



The City is conducting this public meeting using a hybrid model. The public is welcome to attend in-person at Sumner City Hall Council Chambers, or virtually by using the Zoom platform by clicking on the link below -

<https://sumnerwa-gov.zoom.us/j/86937819681>

Or One tap mobile: US: +12532158782,,86937819681# or +16699006833,,86937819681#

Or Telephone: US: +1 253 215 8782

Webinar ID: 869 3781 9681

CALL TO ORDER

Pledge of Allegiance

Invocation

Roll Call: Bitetto, Brown, Cole, Hochstatter, Neuman, Reed and Stuard

PRESENTATION

Chief Parkinson, East Pierce Fire and Rescue

PROCLAMATION

Police Week & Peace Officer Memorial Day

The following items are distributed to Councilmembers in advance for study and review, and the recommended actions will be accepted in a single motion. Any item may be removed for further discussion if requested by a Councilmember.

CONSENT AGENDA

1. Approval of the minutes from the regular council meeting of April 18, 2022, and the April 25, 2022, study session.
2. Approval of the checks and electronic payments in the amount of [\\$3,786,210.49](#).
3. Resolution No. 1624 - Council Rules and Procedures

PUBLIC HEARING

REGULAR BUSINESS

1. **Unfinished Business**
2. **Public Comment (Limit 3 minutes)**
Members of the community who wish to give public comment are strongly encouraged to join the meeting via the ZOOM link or by telephone. If you are unable to join the meeting, please submit your public comment in writing via email to the City Clerk at Michellec@sumnerwa.gov no later than 5:30pm on the date of the meeting. Any written comments received will be read into the record and

provided to the City Council. Please contact the City Clerk at 253-299-5590 with any questions.

3. New Business

- a. 2023-24 Council Strategic Priorities
- b. Ordinance No. 2819 - Amending Sumner Municipal Code 6.04 Dog License Fees
- c. Resolution No. 1623 - Memorandum of Understanding Regarding Opioid Settlement Funds
- d. Appointment - Hearing Examiner

4. Reports

- a. Council
- b. City Administrator
- c. Mayor

5. Executive Session

6. Adjournment

This meeting is accessible to persons with disabilities. For individuals who may require special accommodations, please contact the City Clerk at (253) 299-5590, 24 hours in advance.



PROCLAMATION
Police Week & Peace Officer Memorial Day

WHEREAS, law enforcement officers play an essential role in ensuring our safety and in safeguarding our rights and freedoms; and

WHEREAS, our officers' partner with citizens to keep our community as safe as possible, by enforcing traffic laws, proactive policing, and forming neighborhood watch groups; and

WHEREAS, when an unsafe situation does arise, officers are the first to respond and provide assistance, often at great risk to their own personal safety; and

WHEREAS, Sumner police officers continue to face increased danger, both seen and unseen, and scrutiny in the performance of their official duties; and

WHEREAS, our officers recognize their duty to serve our citizens by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, in 2021 Sumner police officers responded to over 14,000 calls for service, arrested 177 suspects, made 1787 traffic stops, removed 23 impaired drivers from our roadways, and provided needed security and property protection; and

WHEREAS, the Congress and President of the United States have established May 15, 2022, as Peace Officers' Memorial Day and the week in which it falls as National Police Week,

NOW, THEREFORE, the City of Sumner proclaims May 15, 2021, as Peace Officer Memorial Day and the week of May 15th through May 21st as Police Week in the City of Sumner and urges all citizens to mark this occasion with appropriate ceremonies, commemorating police officers, past and present, who by their faithful and loyal devotion have collectively preserved our rights and our security.

Dated this 2nd day of May 2022.

Kathy Hayden, Mayor



SUBJECT: Approval of the minutes from the regular council meeting of April 18, 2022, and the April 25, 2022, study session.

CATEGORY: Consent

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Minutes - April 18, 2022 regular council meeting
2. Minutes - April 25, 2022 study session

STAFF CONTACT: Michelle Converse, City Clerk

SUMMARY BACKGROUND:

Minutes from the previous two meetings.

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION: Committee Do-Pass

STAFF RECOMMENDATIONS/MOTION:

Approve as written.

CITY OF SUMNER
Council Meeting
Minutes – April 18, 2022

The Covid-19 pandemic continues to impact the health and safety of our community and in an effort to be diligent, the city is continuing to conduct all public meetings using a hybrid model of in-person and the ZOOM computer application.

