in substantially the following form, with such additions,
117 deletions or modifications as may be required for the proposition listed below by the
118 prosecuting attorney:

119 PROPOSITION ____: The King County council passed Ordinance
120 _____ concerning funding for a new, upgraded regional emergency
121 radio network. This proposition would provide funding to replace the
122 current emergency radio network used for dispatching and communicating
123 with police, fire and other responders. The proposition would fund capital
124 and transition costs as defined in Ordinance _____ and would
125 authorize King County to levy an additional regular property tax of \$0.07
126 per \$1,000 of assessed valuation for nine years with collection beginning
127 in 2016. The 2015 levy amount would be used to compute limitations
128 under Chapter 84.55 RCW for the eight succeeding years. Should this
129 proposition be:

130 Approved? _____

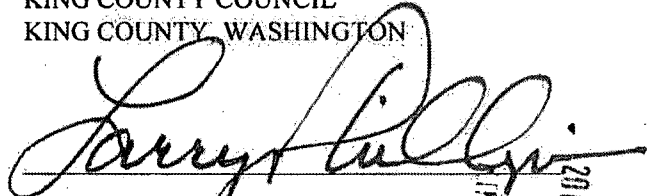
131 Rejected? _____

132 **SECTION 7. Severability.** If any one or more of the provisions of this ordinance
 133 shall be declared unconstitutional or invalid for any reason, such decision shall not affect
 134 the validity of the remaining provisions of this ordinance, the bonds or any short-term
 135 obligations issued in anticipation thereof, and this ordinance, the bonds and any short-
 136 term obligations issued in anticipation thereof shall be construed and enforced as if the
 137 unconstitutional or invalid provisions had not been contained in this ordinance.
 138

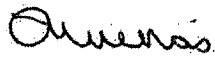
Ordinance 17993 was introduced on 1/12/2015 and passed by the Metropolitan King County Council on 3/2/2015, by the following vote:


Yes: 8 - Mr. Phillips, Mr. Gossett, Ms. Hague, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski and Mr. Upthegrove
 No: 1 - Mr. von Reichbauer
 Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


 Larry Phillips, Chair

ATTEST:


 Anne Noris, Clerk of the Council

APPROVED this 2 day of March, 2015 
 Dew Constantine, County Executive

RECEIVED
 2015 MAR -2 PM 3:38
 CLERK
 KING COUNTY COUNCIL

Attachments: A. Puget Sound Emergency Radio Network (PSERN) Finance Plan

Puget Sound Emergency Radio Network (PSERN) Finance Plan
Updated 12/16/2014

Cash flow financing for the PSERN project anticipates the use of short and long term debt, backed by a 9 year levy lid lift.

Cash Flow Model	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Revenue											
BAN/Interfund Loan/Bond Proceeds ¹	\$28,140,000	\$140,700,000			\$43,215,000						
Levy Collections ²		\$27,832,992	\$28,448,608	\$29,059,946	\$29,669,461	\$30,283,789	\$30,907,052	\$31,542,183	\$32,191,954	\$32,856,742	
Total	\$28,140,000	\$168,532,992	\$28,448,608	\$29,059,946	\$72,884,461	\$30,283,789	\$30,907,052	\$31,542,183	\$32,191,954	\$32,856,742	\$0
Expenditures											
PSERN Project Costs ³	\$11,611,917	\$24,728,020	\$46,178,395	\$34,364,643	\$56,023,557	\$16,631,010	\$5,027,968				
20% Contingency	\$2,322,383	\$4,945,604	\$9,235,679	\$6,872,929	\$11,204,711	\$3,326,202	\$1,005,594				
Reserves ⁴		\$1,000,000	\$1,000,000	\$1,000,000	\$1,750,000	\$2,237,176	\$1,824,826	\$1,557,404	\$1,000,000	\$1,000,000	
BAN Payoff		\$28,351,050									
Debt Service Payments ⁵			\$20,255,543	\$20,255,543	\$20,255,543	\$28,299,149	\$28,299,149	\$28,299,149	\$28,299,149	\$28,299,149	\$8,043,607
Total	\$13,934,300	\$59,024,674	\$76,669,617	\$62,493,115	\$89,233,811	\$50,493,537	\$36,157,537	\$29,856,553	\$29,299,149	\$29,299,149	\$8,043,607
Fund Balance ⁶	\$14,205,700	\$123,714,018	\$75,493,009	\$42,059,840	\$25,710,491	\$5,500,742	\$250,257	\$1,935,887	\$4,828,692	\$8,386,285	\$342,678
Financial Summary⁷											
BAN Proceeds	\$28,140,000										
Bond Proceeds	\$183,915,000										
Levy Collections	\$272,792,726										
Project & Contingency Costs	\$233,478,812										
Reserves	\$12,369,406										
Cost of Financing	\$26,602,030										

Notes:

¹ 2015 Bond Anticipation Note (BAN) issued when levy is approved by voters. Bonds are assumed to be tax exempt. Issuance costs are included in proceeds and debt service.

² Levy collections are based on a 9 year levy lid lift with a starting rate of \$0.07. Collections assume 1% limit and are calculated based on August 2014 OEFA forecast.

³ PSERN project costs exclude the cost of borrowing or issuance. Issuance costs will be rolled into debt issuance. Cost that are already incurred and the cost of an election are included in the 2015 costs. Project costs include 20% contingency. Contingency covers both project and financing cost.

⁴ Reserves include contingencies for 1) transition costs to the new radio network, 2) rate stabilization to mitigate the operating costs of the new system, and 3) funds to offset the impact of levy suppression on fire districts as a result of the PSERN Levy.

⁵ Debt Service payments assume \$140.7M for 8 years at 3.25% and \$43.2M for 6 years at 3.25%. Bond proceeds are expected to be spent within three years of sale.

⁶ Fund balance will be managed to not go below \$0. If it appears that fund balance will go below \$0, the fund manager will request a temporary loan from the King County pool.

⁷ Actual timing and size of bond and BAN issuances will be based on the cash needs of the project and optimized to reduce the overall cost of financing while minimizing interest rate risk. This base scenario includes one BAN and two bonds. The number of BANs and bonds issued could vary. The County may choose to utilize interfund borrowing to minimize costs.



PSERN (Puget Sound Emergency Radio Network)

FAQ

Q: What is PSERN?

A: *PSERN is a construction project that will replace the current aging emergency radio communications network with a new emergency radio communications network.*

Q: What are emergency radio communications networks used for?

A: *When we call 9-1-1, a dispatcher sends us police officers, fire fighters, and emergency medical staff using a separate radio system known as the King County Emergency Radio Communications System. The same system is used by these responders to coordinate their activities at emergency incidents and to communicate with managerial staff that is directing their response to the incident.*

Q: Why do we need a new emergency radio communications network?

A: *The current network is approaching 20 years old and is in danger of failing if it isn't replaced in a timely manner.*

Q: How much will PSERN cost and how will it be paid for?

A: *The project, including sites, equipment, labor, sales tax, and interest on the bonds will cost approximately \$273 million. The Metropolitan King County Council has approved a measure to be placed on the April 28th, 2015 ballot to fund the project.*

Q: What kind of funding measure will be before voters this spring? What funding options were considered? Why was this option chosen?

A: *The Metropolitan King County Council has authorized a levy lid lift for voters to consider on April 28th, 2015. Several funding options were considered including Criminal Justice Sales Tax, Emergency Communication System Sales Tax, Excess Levy, Excess Levy and a Levy Lid Lift, Sharing the Financing with the Subregional Entities, Sharing the Financing with All Jurisdictions and Partial Funding Options. It was decided that using a Levy Lid Lift is the only viable option for funding a new system with a single taxing measure.*

Q: If approved by voters, how much are taxes going to increase?

A: *7.0 cents per \$1,000 of assessed value over 9 years. This equates to \$26.46 per household, per year for the median value of \$378,000.*

ATTACHMENT 3



Q: Can't we just replace a couple of parts or migrate rather than replacing the whole system?

A: *The parts that the current system uses won't be compatible with the new network. In addition, the current system cannot support the new technology PSERN will have.*

Q: Why must a new system be funded now rather than later? What are the risks of delaying funding until later?

A: *The longer we delay after spare parts and repairs cease to be available at the end of 2018, the greater is the risk that responders will be unable to communicate when needed. Technically speaking, the system will lose capacity and coverage area.*

With the above said, we have taken certain precautionary steps to address system problems if this does occur. For example, we have purchased a cache of spare parts. If we do not have a part or our supply runs out we would then look to purchase the part from a secondary vendor.

Q: Are there additional concerns with our current system?

A: *Yes. The system was designed in 1992 for the County's population at that time. Since then, the County's population and the dispersal of that population have grown in ways no one could anticipate. As a result, our system does not cover all of the areas in the County where services is needed and is lacks the capacity needed during large-scale disasters and incidents.*

Q: Why can't first responders use cell phones?

A: *Cell phones are not an option due to lack of reliability. They don't have sufficient back up or the capacity to operate in a power outage or other widespread emergency situations. Most importantly, they do not work the way emergency radio system do. They are not capable of operating in a "dispatch" fashion where one person broadcasts to many people, nor are they capable of working "off network" such as radio to radio operations that are often used at fire scenes.*

Q: Who is leading the project?

A: *There are four owners of the radio communications system—Eastside Public Safety Communications Agency (EPSCA), King County, City of Seattle and Valley Communications (ValleyComm). Each entity owns separate towers and equipment run by a central computer. King County is responsible for leading and implementing the project on behalf of the owners and will see the project through to completion.*



Q: Is there a binding document guaranteeing the County can effectively manage vendor contract(s) and other parts of the project?

A: *The County and other partners are in agreement about roles and responsibilities during PSERN planning, construction, and testing, and that agreement is in the Implementation Period Interlocal Agreement. This Interlocal Agreement will form the basis for PSERN Project governance.*

Q: Will the ownership and operation of the new system remain the same as for the current system?