CALL TO ORDER

The Sumner City Council met in regular session at 6:00pm, with Mayor Kathy Hayden presiding.

Staff present: City Administrator Jason Wilson, Police Chief Brad Moericke, Public Works Director Mike Dahlem, Development Services Director Doug Beagle, Chief Financial Officer Kassandra Raymond, Public Works Director Mike Dahlem, Associate Planner Scott Waller, City Attorney Andrea Marquez, Administrative Services Director Jeff Steffens, Deputy City Attorney Maili Barber, Communications Director Carmen Palmer, and City Clerk Michelle Converse.

Council present: Bitetto, Brown, Cole, Hochstatter, Neuman, Reed and Stuard

PRESENTATION

Introduction of New Police Officers by Police Chief Moericke. The Chief welcomed entry level officer Chase Vento and lateral officer Ryan Keller to Sumner.

Sumner Senior Center update was given by Executive Director Tina Pries and Susan Bryant Sumner Senior Center Program Director.

CONSENT AGENDA

MOVED BY HOCHSTATTER, SECONDED BY BITETTO TO APPROVE THE CONSENT AGENDA containing:

1. 160th Pervious Sidewalks - Construction Contract
2. Resolution No.1625 - Approval of Heritage Capital Projects Application Submittal
3. Approval of the minutes from the April 4, 2022, regular meeting and the April 11, 2022, study session.

PASSED BY VOICE VOTE.

PUBLIC HEARING

There was no Public Hearing tonight.

REGULAR BUSINESS

There was none tonight.

UNFINISHED BUSINESS

There was none tonight.

PUBLIC COMMENT

There was no Public Comment.

NEW BUSINESS

Appointment to the Sumner Lodging Tax Advisory Committee

MOVED BY BITETTO SECONDED BY HOCHSTATTER TO APPROVE MAYOR HAYDEN'S RECOMMENDATION TO APPOINT MEILEE ANDERSON TO THE SUMNER LODGING TAX ADVISORY COMMITTEE FOR A TERM OF ONE-YEAR.

Most of Sumner's lodging tax funding (5% tax) continues to go to Pierce County for allocation. Sumner still receives a smaller 2% shared sales tax that is the State Transient Rental tax. In order to use this funding, Sumner must still follow State rules to form a Lodging Tax Advisory Committee (LTAC) to provide feedback to the Council. Per RCW 67.28,

1. One member shall be an elected official of the city of Sumner, who shall serve as chair; (Councilmember Hochstatter-selected by Council with the committee selection process)
2. Two members shall be representatives of businesses required to collect tax under this chapter;
3. Two members shall be persons involved in activities authorized to be funded by revenue received under this chapter.

The members must be confirmed annually.

Mayor Hayden recommends appointing Meilee Anderson of Visit Rainier to fill one of the representatives of persons involved in activities authorized to be funded by revenue received. As a marketing consultant, Meilee represents and promotes Visit Rainier, one of two destination marketing organizations serving the Pierce County region and Sumner. Meilee has already been instrumental in guiding Sumner with suggestions and partnerships to help us succeed in driving tourism.

PASSED BY ROLL CALL VOTE.

Reappointment to the Cultural Arts Commission

MOVED BY NEUMAN, SECONDED BY HOCHSTATTER TO APPROVE THE MAYOR'S REAPPOINTMENT OF COURTNEY SHORE TO THE CULTURAL ARTS COMMISSION FOR A TERM OF 4-YEARS.

City Administrator Jason Wilson addressed Council.

The Mayor is seeking the reappointment of Courtney Shore to the Cultural Arts Commission for a four-year term. Ms. Shore has served on the commission since 2018. She continues to help enrich the community through art and environmental improvements.

The Sumner Cultural Arts Commission consists of fifteen members who are appointed by the Mayor and confirmed by the City Council. The members are to be selected without respect to political affiliations and shall serve a four-year (4) term without compensation.

PASSED BY ROLL CALL VOTE

Appointment to the Design Commission

MOVED BY REED, SECONDED BY BITETTO TO APPROVE THE APPOINTMENT OF DUSTIN MADDEN TO THE DESIGN COMMISSION FOR A TERM ENDING IN APRIL 2026.

Associate Planner Scott Waller spoke to the topic.

The Mayor is seeking the appointment of Dustin Madden to the Design Commission for a term of four-years. The Design Commission consists of seven voting members who are appointed by the Mayor and confirmed by the City Council. Five of the members shall be practicing professionals within the fields of architecture, planning, civil engineering, landscape architecture, and development. The members are to be selected without respect to political affiliation and serve a four-year (4) term without compensation.

Mr. Madden was formerly part of the Arts Commission where he served for the last four-years. He is passionate about design and his personal and professional interests align with the mission of the Commission.

PASSED BY ROLL CALL VOTE

Ordinance No. 2816 – Amending Sumner Municipal Code 6.04 – Kennel License Definitions and Requirements

MOVED BY BROWN SECONDED BY HOCHSTATTER ADOPT ORDINANCE 2816 AS PRESENTED.

Police Chief Moericke spoke to the topic.

The City wishes to clarify the definition section of our existing animal code to accommodate our Kennel Licensing process. This ordinance would amend certain sections of SMC 6.04.

PASSED BY ROLL CALL VOTE

Resolution No 1619 – Park Master Plan Approval (Seibenthaler Park and the Bennett Property)

MOVED BY STUARD, SECONDED BY NEUMAN TO APPROVE RESOLUTION NO. 1619, APPROVING THE MASTER PLANS FOR SEIBENTHALER PARK AND THE BENNETT PROPERTY.

City Administrator Jason Wilson spoke to the topic.

Over the last year the City has been working with consultants and the community to complete Master Plans for the Bennett Property and Siebenthaler Park and describe the existing conditions, the overall future vision, and proposed programming. It's critical that a master plan reflects the vision, character, and activities identified by the community. The master plan contains features and activities you might want to experience. Activities could include passive uses like nature walks or having a picnic area; active uses like playing basketball or in a spray park; or different types of community events. A master plan also includes the infrastructure and circulation plan needed to support those activities like walkways, parking, lighting, and restrooms. Ultimately, a master plan is intended to guide future implementation, with more detailed design and funding to follow at a later date. This report documents the master planning process for Seibenthaler Park and the Bennett Property, describing the existing conditions, the overall vision, and the proposed programming.

PASSED BY ROLL CALL VOTE

Ordinance No. 2817 – Updating Electronic Signatures

MOVED BY COLE, SECONDED BY STUARD TO APPROVE ORDINANCE NO. 2817 -
UPDATING SUMNER MUNICIPAL CODE 2.114, ELECTRONIC SIGNATURES.

City Attorney Andrea Marquez addressed the topic.

The legislature adopted the Uniform Electronic Transaction Act, ESSB 6028, repealing RCW 19.360. This law provides a framework for states to address the validity of electronic signatures for transactions related to business, commercial and governmental matters.

The Act continues to allow cities and other agencies to determine whether or not to accept electronic signatures in the course of daily business and be given the same legal effect.

The City began using e-signatures in 2019. This has proven to be a timely and efficient way to do business. The purpose of this ordinance is to update the references to state law (from RCW 19 to RCW 1.80) and to remove the references to DocuSign so that future flexibility is permitted.

PASSED BY ROLL CALL VOTE

COUNCIL REPORTS

Councilmember Bitetto was pleased to see more police hired. She found it interesting to learn about all of the activities that are going on at the Senior Center and thanked Tina and Susan for their report.

Councilmember Cole had a lot of fun at the Daffodil Parade. In her opinion, the fire truck the council rode on was the coolest!

Council Neuman had no report tonight.

Councilmember Brown appreciates having more police officers in Sumner, as long as they aren't behind him with flashing lights!

Deputy Mayor Hochstatter received information from Eli Hill School about making front or backyards habitats, it looks interesting to her, and she will be researching that further. She also accepted Councilmember Stuard's challenge and bought a tree last week, now she is looking for the perfect place to plant it.

Councilmember Reed had no committee reports. He thanked the new commissioners for their service and welcomed the new police officers.

Councilmember Stuard had a wonderful time at the Daffodil parade. He thanked Deputy Mayor Hochstatter for joining his Arbor Day challenge. Welcomed the new officers. He thanked the Sumner Senior Center for their update. He too is planning on participating in the Eli Hill habitat program.