A: *A new consolidated operational and governance agency will be created. This public, non-profit organization, working closely with the current co-owners, will take the lead with the purchase, implementation and testing of the new network. It will also operate and maintain the new system infrastructure going forward. It will have the same level of jurisdictional representation as the current emergency radio system and will have increased representation from the first responder community. An Operations Period Interlocal Agreement has been drafted to address governance of the operations of the PSERN once completed.*

Having a single entity operating and maintaining the system infrastructure, rather than four entities doing that work, should result in improved service: when there is a problem with the system we will be able to skip the step of determining which owner is responsible to fix it.

Q: Who will run the non-profit organization?

A: *The organization will be governed by a four-person board of directors. One board member will be appointed by each of the following: the City of Seattle; the 5 Valley Communications Center member cities jointly; the 5 Eastside Public Safety Communications Agency member cities jointly; and King County. There will be two additional new members who will be appointed to the cities not otherwise represented on the board—1 non-voting police representative and 1 non-voting Fire representative. Each member will have an equal vote.*

Q: How long will it take to complete the project?

A: *Once construction begins, it will take approximately 5 years for completion.*

Q: Why is there a 20% Contingency?

A: *We only have one opportunity for project funding and cannot go back for additional funds. If there are cost overruns, the County would be responsible for them so we need to ensure that a contingency is available. The County has a project management methodology in place, however, on a project this size there are significant risks—specifically site development. As part of the planning phase, the County interviewed internal and external construction consultants and a 20% was contingency the consensus.*



- Q:** Why don't the four system co-owners have savings to pay for the capital costs of the new system?
- A:** *Each of the co-owners put aside some funds for a new system. Over the years of operating the current system savings have been used to fund mid-life upgrades that have kept portions of the network refreshed as well as adding capacity to certain areas. Today these savings in aggregate are very small compared to the cost of a new system.*
- Q:** Weren't replacement reserves supposed to be accumulated by the co-owners for system replacement, and if so, why can't they fund the project?
- A:** *They can, however this is a large project and the accumulated funds are less than 1/20th the total project cost. The County and co-owners do not have sufficient available funds to pay for a project of this size without additional revenue. In 1992 when initial planning for the current network was done, a formula to generate replacement reserves was created by each of the four owners. Through time those funds have been used to keep the current system upgraded, and to support early phases of the PSERN project. Even if the funds weren't spent over the years, we would have less than ¼ of the total PSERN project cost because in 1992 no one could have anticipated King County's population would increase so fast nor cover so large an area of the County. Also, because the practice has been to use funds for mid-life upgrades, co-owners need to retain their funds until the PSERN has been completed to ensure they have contingency to maintain the current system.*
- Q:** If the County is paying for all the assets, why shouldn't the County operate and maintain PSERN both during the project and after the project is completed?
- A:** *The County Executive believes that centralization is needed for this regional service and that the best model is to operate and own it using a public, non-profit entity. Current owners have agreed to this approach and have drafted an Interlocal Agreement that will accomplish this.*
- Q:** How long will the County need to operate and maintain PSERN after Full System Acceptance?
- A:** *An Implementation Period Interlocal Agreement contains provisions for automatically transferring PSERN from the County to the non-profit operator once the project is finished..*
- Q:** What will happen to PSERN operations and maintenance if the non-profit operator does not take over PSERN at or soon after FSA?
- A:** *In this event, the County will own and operate PSERN, but only until such time as it can be transferred to the non-profit agency. The Implementation Period Interlocal Agreement contains provisions for partners and users to pay the County for its operation and maintenance of PSERN after PSERN starts operation until the ownership and operations is turned over to the non-profit organization.*



Q: How can we be sure there will be no need to dip into the Current Expense Fund because of cost overruns or unanticipated expenses? Who will be responsible for cost overruns?

A: *The county and its partners have done much to ensure that all costs have been accounted for in the project budget and subsequent funding measure. Technical consultants were used to analyze needs and assist with development of system requirements. A competitive RFP process was used to get the best system vendor at the best price. As the project goes into implementation, it will be subject to project governance with and external to the County, and also expects to hire an independent Quality Assurance firm, as well as independent construction management to oversee civil radio site work. The combination of these will help contain costs. Lastly, the project has hired a competent and experienced project staff that will utilize project management best practices.*

Q: How long will the system last before we need to fund a new one?

A: *The new system will last at least 20 years.*

Q: Today radio system users pay monthly fees for use of the radio system. Could the new system's capital costs be funded through rate increases rather than a tax increase?

A: *This is possible, but not practical. To pay for capital costs monthly fees would need to more than double. Monthly fees are usually paid out of the agency's general funds, so any increase in rates would impact that agency's fund source.*

Q: Why are there two different rates for radio users?

A: *1. Some radio users use less features than others, therefore providing service for them is less expensive.*

2. We want to encourage users to use PSERN, especially those that have various types of demands such as school districts and utilities.

Q: How does this relate to the discussions I've heard about the possible decrease in the number of 9-1-1 dispatch centers?

A: *There is no relationship between the PSERN project and dispatch center consolidation. They are independent initiatives. System planning has included all of today's centers. If there are fewer centers that are in business when system equipment is ordered, our order and design will be adjusted accordingly. The Interlocal Agreements will also make commitments to continue service to the dispatch centers.*



Q: Is there widespread support for a new network and the ballot measure from city elected officials, police and fire chiefs, police and fire line staff, emergency managers, dispatchers, and County Executive?

A: *There is a clear, shared vision of the need to replace the current system and build a new radio system now.*

Q: There have been some concerns raised by Junior Tax Districts such as Fire Districts about revenues being negatively impacted by the levy lid lift. Is that true?

A: *Fire districts should not be harmed due to this measure. Last year, assessed property values in King County increased significantly, so we anticipate that the County tax rate will decrease sufficiently to cover potential impact to all Fire Districts. Other junior tax districts such as Parks and Hospital districts could be impacted in the initial years of the measure.*

For more information:

- Project Web site: www.psern.org

SeaTac City Council Questions from Council Meeting 3/24/15

How much bandwidth will the new network have?

On the current system radio calls use a single channel that occupies anywhere from 20-25 KHz of bandwidth. PSERN will have Project 25 Phase II technology which will allow us to have two conversations in the same 20-25 KHz bandwidth.

Which federal agencies will the City of SeaTac be able to talk to on PSERN?

There are several federal agencies that will be able to communicate with the Puget Sound Emergency Radio System (PSERN). Agencies include: US Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives, Drug Enforcement Agency, Federal Bureau of Investigation, US Marshalls, Department of Homeland Security, US Customs and Border Protection, US Coast Guard, Federal Emergency Management Agency, US Immigrations and Customs Enforcement, Transportation Security Administration, US Secret Service, Federal Protective Service, Veterans Administration.

Will PSERN work with the current system surrounding counties are using?

Yes. PSERN will have improved interoperability and capacity so that first responders can talk to neighboring counties.

What funding options were considered? Why was a Levy Lid Lift chosen?

Several funding options were considered including Criminal Justice Sales Tax, Emergency Communication System Sales Tax, Excess Levy, Excess Levy and a Levy Lid Lift, Sharing the Financing with the Sub regional Entities, Sharing the Financing with All Jurisdictions and Partial Funding Options. It was decided that using a Levy Lid Lift is the only viable option for funding a new system with a single taxing measure.

Will the new system provide better ability for police and fire to communicate with each other?

The new system allows not only King County Fire, EMS, Law Enforcement to communicate with each other, but enhances communications with adjoining counties as well our state and federal partners.

How will this system work with First Net?

This system is separate from FirstNet. FirstNet is currently only a data system, while PSERN is a voice system. Once the standards for voice have been established, we will re-examine how we can best use our investments to move ahead with FirstNet.

How was the current system funded?

The current system was funded by a levy lid lift at 0.16 cents per \$1,000 of assessed value over 3 years.

SeaTac City Council Questions Cont'd

Why weren't funds saved for replacing the existing system and is there a plan with this proposal to ensure a longer life or that funds will be available to replace it in the future?

The current system owners had originally planned on accumulating replacement reserves. The idea was to have funds to replace the infrastructure for the radio system not user radios. In the process of operating the current system, upgrades and updates were needed and there was no other source of funds available except to use accumulated replacement reserves. In addition, the current system was built for the County population at that time. Since then the population has increased the coverage and capacity of the radio network must increase as well. Because of these circumstances, even had the owners accumulated all anticipated replacement reserves and never spent anything, the funds would be much less than what is needed to fund the PSERN project.

The new network will have built in upgrades and regular updates to keep it current throughout its lifecycle.

Why was this placed on a special election?

Construction and implementation of the new system is anticipated to take approximately five years. The selection of April for this ballot measure was made primarily to allow voters to decide on the funding early in 2015 so the project could be started this year and would have the ability to be completed in 2020.

RESOLUTION NO. 15-008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEATAAC, WASHINGTON, ENDORSING A PREFERRED SR 509/I-5 ALIGNMENT OF SOUND TRANSIT'S FEDERAL WAY LINK EXTENSION WITHIN SEATAAC CITY LIMITS.

WHEREAS, in 2008 the voters authorized Sound Transit to proceed with an expansion of their Link light rail system to include service from SeaTac to Federal Way approved under the Sound Transit 2 (ST2) Plan; and

WHEREAS, the provision of light rail service aligns with the City Council's vision of SeaTac being a premier global community offering a solid, sustainable economy and a healthy, inclusive and vibrant quality of life; and

WHEREAS, expansion of the light rail system throughout the region including the opening of the University of Washington and Angle Lake stations in 2016 and eventual connections south to Tacoma and north to Everett offers enhanced access to expanded employment, education, health care and other services that support SeaTac residents; and

WHEREAS, current City of SeaTac comprehensive plan policy language as adopted in the 2009 plan amendments specifically calls for an alignment along the west side 28th Avenue South and International Boulevard (State Route 99) to South 216th Street to minimize impacts in SeaTac; and

WHEREAS, Sound Transit's analysis of potential routes and stations for the Federal Way Link Extension evolved significantly over the past two years with the addition of an alternative that parallels State Route 509 and Interstate 5 and exploration of an additional below-ground station at South 216th Street on International Boulevard; and

WHEREAS, new City of SeaTac comprehensive plan policy language under development would remove the strict preference enumerated in the 2009 amendment and allow the City

Council to express a preference for any alignment that minimizes disruptions to private and public property owners, businesses and residents and causes minimal adverse aesthetic, economic and environmental impacts; and

WHEREAS, the City Council will not formally adopt the new policy language regarding the preferred alignment for the Federal Way Link Extension until June 2015 but has expressed agreement in concept; and

WHEREAS, the City Councils of the City of SeaTac and Des Moines collaboratively developed a framework of prioritized goals and principles to guide decision making on light rail extension and station locations through the respective cities; and

WHEREAS, the top three priority goals of the two cities are to minimize the impacts of the Federal Way Link Extension on business and residents, facilitate economic development along the alignment, and maintain traffic capacity along SR 99 and at the Kent/Des Moines intersection; and

WHEREAS, the SeaTac City Council received a presentation from Sound Transit staff on April 14, 2015, that detailed specific impacts in SeaTac for the potential alignments; and

WHEREAS, the SeaTac City Council prefers the SR 509/I-5 alignment, which minimizes the impacts of the Federal Way Link Extension within SeaTac city limits; and

WHEREAS, the City of SeaTac wishes to make Sound Transit aware of the City's preferences on potential alignments to ensure they will be considered by the Sound Transit Board in determining a preferred alternative.

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

Section 1. The SeaTac City Council hereby takes an official position in strong support of a SR 509/I-5 alignment as illustrated in Exhibits ES11 and ES12 in Executive Summary of the Draft

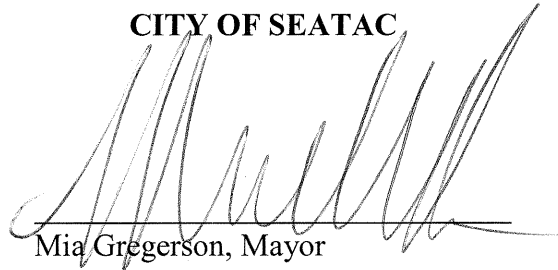
Environmental Impact Statement April 2015 within the SeaTac municipal boundaries.

Section 2. That the City will work with Sound Transit on the preferred alternative above for the Federal Way Link Extension Final Environmental Impact Statement to address mutual and respective goals.

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

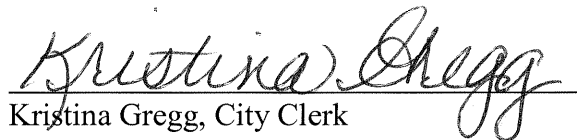
PASSED this 12th day of May, 2015 and signed in authentication thereof on this 12th day of May, 2015.

CITY OF SEATAC



Mia Gregerson, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary E. Mirante Bartolo, City Attorney

RESOLUTION NO. 15-009

A RESOLUTION of the City Council of the City of SeaTac, Washington declaring real property located at 19608 and 19616 International Boulevard surplus to the needs of the City, and authorizing the City Manager to execute a purchase and sale agreement with W.I. Realty Acquisition Corporation, for its disposal.

WHEREAS, the City owns certain real property located at 19608 and 19616 International Boulevard (King County parcel numbers 0422049009 and 0422049138), which is also referred to as the "Hughes Property";

WHEREAS, the City Council has determined that it has no current or future need for the property, and the property is surplus to the City's needs; and

WHEREAS, the City received an offer for the property at \$37.00 per square foot, for the purpose of developing the property into an extended stay or other hotel; and

WHEREAS, the City Council desires to sell the property to W.I. Realty Acquisition Corporation, pursuant to a purchase and sale agreement; and

WHEREAS, the purchase and sale agreement specifies that the City will retain between one and one-half to one and three-quarters acres of property closest to Angle Lake, and that the City will retain an easement for pedestrian travel extending from International Boulevard to the retained property;

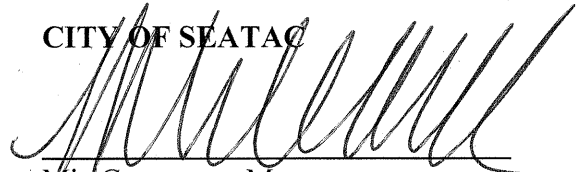
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:

1. The City Council hereby declares the City-owned real property located at 19608 and 19616 International Boulevard (King County parcel numbers 0422049009 and 0422049138) surplus to the needs of the City.

2. The City Manager is authorized to execute a purchase and sale agreement with W.I. Realty Acquisition Corporation, in substantially similar form as attached hereto as Exhibit A.
3. The City Manager is authorized to execute any additional documents necessary to effectuate the sale.


PASSED this 9th day of June, 2015 and signed in authentication thereof on this 9th day of June, 2015.

CITY OF SEATAAC



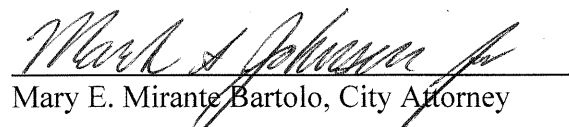
Mia Gregerson, Mayor

ATTEST:



Kristina Gregg, City Clerk

Approved as to Form:



Mary E. Mirante Bartolo, City Attorney

[Sale of Hughes Property]

RESOLUTION NO. 15-010

A RESOLUTION of the City Council of the City of SeaTac, Washington, adopting a Six-Year Transportation Improvement Program for the years 2016-2021.

WHEREAS, pursuant to RCW 35.77.010, cities are required to adopt a six-year comprehensive Transportation Improvement Program (TIP); and

WHEREAS, the Growth Management Act, at RCW 36.70A.070(6), similarly requires adoption by the City of a Comprehensive Plan transportation element that serves as a basis for the City's Six Year TIP; and

WHEREAS, the City Council conducted a public hearing pursuant to state law, to hear and receive public comment on the City's TIP; and


WHEREAS, the City Council finds that prioritized and regularly up-dated road and street maintenance and capital improvement projects are essential to growth management, financial planning, and assurance of a comprehensive and coordinated transportation system;

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

1. The Six-Year Transportation Improvement Program (TIP) for the years 2016-2021, a copy of which is attached hereto as Exhibit "A", is hereby adopted. City staff will make the appropriate applications for State and Federal grant funding for the projects included in the TIP.

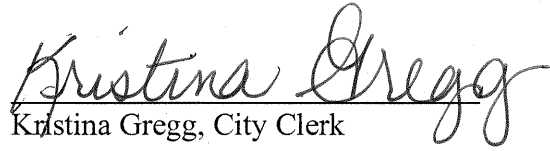
PASSED this 14th day of July, 2015 and signed in authentication thereof this day of 14th, 2015.

CITY OF SEATAC




Mia Gregerson, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to Form:


Mary Mirante Bartolo, City Attorney

[Ten-Year TIP 2016-2021]

RESOLUTION NO. 15-011

A RESOLUTION of the City Council of the City of SeaTac, Washington, the designated “legislative authority” of the Seattle Southside Tourism Promotion Area for purposes of Chapter 35.101 RCW and pursuant to the Interlocal Agreement for the Joint Establishment of a Tourism Promotion Area, by and among the City, the City of Tukwila, and the City of Des Moines, approving the 2015 Budget for the use of Special Assessments by the Seattle Southside Regional Tourism Authority for the Tourism Promotion Area.

WHEREAS, pursuant to the TPA Act and the Interlocal Cooperation Act, the cities of SeaTac, Tukwila, and Des Moines entered into an Interlocal Agreement for the Joint Establishment of a Tourism Promotion Area dated May 6, 2014, as it may be amended from time to time (the “Interlocal Agreement”), for the purpose of, among other things, designating the SeaTac City Council (the “City Council”) as the “Legislative Authority” for purposes of the TPA Act; and

WHEREAS, the Interlocal Agreement requires that the Legislative Authority of the TPA approve an Annual Budget for the use of Special Assessments which includes an estimate of the revenue to be received from the Special Assessments; and

WHEREAS, the initial receipt of TPA revenue from the State of Washington is anticipated in July, 2015; and

WHEREAS, it is required that the Legislative Authority approve a budget for the expenditure of TPA funds prior to such expenditures;

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

Section 1. The annual budget of the Seattle Southside Regional Tourism Authority (attached as Exhibit A), has been provided to the SeaTac City Council, the designated Legislative

Authority for the Seattle Southside Tourism Promotion Area, for review and approval. The annual budget, which was prepared by the Seattle Southside TPA, consists of:

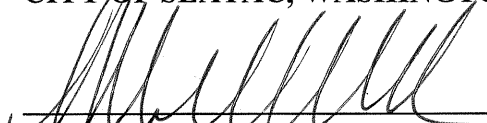
- 1) A list of the Lodging Businesses subject to Special Assessments and an estimate of the revenue to be received from all such Lodging Businesses, and
- 2) A statement of the proposed budget for all Seattle Southside TPA activities and programs to be funded from Special Assessments during the ensuing fiscal year.

Section 2. The annual budget referenced in Section 1 of this Resolution is approved. Such approval is provided in order to comply with Section 7 of the Interlocal Agreement and RCW 35.101.

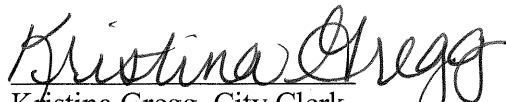
Section 3. The City Clerk shall provide a copy of this Resolution to the cities of Tukwila and Des Moines within 14 days.

PASSED this 28th day of July 2015 and signed in authentication thereof on this 28th day of July, 2015.

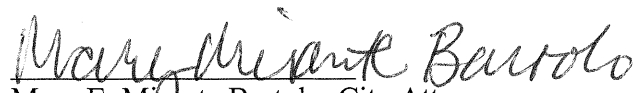
CITY OF SEATAC, WASHINGTON


Mia Gregerson, Mayor

ATTEST:


Kristina Gregg, City Clerk

APPROVED AS TO FORM:


Mary E. Mirante Bartolo, City Attorney

RESOLUTION NO. 15-012

A RESOLUTION of the City Council of the City of SeaTac, Washington endorsing a project to reformat SMC Title 15, the SeaTac Zoning Code, to make the code easier to use and a better development tool for the City and the public.