CITY ADMINISTRATOR

City Administrator Jason Wilson shared the following:

Upcoming Policy Issues:

- Next Week's Study Session:
 - Diversity, Equity and Inclusion Training
- Next Regular Council Meeting on May 2nd:
 - Proclamation for Police Week & Peace Officer Memorial Day
 - Presentation from East Pierce Fire and Rescue
 - Resolution adopting a MOU related to Opioid Settlement Funds
 - Resolution amending the Council Rules and Procedures
 - An Ordinance Amending Pet License Fees
 - Adopting the Council's 2023-24 Strategic Priorities

Miscellaneous:

- Lahar Exercise: On April 29th the City will be participating in a large scale evacuation and preparedness exercise for a short notice lahar. All Sumner, Puyallup and Orting schools in the lahar zones will be evacuating. Expect increased traffic impacts and temporary road closures, particularly East of Valley Ave. More information can be found on our website. If you have students in a Sumner school, watch for information from the Sumner Bonney Lake School District.

MAYOR REPORT

Mayor Hayden, thanked everyone who attended the Daffodil Parade. It was great seeing so many people in attendance! As part of the City's agreement with the YMCA, Sumner residents have an opportunity to use the YMCA four-times a year for free. For more information and to get your voucher, check out the City's spring newsletter arriving in mailboxes now.

EXECUTIVE SESSION

There was no Executive Session tonight.

ADJOURNMENT

With no further business before the Council, the Mayor adjourned the meeting at 6:53pm. Councilmembers concurred.

ATTEST:

Kathy Hayden, Mayor

Michelle Converse, CMC City Clerk

SUMNER CITY COUNCIL
Minutes – Study Session
April 25, 2022

In an effort to be diligent, the City is continuing to conduct all public meetings using a hybrid model via the ZOOM platform and in-person. Access information can be located on the City's website, and on each meeting agenda.

The Sumner City Council met in study session at 6:00pm, with Mayor Kathy Hayden presiding.

Councilmembers present: Bitetto, Brown, Cole, Hochstatter, Neuman, Reed and Stuard

Staff present: City Administrator Jason Wilson and City Attorney Andrea Marquez,

REGULAR BUSINESS

1. Diversity, Equity and Inclusion Training

ADJOURNMENT

When there was no further business before the Council, the meeting adjourned at 7:59pm.

ATTEST:

City Clerk Michelle Converse, CMC

Mayor Kathy Hayden

SUBJECT: Approval of the checks and electronic payments in the amount of
[\\$3,786,210.49](#).

CATEGORY: Consent

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Claim Voucher Approvals

STAFF CONTACT:

SUMMARY BACKGROUND:

COUNCIL COMMITTEE/STUDY SESSION: Checks and electronic payments.

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION: Committee Do-Pass

STAFF RECOMMENDATIONS/MOTION:

Approval of the electronic checks and payments in the amount atated.



**CLAIMS VOUCHER
APPROVAL**
City of Sumner Finance
Department

The following check/electronic payments are approved for payment:

Accounts Payable Check #:	From: 28058	To: 28125	\$476,825.54 *
AP Electronic (EFTs) Payments:	From: 373	To: 375	\$67,709.98
AP Wire(s):	From: 15170	To: 15171	\$2,635.87
Payroll DD Numbers:	From: 51207	To: 51325, 4168	\$305,606.13
Payroll Check(s):	From: -0-	To: -0-	\$0.00
Payroll Wire(s):	From: 4121-4167,	To: 4169-4174	\$281,828.80
		TOTAL	\$1,134,606.32

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the service rendered, or the labor performed as described herein, and that the claim is a just, due, and unpaid obligation against the City of Sumner and I am authorized to authenticate and certify to said claim.

DocuSigned by:

Kassandra Raymond

0A6D5E5EBAEC4A6...

Chief Financial Officer

4/19/2022 | 4:24 PM PDT

Date

We, the undersigned Finance & Personnel Committee of the Sumner City Council, Sumner, Washington, do hereby certify that the check numbers and electronic payments listed above are approved for payment in the amount of \$1,134,606.32 this 4th day of April 2022.

DocuSigned by:

[Signature]

708BA263DF964E7...

Chair

DocuSigned by:

Patricia Cole

1B38614FF4684BF...

Member

DocuSigned by:

Barbara Bitetto

74E2EC62EDD846C...

Member

4/20/2022 | 4:45 PM PDT

Date

4/20/2022 | 10:26 AM PDT

Date

4/19/2022 | 6:12 PM PDT

Date

* Includes \$492.94 in Use Tax and (\$260.00) in Check Voids.