WHEREAS, SeaTac's Zoning Code has been revised in a piecemeal fashion since the City's incorporation in 1990, without addressing the overall usability of the document; and

WHEREAS, the current Zoning Code, as configured, has redundancies, conflicting provisions and can be difficult for the public and staff to navigate; and

WHEREAS, the intent of the Reformatting Project is to reconfigure the format of the existing code to:

1. Minimize/eliminate redundancies
2. Organize and regroup existing provisions in a more logical arrangement
3. Arrange the code to better accommodate future revisions and to implement the updated Comprehensive Plan and Station Area Plans
4. Identify conflicting code provisions to be presented to the Planning Commission and Council for consideration and determination; and

WHEREAS, the Reformatting Project will not include or consider any amendments or provisions to the existing Zoning Code except as required to eliminate duplicated or conflicting provisions; and

WHEREAS, on June 16, 2015, the SeaTac Planning Commission voted to recommend the project to reformat the Zoning Code to enhance the usability of the document and achieve the stated intent of this Resolution; and

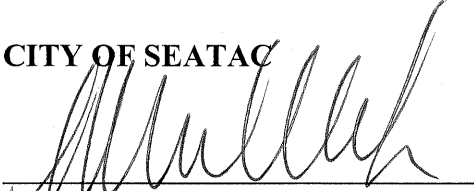
WHEREAS, the City Council wishes to endorse the project to reformat the Zoning Code and to forward the revised document to the Planning Commission for review, hearing and recommendation; and

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

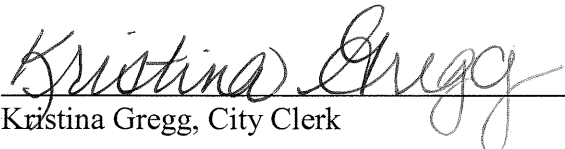
- 1) The SeaTac City Council endorses the project to reformat SMC Title 15, the SeaTac Zoning Code, in order to make the document easier to use and a more usable tool for public and private development.
- 2) Request the Planning Commission to review the revised document, conduct a public hearing and return a recommendation to the City Council.

PASSED this 28th day of July, 2015 and signed in authentication thereof on this 28th day of July, 2015.

CITY OF SEATAC


Mia Gregerson, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to Form:

Mary Mirante Bartolo
Mary E. Mirante Bartolo, City Attorney

RESOLUTION NO. 15-013

A RESOLUTION of the City Council of the City of SeaTac, Washington, adopting the Transportation Master Plan as a functional plan serving as the background report to the Transportation Element of the City's Comprehensive Plan.

WHEREAS, the Transportation Element of the City of SeaTac's Comprehensive Plan contains goals, policies and strategies to plan, fund, operate and maintain SeaTac's transportation system in support of planned land uses; and

WHEREAS, a draft Transportation Master Plan (TMP) was developed by the Community and Economic Development and Public Works staff working with Transpo Group; and

WHEREAS, the TMP was presented to the SeaTac Planning Commission on May 5, 2015; and

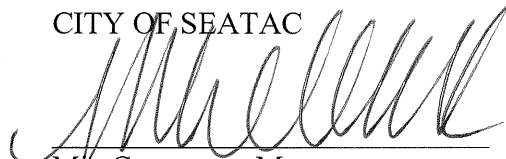
WHEREAS, the City issued a SEPA Determination of Non-Significance (DNS) for the Comprehensive Plan Update which included the TMP's projects list;

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


1. The SeaTac Transportation Master Plan dated July 2015 is hereby adopted as the background report to the Transportation Element of the Comprehensive Plan.

PASSED this 28th day of July, 2015 and signed in authentication thereof this 28th day of July, 2015.

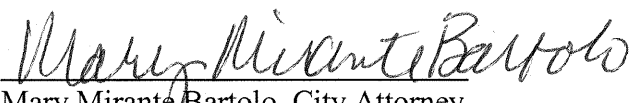
CITY OF SEATAC


Mia Gregerson, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to Form:


Mary Mirante Bartolo, City Attorney

[Transportation Master Plan]

RESOLUTION NO. 15-014

A RESOLUTION of the City Council of the City of SeaTac,
Washington amending the Council Administrative Procedures.

WHEREAS, RCW 35A.12.120 requires that the Council shall determine its own rules and order of business and may also establish rules for the conduct of meetings and the maintenance of order; and

WHEREAS, in conformance with these statutes, the Council has previously adopted administrative policies and procedures; and

WHEREAS, the City Council no longer has standing committees (Administration & Finance, Transportation & Public Works, Land Use & Parks, and Public Safety & Justice Committees), and therefore the deletion of the words "and its committees" from Section 4(A) of the City Council Administrative procedures is intended to address the fact that these standing committees no longer exist; and

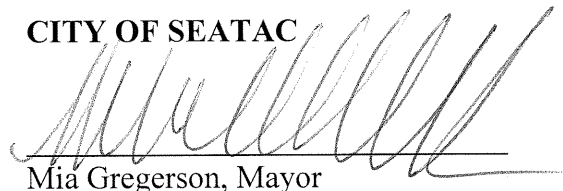
WHEREAS, the City Council finds it appropriate to amend the City Council Administrative Procedures in accordance with this Resolution;

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

Section 1. The City Council Administrative Procedures is hereby amended as set forth in Exhibit A.


PASSED this 11th day of August, 2015 and signed in authentication thereof on this 11th day of August, 2015.

CITY OF SEATAC

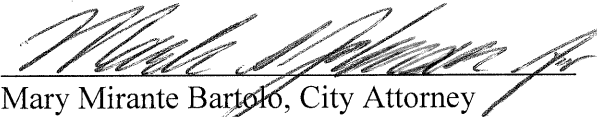


Mia Gregerson, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to Form:


Mary Mirante Bartolo, City Attorney

[Amend City Council Administrative Procedures August 2015]

City of SeaTac

City Council

Administrative

Procedures

Resolution No. 00-006 04/11/00; as amended by Resolution No. 02-004 02/26/02;
Resolution No. 02-007 05/14/02; Resolution No. 03-010 06/10/03; Resolution No. 03-013
07/08/03; Resolution No. 03-015 07/08/03; Resolution No. 04-002 03/23/04; Resolution No.
04-003 05/11/04; Resolution No. 04-006 06/08/04; Resolution No. 04-012 08/10/04;
Resolution No. 05-016 10/11/05; Resolution No. 06-012 04/25/06; Resolution No. 08-017
07/22/08; Resolution No. 09-006 03/24/09; Resolution No. 10-003 01/26/10; Resolution No.
10-017 11/09/10; Resolution No. 12-001 01/10/12; Resolution No. 12-003 02/14/12;
Resolution No. 13-003 04/09/13; Resolution No. 14-008 04/08/14; Resolution No. 15-002
01/13/15; Resolution No. 15-014 08/11/15.

TABLE OF CONTENTS

Section 1.	Mayor and Deputy Mayor	1
Section 2.	Presiding Officer	1
Section 3.	Council Committees and Representatives.....	2
Section 4.	Meetings.....	2
Section 5.	Format for Agendas for Council Meetings	3
Section 6.	Miscellaneous Agenda Procedures.....	7
Section 7.	Speaking Procedures	9
Section 8.	Parliamentary Procedures and Motions	9
Section 9.	Voting.....	11
Section 10.	Council Relations with Staff	12
Section 11.	Confidentiality.....	13
Section 12.	Executive Sessions	13
Section 13.	Councilmember Travel Expenses and Reimbursement	15

Section 1. Mayor and Deputy Mayor

- (A) **Chairperson - Mayor** - Per RCW 35A.13.030, biennially at the first meeting of the Council the members thereof by majority vote, shall choose a Chairperson from among their number. The Chairperson of the Council shall have the title of Mayor and shall preside at meetings of the Council. In addition to the powers conferred upon the Mayor, he or she shall continue to have all the rights, privileges, and immunities of a member of the Council. The Mayor shall be recognized as the head of the City for ceremonial purposes and by the Governor for purposes of military law. The Mayor shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by ordinance, shall take command of the police, maintain law, and enforce order.
- (B) **Deputy Mayor (Mayor Pro Tempore)** - Per RCW 35A.13.035, biennially at the first meeting of the Council, the members thereof, by majority vote, shall choose one of their members as Deputy Mayor to serve in the absence or temporary disability of the Mayor. The Council may, as the need may arise, appoint any qualified Councilmember to serve as Deputy Mayor in the absence or temporary disability of the Mayor and elected Deputy Mayor.
- (C) **Councilmember** - In the event of the extended excused absence or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tempore to serve during the absence or disability.

Section 2. Presiding Officer

- (A) All Meetings of the City Council shall be presided over by the Mayor, or in his/her absence, by the Deputy Mayor. If neither the Mayor nor the Deputy Mayor are present at a meeting, the Presiding Officer for that meeting shall be elected by a majority of those Councilmembers present.
- (B) In the absence of the City Clerk, the Deputy City Clerk or other qualified person appointed by the City Manager may perform the duties of the City Clerk at such meeting.
- (C) The appointment of a Councilmember as Mayor or Deputy Mayor shall not in any way abridge his/her right to vote on matters coming before the Council at such meeting.
- (D) The Mayor shall preserve strict order and decorum at all meetings of the Council. The Mayor shall state all questions coming before the Council, provide opportunity for discussion by Councilmembers, and announce the decision of the Council on all subjects. Procedural decisions made by the Mayor may be overruled by a majority vote of the Council.

Section 3. Council Committees and Representatives

- (A) The Mayor or a majority of the City Council may establish such Ad Hoc Committees as may be appropriate to consider special matters that require a special approach or emphasis. Such Ad Hoc Committees may be established and matters referred to them at Regular Council Meetings. The Mayor shall appoint Council representatives to intergovernmental Councils, Boards and Committees, including such Ad Hoc Committees.
- (B) Ad Hoc Council Committees shall consider matters referred to them. The Committee Chair shall report to the Council on the final findings of the Committee and shall provide interim status to the Council at a frequency determined by the Mayor. Committees may refer items to the Council with no Committee recommendation.