**CLAIMS VOUCHER
APPROVAL**
City of Sumner Finance
Department

The following check/electronic payments are approved for payment:

Accounts Payable Check #:	From: 28126	To: 28232	\$814,591.86 *
AP Electronic (EFTs) Payments:	From: 376	To: 383	\$366,411.32
AP Wire(s):	From: 15172	To: 15173	\$754,745.60
Payroll DD Numbers:	From: 51326	To: 51452, 4180	\$327,710.12
Payroll Check(s):	From: 46635	To: 46635	\$7,630.50
Payroll Wire(s):	From: 4175, 4178-4179	To: 4181-4189	\$380,514.77
TOTAL			\$2,651,604.17

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the service rendered, or the labor performed as described herein, and that the claim is a just, due, and unpaid obligation against the City of Sumner and I am authorized to authenticate and certify to said claim.

DocuSigned by:

Kassandra Raymond

9A6D5E5EBAEC4A5...

Chief Financial Officer

4/19/2022 | 4:24 PM PDT

Date

We, the undersigned Finance & Personnel Committee of the Sumner City Council, Sumner, Washington, do hereby certify that the check numbers and electronic payments listed above are approved for payment in the amount of \$2,651,604.17 this 18th day of April 2022.

DocuSigned by:

[Signature]

708BA263DF964E7...

Chair

4/20/2022 | 4:45 PM PDT

Date

DocuSigned by:

Barbara Bitetto

74E2E002EDB845C...

Member

4/19/2022 | 6:12 PM PDT

Date

DocuSigned by:

Patricia Cole

1B38D14FF4664BF...

Member

4/20/2022 | 10:26 AM PDT

Date

* Includes \$792.44 in Use Tax and (\$0.00) in Check Voids.

SUBJECT: Resolution No. 1624 - Council Rules and Procedures

CATEGORY: Resolution

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Resolution No. 1624 - Council Rules of Procedure
-

STAFF CONTACT: Jason Wilson, City Administrator

SUMMARY BACKGROUND:

The Principles of Conduct were drafted in 2011 as an acceptable code of conduct for Councilmembers in and out of Council meetings in relation to City business. It has been the practice of the Council to pass a motion to accept and sign the Principles of Conduct every two years or when new members are added to the Council. At the January 3, 2022, council meeting there was an approved motion to discuss the Principles of Conduct further at a study session. There were questions as to the purpose and how the Principles of Conduct related to the adopted Council Rules.

On January 10, 2022, the council discussed the Principles of Conduct. Many of the Principles of Conduct were already covered by same or similar rules adopted by Resolution. The Council requested that the items from the Principles of Conduct not addressed in the Council Rules and Procedures be added, creating only one governing document. Further discussion occurred at the April 11, 2022, Council Study Session, resulting in the attached Resolution for consideration.

COUNCIL COMMITTEE/STUDY SESSION: Study Session Reviewed

MEETING/STUDY SESSION DATE: 4/11/2022

COMMITTEE RECOMMENDATION: Forward to Regular Council Meeting for final action.

STAFF RECOMMENDATIONS/MOTION:

A motion to adopt Resolution No.1624 - Amending the City Council's rules and procedures.

RESOLUTION NO. 1624
CITY OF SUMNER, WASHINGTON

A **RESOLUTION** establishing a procedure for the conduct of Council Meetings, proceedings, and business; and repealing and replacing Resolution No. 1575 approved March 15, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AS FOLLOWS:

Section 1 **Authority.** The Sumner City Council hereby establishes the following procedures for the conduct of Council meetings, proceedings and business. These procedures shall be in effect upon adoption by the Council and until such time as they are amended or new procedures are adopted in the manner provided by these rules.

On all questions of practice or procedure not provided for by these rules, the practice and procedure set forth in Robert's Rules of Order, current edition, shall serve as a guide.

Section 2 **Regular Council Meetings.** A regular Council meeting is a formal meeting for the purpose of conducting official City business. This includes, but is not limited to, ~~public~~~~citizen~~ comments, public hearings, presentations, the adoption of ordinances resolutions, contracts and agreements, and budgets.