Section 4. Meetings

- (A) **Meetings declared open and public.** All meetings of the City Council ~~and its Committees~~ shall be open to the public and all persons shall be permitted to attend any meeting of these bodies.
- (B) **Study Sessions.** The City Council shall hold Study Sessions on the second and fourth Tuesday of each month at 4:30 p.m. except if at any time any Study Session falls on a holiday, the Council shall meet on the next business day at the same hour. The City Council shall meet at SeaTac City Hall, unless otherwise publicly announced. ~~Meetings may be canceled by majority vote of the Council and public notice given by posting such notice at City Hall.~~

Meetings may will be cancelled by one of the following methods depending on purpose of cancellation:

1. Cancellation for any reason other than lack of a quorum or an emergency: If any Councilmember(s) requests that a Council meeting be cancelled and/or rescheduled as a Special Council Study Session for any reason other than lack of a quorum or emergency, a majority vote is required.
2. Lack of a quorum: In the event the City Manager and/or City Clerk is notified that a lack of a quorum (3 or fewer members in attendance) is anticipated, the meeting will:
 - A. Automatically be cancelled and as appropriate, either reschedule the entire meeting as a Special Council Study Session or move the items to a future CSS.
 - B. Continuation or cancellation of other types of meetings, such as workshops and special meetings without voting, may need to be determined individually based on topic(s) and participation needs.

Note: A quorum is not required to hold a meeting where voting will not take place, such as a CSS or workshop.

If a meeting is cancelled, public notice will be given by posting such notice at City Hall. Notwithstanding the above, there shall be no City Council Meeting on the fourth Tuesday during the months of August and December for summer and winter recess.

~~-(C) **Regular Meetings.** The City Council shall meet regularly on the second and fourth Tuesday of each month at 6:30 p.m. except if at any time any Regular Meeting falls on a holiday, the Council shall meet on the next business day at the same hour. The City Council shall meet at SeaTac City Hall, unless otherwise publicly announced. Meetings may be canceled by majority vote of the Council and public notice given by posting such notice at City Hall.~~

Meetings may will be cancelled by one of the following methods depending on purpose of cancellation:

1. Cancellation for any reason other than lack of a quorum or an emergency: If any Councilmember(s) requests that a Council meeting be cancelled and/or rescheduled as a Special Council Meeting for any reason other than lack of a quorum or emergency, majority vote is required.
2. Lack of a quorum: In the event the City Manager and/or City Clerk is notified that a lack of a quorum (3 or fewer members in attendance) is anticipated, the meeting will automatically be cancelled and either reschedule the entire meeting as a Special Council Meeting or move the items to a future RCM as appropriate.

Note: A quorum is required in order to vote and/or have Councilmembers who are unable to be physically present participate via other means.

If a meeting is cancelled, public notice will be given by posting such notice at City Hall. Notwithstanding the above, there shall be no City Council Meeting on the fourth Tuesday during the months of August and December for summer and winter recess.

(D) **Special Meetings.** Special Meetings may be called by the Mayor or four Councilmembers by written notice delivered to each member of the Council and City Clerk at least 24 hours before the time specified for the proposed meeting. Legal and public notice requirements must be met by posting the appropriate notice of the Special Meeting at City Hall. See RCW 42.30.080.

~~(E) **Adjournments.** Any Regular, adjourned Regular, Special or adjourned Special Meeting may be adjourned in the manner as set forth in RCW 42.30.090.~~

(~~F~~E) **Continuances.** Any Hearing being held or ordered to be held by the City Council may be continued in the manner set forth by RCW 42.30.100.

- (G) **Executive Sessions.** The City Council may hold an Executive Session during any City Council meeting to consider certain matters as set forth in RCW 42.30.110, or as otherwise permitted by law.
- (H) **Quorum.** At all Meetings of the City Council, four members shall constitute a quorum for the transaction of business.
- (I) **Seating.** Members of the City Council will be seated at the Council table according to position number of Councilmembers, except that, at the Mayor's discretion, the Mayor may be seated at the center seat and the Deputy Mayor may be seated directly to the left of the Mayor.
- (J) **Minutes.** Minutes of all meetings of the Council will be included in the Regular Meeting Consent Agenda for consideration and approval. Regular Council Meetings shall be recorded and such recordings shall be maintained and kept for future reference, in accordance with the applicable records retention schedule.

Section 5. Format for Agendas for Council Meetings

- (A) The City Manager and the City Clerk will prepare a proposed agenda for all meetings of Council, which shall be approved by the Mayor or designee. After the proposed agenda has been approved, the City Clerk shall prepare the final Council packet, which shall be distributed.
- (B) The City Council shall hold Study Sessions in order to address City business in advance of Regular Council Meetings.
- (1) Appropriate members of City Commissions or Advisory Committees, or appropriate subject matter experts may provide presentations and be available to answer any questions posed by the City Council.
 - (2) Items addressed at a Study Session will be handled in one of the following ways:
 - (i) unanimous consent by the Councilmembers present to place the item on a future Council Meeting Consent Agenda;
 - (ii) a majority of Councilmembers present place the items addressed:
 - On a future Council Agenda as an Action Item;
 - On a future Study Session Agenda; or
 - (iii) a majority of the membership of the City Council determine that the item should no longer be discussed at a Study Session or Regular Council Meeting.

- (3) Ordinarily, items may not be referred to the Regular Council Meeting on the same day as the Study Session in which the item was discussed, unless the Mayor or a majority of the Councilmembers present agree that there are extraordinary or urgent circumstances or that it is in the best interest of the City.
 - (4) At the beginning of a Council Study Session, the City Council shall hear Public Comments.
 - (i) Public Comments shall be limited to a total of ten minutes and individual comments shall be limited to three minutes. However, the Mayor or designee may reduce equally the amount of time each speaker may comment so that the total public comment time does not exceed ten minutes.
 - (ii) The Mayor or designee shall be responsible for the allocation of the appropriate time limitations, and any Councilmember may raise a point of order regarding comments that are disrespectful in tone or content, or are otherwise inappropriate.
 - (iii) Public Comments during a Study Session will be limited to Agenda items on the current Study Session.
- (C) The format of the Regular City Council Meeting agenda shall substantially be as follows:
- (1) Call to Order.
 - (2) Roll Call.
 - (3) Pledge of Allegiance.
 - (4) Public Comments.
 - (a) Individual comments shall be limited to three minutes in duration.
 - (b) Group comments shall be limited to ten minutes. To constitute a group, there must be four or more members, including the speaker, at the meeting. Members of the group shall sign in as a group and identify the group's spokesperson. Individuals identified as a part of the group will not be allowed to speak individually.
 - (c) The Mayor or designee shall be responsible for the allocation of the appropriate time limitations, and any Councilmember may raise a point of order regarding comments that are disrespectful in tone or content, or are otherwise inappropriate.
 - (5) Presentations, including introduction of new employees, awards, and Certificates of Appointment, Appreciation, or Recognition.

(6) Consent Agenda.

- (a) Contains items placed on the Consent Agenda by the Mayor or Council including but not limited to:
- Approval of vouchers.
 - Approval of donations and grant requests to be received by the City.
 - Pre-approval or final approval of City Council and City Manager travel related expenses.
 - Approval of minutes.
 - Enactment of Ordinances, Resolutions, and Motions when placed on the Consent Agenda at a Council Study Session or previous Council Meeting.
 - Ratification of non-represented employee classification and/or compensation adjustments approved by the City Manager.
 - Final Acceptance of ~~P~~ublic ~~W~~orks projects within the authorized expenditure amount ~~valued at under \$50,000 in total cost.~~
 - Under \$1 million in total cost – placed directly on the consent agenda, however the City Manager will provide the City Council with a brief written description of the project and a budget synopsis (performance to budget) with the City Council packet.
 - \$1 million or greater in total cost – placed directly on the consent agenda with a presentation made the same night at the beginning of the RCM to present before and after pictures prior to Consent Agenda action
 - Final Acceptance of in kind preservation, repair, or replacement projects within the authorized expenditure amount
 - Notwithstanding the above, any item may be removed from the Consent Agenda for consideration under unfinished business if so requested by any Councilmember.
- (b) A motion at this time will be in order.
- (c) The Council will vote upon the Consent Agenda.

(7) Public Hearings.

(a) At Public Hearings required by City, State, or Federal law or as Council may direct, where a general audience is in attendance to present input or arguments for or against a public issue:

- The City Manager or designee shall present the issue to the Council and respond to questions.
- Members of the public may speak for no longer than five minutes. No member of the public may speak for a second time until every person who wishes to speak has had an opportunity.
- Councilmembers may ask questions of the speaker and the speaker may respond, but may not engage in further debate.
- The public comments will then be closed but Councilmanic discussion may ensue if the Council so desires. In the alternative, the Public Hearing may be continued by majority vote, or the Council may recess to deliberate and determine findings of fact, if appropriate, and to reach a final decision which may be announced immediately following such deliberations or at a subsequent date.

(b) The following procedure shall apply to quasi-judicial Public Hearings:

- The Hearings Examiner, City Manager, or designee will present a summary of the subject matter and any findings and will respond to Council questions.
- The proponent spokesperson shall speak first and be allowed twenty minutes and Council may ask questions.
- The opponent spokesperson shall be allowed 20 minutes for presentation and Council may ask questions.
- Each side shall then be allowed five minutes for rebuttal.
- After each proponent and opponent has used his/her speaking time, Council may ask further questions of the speakers, who may respond.
- The Mayor may exercise a change in the procedures, but said decision may be overruled by a majority vote of the City Council.

(8) Action Items (as related to a Public Hearing).

- (9) Public Comments related to Action Items and Unfinished Business.
- (a) Individual comments shall be limited to one minute in duration and group comments shall be limited to two minutes. The Mayor or designee shall be responsible for the allocation of the appropriate time limitations.
- (10) Action Items. This section of the agenda shall include Ordinances, Resolutions, and Motions. The following procedures shall apply to each item listed on the agenda under this section:
- (a) The Mayor or designee may read the item by title only, or if requested by any Councilmember, the document may be read in its entirety.
 - (b) The City Manager or designee may give a presentation to provide clarification or to discuss changes in an agenda item from what was discussed at a Study Session. Appropriate Staff, appropriate members of City Commissions or Advisory Committees, or appropriate subject matter experts should be available to answer any questions posed by the City Council.
 - (c) A motion at this time will be in order.
 - (d) The Council may then discuss the item. The City Manager or designee will be available to answer any questions by the Council.
 - (e) The Council will vote upon the item under consideration.
- (11) Unfinished Business. This section shall include items removed from the Consent Agenda at the same meeting. The procedures that apply during this section shall be the same as those under Section 10, Action Items.
- (12) New Business. The procedures that apply during this section shall be the same as those under Section 10, Action Items. If the City Council votes on any item under this Section, public comment shall be allowed, with individual comments limited to one minute in duration and group comments limited to two minutes in duration.
- (13) City Manager Comments. Reports on special interest items from the City Manager.
- ~~(14)~~ Committee Updates.
- ~~(15)~~ Council Comments.
- ~~(16)~~ Executive Session, if scheduled or called. However, an Executive Session may be scheduled or called at any time if deemed by the Mayor or by action of the Council to be appropriate at some point in time other than at the end of the meeting. The procedure for conduct of an Executive Session is set forth at Section 12 of these Administrative Procedures.

(176) Adjournment. Per Robert's Rules of Order, the Mayor, or designee, may adjourn the meeting without a motion as long as there is no further business to discuss. A Motion to Adjourn.

(D) The format of any Special Meeting shall be as follows:

Special Meetings are meetings in which the date and/or time are set outside of a regular schedule. Only the designated agenda item(s) shall be considered. The format will follow that of a Regular Meeting, as appropriate. Applicable provisions of Section 7 shall govern conduct of Special Meetings.

Section 6. Miscellaneous Agenda Procedures

(A) The City Council desires to provide adequate time for administration and staff analysis, fact finding and preparation.

(1) Except in extraordinary or unusual circumstances, all items that are not routine in nature shall, when presented, include a completed Council agenda bill. The author of the agenda bill shall be responsible for attachments.

(B) In event of extraordinary or unusual circumstances, items may be placed directly on the agenda of a Regular Meeting when the items are approved by the Mayor or two Councilmembers by motion and second, when:

(1) The items are routine in nature such as approval of vouchers, proclamations, acknowledgment or receipt of petitions or documents or discussion of claims for damages, or

(2) An emergency condition exists that represents a personnel hazard, risk of immediate financial loss, or threat to public health, welfare, safety, or property or institutions. In such instances, a summary should clearly define why the special procedure is necessary, or

(3) In the event the sponsor, other than a Councilmember, of any item to come before the City Council feels it both appropriate and beneficial to the City, he/she may request that such item be considered and, with approval of two Councilmembers, by motion and second, the Council shall decide on the appropriateness of that item being placed on the agenda.

(C) The Mayor or City Manager may affix an approximate time limit for each agenda item at the time of approval of the agenda.

(D) All proposed Ordinances, Resolutions, and Motions shall be reviewed by the City Attorney and bear his/her certification that to ensure they are in correct form prior to its final passage. All accompanying documents shall be available before Ordinances, Resolutions, and Motions can be passed.

- (E) Ordinances and Resolutions of the City Council shall be signed by the Mayor, City Attorney, and City Clerk upon Council approval.
- (F) A joint Resolution of the City Council and the Mayor may be proposed when:
 - (1) The subject of the Resolution is of broad City concern, and the subject contains Council policy and administrative procedure; or
 - (2) The subject of the Resolution is of ceremonial or honorary nature.
 - * Joint Resolutions will be subject to the voting rules and will be signed by the Mayor, City Attorney and City Clerk. The Council may provide for all Councilmembers signing the joint Resolution enacted.
- (G) Councilmembers will inform the City Manager or City Clerk if they are unable to attend any Council Meeting. The City Clerk will announce any absences during roll call at a Regular Council Meeting. If there is no objection from the Council, the absence will be deemed excused and noted accordingly in the minutes.

Section 7. Speaking Procedures

- (A) Speaking procedure for agenda items under consideration is as follows:
 - (1) A Councilmember desiring to speak shall address the Mayor or Presiding Officer and upon recognition shall confine him/ herself to the question under debate.
 - (2) Any member, while speaking, shall not be interrupted unless it is to call him/her to order.
 - (3) Any member shall have the right to challenge any action or ruling of the Mayor or Councilmember, as the case may be, in which case the decision of the majority shall govern.
 - (4) Any member shall have the right to question the City Manager on matters before the Council. Under no circumstances shall such questioning be conducted in a manner that would constitute a cross examination or an attempt to ridicule or degrade the individual being questioned.
 - (5) No Councilmember shall speak a second time upon the same motion before opportunity has been given each Councilmember to speak on that motion.
- (B) Procedures for addressing the Council shall be as follows:
 - (1) Any person, with the permission of the Mayor, may address the Council.
 - (2) In addressing the Council, each person shall stand and, after recognition, give his/her name and address. All remarks shall be civil and respectful in tone and

content, made to the Council as a body, and not to any individual member.

- (3) No person shall be permitted to enter into any discussion from the floor without first being recognized by the Mayor.
- (4) Any person making personal or impertinent remarks while addressing the Council shall be barred from further audience participation by the Mayor unless permission to continue is granted by a majority vote of the Council.

Section 8. Parliamentary Procedures and Motions

- (A) Questions of parliamentary procedure not covered by this Chapter shall be governed by Robert's Rules of Order, Newly Revised (latest edition).
 - (1) If a motion does not receive a second, it dies. Motions that do not need a second include: Nominations, withdrawal of motion by the person making the motion, agenda order, request for a roll call vote, and point of order or privilege.
 - (2) A motion that receives a tie vote is deemed to have failed.
 - (3) When making motions, be clear and concise and not include arguments for the motion within the motion.
 - (4) After a motion and second, the Mayor will indicate the names of the Councilmembers making the motion and second.
 - (5) After a motion has been made and seconded, the Councilmembers may discuss their opinions on the issue prior to the vote.
 - (6) If any Councilmember wishes to abstain from a vote on the motion, pursuant to the provisions of Section 9 hereof, that Councilmember shall so advise the City Council, and shall remove and absent himself/herself from the deliberations and considerations of the motion, and shall have no further participation in the matter. Such advice shall be given prior to any discussion or participation on the subject matter or as soon thereafter as the Councilmember perceives a need to abstain, provided that, prior to the time that a Councilmember gives advice of an intent to abstain from an issue, the Councilmember shall confer with the City Attorney to determine if the basis for the Councilmember's intended abstention conforms to the requirements of Section 9. If the intended abstention can be anticipated in advance, the conference with the City Attorney should occur prior to the meeting at which the subject matter would be coming before the City Council. If that cannot be done, the Councilmember should advise the City Council that he/she has an "abstention question" that he/she would want to review with the City Attorney, in which case, a brief recess would be afforded the Councilmember for that purpose.
 - (7) A motion may be withdrawn by the maker of the motion at any time without the

consent of the Council.

- (8) A motion to table is not debatable and shall preclude all amendments or debates of the issue under consideration. A motion to table is to be used in instances where circumstances or situations arise which necessitate the interruption of the Councilmembers' consideration of the matter before them. A motion to table, if passed, shall cause the subject matter to be tabled until the interrupting circumstances or situations have been resolved, or until a time certain, if specified in the motion to table. To remove an item from the table in advance of the time certain requires a two-thirds majority vote.
 - (9) A motion to postpone to a certain time is debatable, amendable and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or to a time certain at a future Regular or Special Council Meeting.
 - (10) A motion to postpone indefinitely is debatable, not amendable, and may be reconsidered at the same meeting only if it received an affirmative vote.
 - (11) A motion to call for the question shall close debate on the main motion and is not debatable. This motion must receive a second and fails without a two-thirds' vote; debate is reopened if the motion fails.
 - (12) A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.
 - (13) Motions that cannot be amended include: Motion to adjourn, agenda order, lay on the table, roll call vote, point of order, reconsideration and take from the table. A motion to amend an amendment is not in order.
 - (14) Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).
 - (15) Debate of the motion only occurs after the motion has been moved and seconded.
 - (16) The Mayor or City Clerk should repeat the motion prior to voting.
 - (17) In the event a reason exists to proceed in a manner inconsistent with these rules, a motion to Suspend the Rules is appropriate. Suspend the Rules requires a second, may neither be amended nor debated, and requires a two-thirds vote.
- (B) The City Clerk will take a roll call vote, if requested by the Mayor, a Councilmember, or as required by law.
- (C) When a question has been decided, any Councilmember who voted in the majority may move for reconsideration, but no motion for reconsideration of a vote shall be made until

the next Regular Council Meeting.

- (D) The City Attorney shall decide all questions of interpretations of these rules and other questions of a parliamentary nature which may arise at a Council Meeting. All cases not provided for in these rules shall be governed by Robert's Rules of Order, Newly Revised.

Section 9. Voting

- (A) Silence of a Councilmember during a voice vote shall be recorded as a vote with the prevailing side, except where such a Councilmember abstains because of a stated conflict of interest or appearance of fairness. Each member present must vote on all questions before the Council and may abstain only by reason of conflict of interest or appearance of fairness. Abstentions from any votes for any other reasons shall be construed as silence during voting, and shall be recorded as a vote with the prevailing side.

For the purposes hereof, "conflict of interest" and "appearance of fairness" shall be defined as those terms used and set forth in Chapters 42.20, 42.23 and 42.36 of the Revised Code of Washington, and as they may be amended by legislative action or construed by judicial review.

- (B) A roll call vote may be requested by the Mayor or any member of the Council.
- (C) All matters before the Council shall require the affirmative vote of a majority of the Councilmembers present, unless otherwise provided by State Law (RCW Chapter 35A et. seq.).
- (D) For meetings where voting will take place: Any Councilmember who is unable to be physically present for any meeting of the Council may participate in discussions and may vote on any matter before the Council, including proposed Ordinances, Resolutions, and Motions, by telephone or other means of telecommunication, providing that:
 - (1) A quorum of the Council is physically present at the meeting site; and
 - (2) Electronic facilities exist and are operational so that the absent Councilmember will participate in Council discussions in a manner that comments, discussions, and voice votes of the absent Councilmember are audible to the assembled Council and audience, and that the absent Councilmember can hear all comments, discussions, and votes that are audible to all Councilmembers who are physically present.