- a. Council's regular meetings will be held the first and third Monday of each month in the Council Chambers at City Hall and will begin at 6:00 p.m.
- b. All regular council meetings will be accessible to the public via ZOOM or an equal virtual platform.
- c. If possible, only one or two major topics (defined as issues of high interest or controversial, or those which would take an extraordinary amount of the City Council meeting) will be scheduled per meeting.
- d. If any Monday on which a meeting is scheduled falls on a legal holiday, the regular meeting or study session shall be held on the next business day at the same time and place.

2.1 **Agenda.**

Call to Order. The Mayor or Presiding Officer calls the meeting to order.

Pledge of Allegiance. The Mayor or Presiding Officer, or invited guests, will lead the flag salute.

Invocation. A member of the Clergy will give the invocation, as available.

Roll Call. The City Clerk shall call the roll and indicate any Councilmember who is not in attendance. Councilmembers may make a motion to excuse or not excuse absent Councilmembers at the meeting.

Consent Agenda. Consent Agenda items are considered to be routine and non-controversial and are approved by one motion. Items on the Consent Agenda include, but are not limited to, minutes, business claims, set dates of hearings, approval of payment of contracts, bid

awards, housekeeping amendments to ordinances and resolutions, and previously authorized agreements. Any Councilmember may remove any item(s) from the Consent Agenda for separate discussion and action; a second is not required. When an item is removed, the Consent Agenda is considered for action without that item. After the Consent Agenda has been considered, the item which was removed is considered. When discussion on that item is completed, a motion may be made to vote on the item or to refer it to Council Committee or to another meeting.

Public Comment. Members of the audience (in person or virtually) may comment on issues of concern or interest related to the business of the City that is not on the agenda and is not in violation of any other Council rule or law. Dialogue/debate between Council and the public is discouraged. Comments are limited to three (3) minutes. The Mayor or Presiding Officer may, at their discretion, limit public comment based on the volume of comments anticipated and in the interest of conducting the business of the Council in an efficient manner. Minutes may not be shared with other speakers. ~~A "citizen comment sign-up sheet" will be available at each regular and/or special Council meeting for the use of citizens wishing to address the Council.~~ Written comments may also be submitted electronically, or in person, to the City Clerk by 4:00 pm the day of the Regular Council Meeting. Written comments will be acknowledged by name and subject matter by the City Clerk during the public comment section and distributed electronically to the Council. ~~Citizens-~~ The public may also comment (in person, virtually or in writing) on individual agenda items during any regularly scheduled City Council meeting. These agenda items include, but are not limited to, ordinances, resolutions, and Council business issues. These comment times are in addition to the ~~PublicCitizen~~ Comment time. ~~The Mayor or Presiding Officer may, at his discretion, limit public comment based on the volume of comments anticipated and in the interest of conducting the business of the Council in an efficient manner.~~ The Mayor or Presiding Officer will acknowledge commenters at the close of their comments and decide on the disposition of their comments/issue, including but not limited to referral of the issue to City Administrator, a particular City Department, Council study session or Committee as deemed appropriate.

Proclamation/Presentations. Proclamations are issued by the Mayor in support of local causes, programs, or matters which advance adopted City policy and strategy, and increase public awareness of issues important to the quality of life of the Sumner community. Special presentations are requests by ~~public~~citizen groups or other agencies to present information on issues of interest to City Council and/or community. Proclamations and presentations do not require City Council action. Requests for proclamations or presentations shall be submitted to the Mayor or City Administrator for consideration and scheduling. Only one proclamation will be issued per year per organization. Proposals for proclamations or presentations promoting for-profit causes will generally not be considered. Proposals which promote a position on a pending ballot or legislative issue will not be considered. The mayor reserves the right to reject or modify a proclamation. A proclamation appearing on an agenda shall be distributed in the agenda packet and may be read at a Council meeting.

Public Hearings. Public Hearings are held to receive public comment on important issues and/or issues requiring a public hearing by state statute or City of Sumner ordinances. There are two types of public hearings, legislative and quasi-judicial. Legislative hearings focus on broad policy with general application. Quasi-judicial hearings focus on the rights of

specific parties and decisions must be based on a formal record. The Mayor will state the public hearing procedures before each public hearing.

Unfinished Business. Unfinished Business consists of subjects discussed by the Council at a previous regular or special meeting, or subjects for which a public hearing was conducted at a previous regular or special meeting or study session, and which are returning to the Council for additional discussion or resolutionfinal action. Ordinances for second reading would appear under this category.

New Business. New Business consists of subjects which have not previously been considered by the Council, and which may require discussion and action.