Section 10. Council Relations with Staff

- (A) There will be mutual respect from both Councilmembers and staff of their respective roles and responsibilities when, and if expressing criticism in a public meeting. City staff acknowledges the Council as policy makers and the Councilmembers acknowledge staff as administering the Council's policies.
- (B) Neither the Mayor nor any Councilmember shall direct the City Manager to initiate any action or prepare any report that is major in nature, or initiate any major project or study without the approval of a majority of the Council.
- (C) All requests for significant information, statistics, interpretations, or answers to questions from a Councilmember shall be directed to the City Manager by means of hardcopy or electronic version (e-mail) of the Council Information Request. The City Manager shall reply by acknowledging receipt and by providing an estimated time or date for substantive response. The City Manager shall forward the request to the appropriate Department Director for written or electronic response.
- (D) All written material accumulated and/or prepared in response to an individual Councilmember shall be provided by the City Manager, to all Councilmembers.
- (E) All requests for minor information, statistics, interpretations, or answers to questions may be directed to the City Manager or directly to involved staff. It is understood that staff receiving such requests are required to advise their supervisor and/or Department Director of any request for the purpose of assuring integrity of the chain of command and chain of communication to the City Manager.
- (F) Councilmembers shall not attempt to coerce or influence staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.
- (G) The Council shall not attempt to change or interfere with the operating rules and practices of any City department.
- (H) The following definitions shall apply to this Section:
 - (1) "Major" information, statistics, interpretations, or answers to questions means any effort which is reasonably estimated to entail more than two hours of staff time.
 - (2) "Significant" information, statistics, interpretations, or answers to questions means any effort which is reasonably estimated to entail one hour or more, but less than two hours, of staff time.
 - (3) "Minor" information, statistics, interpretations, or answers to questions means any effort which is reasonably estimated to entail only an immediate response or less than one hour of staff time.

Section 11. Confidentiality

- A. Councilmembers should keep all written materials and verbal information provided to them, on matters that are confidential under law, in complete confidence to insure that the City's position is not compromised. No mention of information read should be made to anyone other than other Councilmembers, the City Manager or the City Attorney or by City staff designated by the City Manager.
- B. If the Council, in Executive Session, has provided direction or consensus to staff on proposed terms and conditions for any type of issue, all contact with the other party should be done by the designated staff representative handling the issue. A Councilmember should not have any contact or discussion with the other party, or their representative involved with the issue, and should not communicate any discussion conducted in Executive Session.

Section 12. Executive Sessions

- (A) It is acknowledged that the Open Public Meetings Act (OPMA) of Chapter 42.30 RCW is a mandate that the “people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know”. Any action taken in violation of the OPMA is subject to being declared by the courts to be “null and void”, participating Councilmembers may be personally liable for fines, and the City may be subject to payment of court costs and attorney’s fees. Accordingly, Executive Sessions of the Council shall be used only when allowed by law and when confidentiality is deemed necessary.
- (B) The scheduling, notification, announcing, and conduct of an Executive Session during a Council Meeting, as permitted by Section 4(G) of these Administrative Procedures and applicable law, shall conform to the OPMA and shall comply with this Section.
- (C) Whenever possible, an Executive Session shall be noted on the Council Meeting agenda provided and posted pursuant to Section 5 of these Administrative Procedures. If deemed necessary by the Mayor or by action of the Council, an Executive Session may be called and added to the agenda during a Council Meeting. If an Executive Session is to be held during a Special Meeting, every effort shall be made to set forth the intent to hold an Executive Session on the notice of the Special Meeting as required by law.
- (D) Certain Council deliberations, discussions, considerations, reviews, evaluations, and final actions (“actions” as defined by the OPMA) are, by law, exempt from all provisions of the OPMA. Examples include the following: Proceedings concerned with business, occupation, or professional licenses and related disciplinary proceedings; deliberations following an appeal or other quasi-judicial matter; and collective bargaining strategy, positions, and proposals, as well as union grievance procedures and mediation. Nonetheless, the provisions of this Section 12 may be used to recess a Council Meeting to such an exempt proceeding just as if it were an Executive Session.

- (E) In addition to topics exempt from the OPMA, as described in Subsection (D), above, the OPMA permits discussion and consideration (but not “final action”) in an Executive Session closed to the general public for certain, limited, purposes. These limited purposes are summarized on Exhibit “A” to these Administrative Procedures, which is generally an extract from MRSC Report No. 39.
- (F) In event an Executive Session is necessary for any of the allowed purposes, the agenda, if possible, shall list the fact of the Executive Session and its purpose. Immediately prior to recessing to an Executive Session, the Mayor shall publicly announce the purpose of the Executive Session, generally in the following language, and shall state the estimated time of return of the Council to the open public meeting:
- To consider the selection of a site or acquisition of real estate.
 - To consider the minimum price at which real estate will be offered for sale or lease.
 - To review negotiations on the performance of publicly bid contracts.
 - To evaluate complaints or charges against a public officer or employee.
 - To evaluate the qualifications of an applicant for public employment.
 - To review the performance of a public employee.
 - To evaluate the qualifications of a candidate or candidates for appointment to elective office.
 - To discuss with legal counsel matters relating to enforcement actions.
 - To discuss with legal counsel pending or potential litigation involving the City.
- (G) Typically, the City Manager and City Attorney will attend Executive Sessions to assist the Council. Otherwise, however, attendance shall be limited to staff members and others whose input is necessary to the purpose of the Executive Session.
- (H) No voting or other final action shall be taken during an Executive Session, except that consensus may be reached if confidentiality of such consensus is essential to the purpose of the Executive Session.
- (I) In event an Executive Session is not completed by the estimated time for return to the open public meeting, the Mayor, a Councilmember, or a staff member shall return to the open public meeting and shall announce that the Executive Session shall be extended to a stated time. Such an announcement shall not, however, be necessary if no members of the public remain in attendance at the open public meeting.
- (J) In event the Executive Session is concluded before the time that was stated for return to the open public meeting, the Council shall not reconvene in open session until the stated time. Such a waiting period shall not, however, be necessary if no members of the public remain in attendance at the open public meeting.

Section 13. Councilmember Travel Expenses and Reimbursement

- (A) In matters of travel incident to attending conferences and meetings for City business and in incurring costs related thereto, Councilmembers shall comply with the current edition of the City of SeaTac Travel Policies, Regulations, and Procedures. In addition, Councilmembers shall also comply with the provisions of this Section 13 to the Council Administrative Procedures.
- (B) ~~(1) — When determined to be in the best interests of the City of SeaTac, Councilmembers may attend National League of Cities (NLC), Association of Washington Cities (AWC), and Suburban Cities Association (SCA) conferences and workshops within the City Council’s total adopted budget limit. Travel pre-approval and final approval of related expenses will come before the City Council for approval on the Consent Agenda as set forth in Section 5 (6)(a). meetings and may have their expenses reimbursed to a maximum annual limit of \$4,000 per elected official. Reimbursement will cover registration (including pre conference workshops), transportation, lodging, meals, and travel incidentals. Up to \$1,000 of this limit, if unspent, may be carried over to the following year.~~
- ~~(2) — Unforeseen training, workshops, or conference opportunities may be approved by a majority of the City Council as soon as practicable and will not be restricted by the limit set forth in subsection (B)(1).~~
- ~~(3) — Various local meetings and associated meal costs will not be restricted by this subsection.~~
- ~~(4) — Councilmembers belonging to National and/or local committees or boards requiring additional travel during the calendar year shall have their annual travel limit adjusted accordingly during the budget process.~~
- (C) The Finance Department shall provide a quarterly summary of actual Council expenditures reported by each Councilmember. This summary will be used to assist the Council in monitoring the status of actual expenditures in comparison to the budgeted expenditures. ~~In the event a Councilmember is about to exceed his or her maximum limit, they shall be notified. Any travel expenses in excess of the limits set forth in this Section 13 shall be at the Councilmember’s own expense.~~
- ~~(D) — The City Manager shall sign approvals of Councilmember expenditures and travel reimbursements for the sole purpose of authorizing the Finance Department to process such payment or reimbursement requests.~~

EXHIBIT A

TO THE SEATAC CITY COUNCIL ADMINISTRATIVE PROCEDURES

What are the allowed purposes for holding an Executive Session?

An Executive Session may be held only for one or more of the purposes identified in RCW 42.30.110(1). The purposes addressed below are those which have application to Cities and Counties. A governing body of a City or County may meet in Executive Session for the following reasons:

- **To consider matters affecting national security [RCW 42.30.110(1)(a)].**

As a result of the September 11, 2001 attack on America and passage of the Homeland Security Act, this purpose may now be utilized at the local level.

- **To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price; [RCW 42.30.110(1)(b)].**

This provision has two elements:

- the governing body must be considering either purchasing or leasing real property; and
- public knowledge of the governing body's consideration would likely cause an increase in the price of the real property.

The consideration of the purchase of real property under this provision can involve condemnation of the property, including the amount of compensation to be offered for the property. [Port of Seattle v. Rio, 16 Wn. App. 718 (1977)]

Since this provision recognizes that the process of purchasing or leasing real property or selecting real property to purchase or lease may justify an Executive Session, it implies that the governing body may need to reach some consensus in closed session as to the price to be offered or the particular property to be selected. The purpose of allowing this type of consideration in an Executive Session would be defeated by requiring a vote in open session to select the property or to decide how much to pay for the property, where public knowledge of these matters would likely increase its price.

- **To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of**

decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public; [RCW 42.30.110(1)(c)].

This subsection, the reverse of the previous one, also has two elements:

- the governing body must be considering the minimum price at which real property belonging to the City or County will be offered for sale or lease; and
- public knowledge of the governing body's consideration will likely cause a decrease in the price of the property.

The requirement here of taking final action selling or leasing the property in open session may seem unnecessary, since all final actions must be taken in a meeting open to the public. However, its probable purpose is to indicate that, although the decision to sell or lease the property must be made in open session, the governing body may decide in Executive Session the minimum price at which it will do so. A contrary interpretation would defeat the purpose of this subsection.

If there would be no likelihood of a change in price if these real property matters are considered in open session, then a governing body should not meet in Executive Session to consider them.

- **To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs; [RCW 42.30.110(1)(d)].**

This subsection indicates that when a City or County and a contractor performing a publicly bid contract are negotiating over contract performance, the governing body may "review" those negotiations in Executive Session if public knowledge of the review would likely cause an increase in contract costs. MRSC is not aware of an Executive Session being held under this provision. It is not clear what circumstances would result in a City or County governing body meeting in Executive Session under this provision.

However, this exception could well be used to consider potential change orders, requests for equitable adjustment, or delay damages.

- **To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge; [RCW 42.30.110(1)(f)].**

For purposes of meeting in Executive Session under this provision, a "charge" or "complaint" must have been brought against a City or County officer or employee. The complaint or charge could come from within the City or County or from the public, and it need not be a formal charge or complaint. The bringing of the complaint or charge triggers

the opportunity of the officer or employee to request that the discussion be held in open session.

As a general rule, City governing bodies that are subject to the Act do not deal with individual personnel matters. [The Civil Service Commission is an obvious exception. It, however, addresses personnel actions taken against a covered officer or employee, and it does so in the context of a formal hearing]. For example, the City Council should not be involved in individual personnel decisions, as these are within the purview of the administrative branch under the authority of the Mayor or City Manager. [An exception is where the Council, in a Council-Manager City, may be considering a complaint or charge against the City Manager]. This provision for holding an Executive Session should not be used as a justification for becoming involved in personnel matters which a governing body may have no authority to address.

- **To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public; [RCW 42.30.110(1)(g)].**

There are two different purposes under this provision for which a governing body may meet in Executive Session. For both purposes, the references to "public employment" and to "public employee" include within their scope public offices and public officials. This means that a governing body may evaluate, in Executive Sessions, persons who apply for appointive office positions, such as City Manager, as well as those who apply for employee positions. [The courts have, for various purposes, distinguished between a public "office" and a public "employment." See, e.g., Oceanographic Comm'n v. O'Brien, 74 Wn.2d 904, 910-12 (1968); State ex rel. Hamblen v. Yelle, 29 Wn.2d 68, 79- 80 (1947); State ex rel. Brown v. Blew, 20 Wn.2d 47, 50-52 (1944). A test used to distinguish between the two is set out in Blew, 20 Wn.2d at 51].

The first purpose involves evaluating the qualifications of applicants for public employment. This could include personal interviews with an applicant, discussions concerning an applicant's qualifications for a position, and discussions concerning salaries, wages, and other conditions of employment personal to the applicant. As with the previous Executive Session provision, this purpose is not one that generally will have application to a governing body in a City, because City governing bodies do not, as a general rule, have any hiring authority. [One obvious exception is the City Council in a Council-Manager City, who hires the City Manager. RCW 35A.13.010; RCW 35.18.010].

This authority to "evaluate" applicants in closed session allows a governing body to discuss the qualifications of applicants, not to choose which one to hire (to the extent the governing body has any hiring authority). However, since this subsection expressly mandates that

"final action hiring" an applicant for employment be taken in open session, the implication is that a governing body may take something less than final action in Executive Session to eliminate applicants or to choose applicants for further consideration.

The second part of this provision concerns reviewing the performance of a public employee. Typically this is done where the governing body is considering a promotion or a salary or wage increase for an individual employee or where it may be considering disciplinary action. [As with hiring, a City Council has little or no authority regarding discipline of public officers or employees. Again, an exception would be a City Manager over which the Council has removal authority. RCW 35A.13.130; 35.18.120].

The result of a governing body's closed session review of the performance of an employee may be that the body will take some action either beneficial or adverse to the officer or employee. That action, whether raising a salary of or disciplining an officer or employee, must be made in open session.

Any discussion involving salaries, wages, or conditions of employment to be "generally applied" in the City or County must take place in open session. However, discussions that involve collective bargaining negotiations or strategies are not subject to the Open Public Meetings Act and may be held in closed session without being subject to the procedural requirements for an Executive Session. [See RCW 42.30.140(4)].

- **To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public; [RCW 42.30.110(1)(h)] .**

This provision applies to a City or County legislative body only when it is filling a vacant elective position. Under this provision, the legislative body may meet in Executive Session to evaluate the qualifications of applicants for the vacant position. However, any interviews with the candidates must be held in open session. As with all other appointments, the vote to fill the position must also be in open session.

- **To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. [RCW 42.30.110(1)(i)].**

Three basic requirements must be met before this provision can be used by a governing body to meet in closed session: [This provision for holding an Executive Session is based on the legislative recognition that the attorney-client privilege between a public agency governing body and its legal counsel can co-exist with the Open Public Meetings Act. However, that privilege is not necessarily as broad as it may be between a private party and legal counsel].

- The City or prosecuting attorney or special legal counsel representing the City or County governing body must attend the Executive Session to discuss the enforcement action or the litigation or potential litigation (presence of an attorney without such discussion is not sufficient);
- The discussion with legal counsel must concern either an enforcement action or litigation or potential litigation to which the City or County, a governing body, or one of its members is or is likely to become a party;
 - The potential litigation must be specifically threatened, or be reasonably believed to be likely; or
 - The potential litigation, or legal risk, is applicable to a proposed action or current practice; and
- Public knowledge of the discussion would likely result in adverse legal or financial consequence to the City or County.

The probability of adverse consequence to the City or County. It is probable that public knowledge of most governing body discussions of existing litigation would result in adverse legal or financial consequence to the City or County. Knowledge by one party of the communications between the opposing party and its attorney concerning a lawsuit will almost certainly give the former an advantage over the latter. The same probably can be said of most discussions that qualify as involving potential litigation.

Again, no final action in Executive Session. The purpose of this Executive Session provision is to allow the governing body to discuss litigation or enforcement matters with legal counsel; the governing body is not authorized to take final action regarding such matters in an Executive Session. Nevertheless, a governing body will likely need to make certain strategic decisions in Executive Session to advance the litigation or enforcement action, while protecting the secrecy of such decisions. For example, a County Council can probably take an informal vote or reach a consensus in Executive Session to authorize the County Prosecuting Attorney to settle a case for no higher than a certain amount. However, it is clear that the Council's vote to give final approval to a settlement agreement must occur in an open meeting.

RESOLUTION NO. 15-015

A RESOLUTION of the City Council of the City of SeaTac, Washington, to designate US Bank, as the City's qualified public depository.

WHEREAS, State law requires that a code city shall designate a qualified public depository as set forth by the public deposit protection commission; and

WHEREAS, Bank of America has recently notified the City that is intends to terminate services provided to the City at year end 2015 due primarily to the increased cost of compliance with state and national regulatory requirements for the services it has provided to the City since 1993; and

WHEREAS, the Finance Department has reviewed and evaluated banking professional services offerings in accordance with purchasing practices established by City Council for other professional services, while considering the feasibility of transition within the compressed time constraints resulting from the short notification of the current banking services provider; and

WHEREAS, this designation required by RCW 35A.40.030 shall continue in force until revoked by a majority vote of the legislative body of a code city;

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

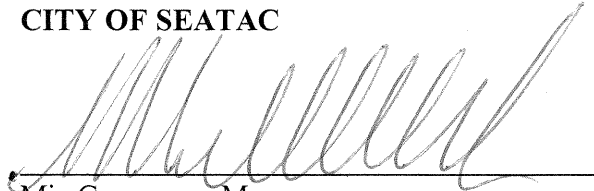
Section 1. The SeaTac City Council designates US Bank as the City's qualified public depository.

Section 2. The SeaTac City Council authorizes the transition of City banking services and City accounts from Bank of America to US Bank to occur as soon as is reasonably practical to maintain the security and safety of public moneys.

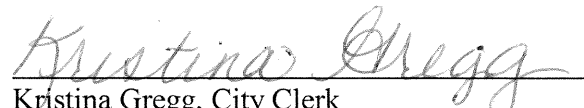
Section 3. The City Manager or designee is authorized to execute any agreements for banking services with US Bank as appropriate.

PASSED this 8th day of December, 2015, and signed in authentication thereof on this 8th day of December, 2015.

CITY OF SEATAC


Mia Gregerson, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to Form:


Mary E. Mirante Bartolo, City Attorney

RESOLUTION NO. 15-016

A RESOLUTION of the City Council of the City of SeaTac, Washington, to finalize the 2015 unclaimed property reporting to the State of Washington.

WHEREAS, State law requires that outstanding, stale dated municipal checks and unclaimed deposits be cancelled by passage of a Resolution; and

WHEREAS, the City of SeaTac has a number of outstanding, stale dated municipal checks and unclaimed deposits that need be cancelled; and

WHEREAS, the Finance Department and Court Department has made all reasonable attempts to resolve these outstanding municipal checks and unclaimed deposits; and

WHEREAS, the City Council of the City of SeaTac wishes to cancel all outstanding, stale dated municipal checks and unclaimed deposits as detailed in Exhibit A;

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

Section 1. The SeaTac City Council declares the cancellation of municipal checks and unclaimed deposits as detailed in Exhibit A.

PASSED this 8th day of December, 2015, and signed in authentication thereof on this 8th day of December, 2015.

CITY OF SEATAC


Mia Gregerson, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to Form:


Mary E. Mirante Bartolo, City Attorney

EXHIBIT A

2015 UNCLAIMED PROPERTY REPORT

Municipal Court Records sent to UCP

<u>Payee</u>	<u>Amount</u>	<u>Comments</u>
Armondo Sahagun Preciado	\$ 500.00	Bail Refund
Cindy Mariano Espinoza	\$ 3.00	Bail Refund
Marcusadam Kalani Mosley	\$ 250.00	Bail Refund
Mahmoud Bassam Abdo	\$ 250.00	Bail Refund
Joyce Caroline Evankovich	\$ 44.00	Bail Refund
Everett Bruno Hawkins	\$ 75.00	Bail Refund
Unknown	\$ 101.00	Misc Trust
<u>TOTAL MUNICIPAL COURT</u>	\$1,223.00	Sent to UCP 10-1-15 Ck #007600

Finance Dept Records sent to UCP

<u>Check #</u>	<u>Check Date</u>	<u>Check Amount</u>	<u>Payee</u>	<u>Comments</u>
51905	12/5/2013	\$ 213.73	Nathan Suther	unclaimed

TOTAL FINANCE DEPT \$ **213.73**

GRAND TOTAL **\$1,436.73**