Announcements/Reports. Announcements and reports made by the Councilmembers, City Administrator and Mayor.

- a. The Mayor makes announcements of upcoming meetings and events, and reports on meetings and events in which they havehe/she has participated.
- b. Councilmembers make announcements of upcoming meetings and events, and report on meetings and events in which they havehe/she has participated. Councilmembers may report on their significant City activities since the last regular meeting. These comments shall be limited to three (3) minutes.
- c. Staff reports are made to the Council by the City Administrator on issues of interest to the Council which do not require Council action.

Executive Session. An Executive Session held before, during, or after a Council meeting is a discussion, pursuant to RCW 42.30.110 and/or RCW 42.30.140, that is closed to the public and attended only by the Council, City Administrator, Mayor, City staff, and/or consultants authorized by the City Administrator or Mayor. At the conclusion of the Executive Session, if appropriate, the public meeting will reconvene to take action.

Adjournment. The presiding officer shall adjourn the Council meeting upon proper motion and approval by the Council or at the conclusion of the agenda.

2.2 Agenda Bills. Agenda bills are the forms used for submitting issues to the Council for action. The agenda bill will include the subject matter (title for agenda), clearances, action required, budget information (if applicable), summary statement, and recommended motion. The Council may use the agenda bill "recommended motion" language for making a motion. The City Clerk will be responsible for assigning a number to the agenda bill.

- a. Ordinances are legislative acts or local laws. These are the most permanent and binding form of Council action and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five (5) days after publication in the City's official newspaper pursuant to RCW 35A.12.160.
- b. Resolutions are adopted to express Council policy or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

Section 3 **Council Study Sessions.** An informal meeting for the purpose of reviewing forthcoming programs or projects, or receiving similar information, provided that all discussions and conclusions thereof shall be informal.

- a. Council study sessions will be held the second and fourth Monday of each month in the Council Chambers at City Hall and will begin at 6:00 p.m. and be limited to three (3) hours in length unless extended by a consensus of the Councilmembers present.
- b. All regular study sessions will be accessible to the public via ZOOM or an equal virtual platform.
- c. No final action may be taken at a study session; however council is specifically authorized to approve the meeting agenda and/or excuse a councilmember's absence from the meeting.
- d. Public testimony during study session is discouraged and shall only be heard at the discretion of the Mayor or Presiding Officer.
- e. A special study session may be called by the Mayor or by a majority of the members of the City Council.
- f. If any Monday on which a meeting is scheduled falls on a legal holiday, the regular meeting or study session shall be held on the next business day at the same time and place.

Section 4 **Other Meetings.**

- 4.1 **Special Council Meetings.** Any Council meeting other than the regular Council meeting, which has been called for the purpose of conducting official action. Notice shall be given at least 24 hours in advance as required by RCW 42.30.080. Notice shall be provided to Councilmembers by telephone and e-mail. A special Council meeting may be scheduled by the Mayor or by a majority of the members of the City Council. All special council meetings will be accessible to the public via ZOOM or an equal virtual platform.
- 4.2 **Emergency Council Meetings.** A special Council meeting called without 24-hour notice. An emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, by reason of fire, flood, earthquake or other emergency, when time requirements of a 24-hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the Mayor as provided under RCW 42.30.070. The minutes will indicate the reason for the emergency. All emergency council meetings will be accessible to the public via ZOOM or an equal virtual platform.
- 4.3 **Executive Sessions.** A Council meeting that is closed except to the Council, City Administrator, Mayor, City Attorney, authorized staff members, and/or consultants authorized by the City Administrator or Mayor. The public is restricted from attendance. Executive Sessions may be held during regular or special Council meetings, or as separate meetings, and will be announced by the Mayor or Presiding Officer. Executive Session topics are limited to considering only those matters authorized by RCW 42.30.110 or RCW 42.30.140.
 - a. Before convening an Executive Session, the Mayor or Presiding Officer shall announce the purpose of the meeting and the anticipated time the session will be

- concluded. Should the session require more time, a public announcement shall be made, extending the meeting for a time certain.
- b. At the conclusion of the Executive Session, if appropriate, the public meeting will reconvene for taking action.
 - c. Pursuant to RCW 42.23.070(4), no member of the Council, employee of the City, or any other person present during an executive session of the Council shall disclose to any person the content or substance of any discussion or action which took place during said executive session.

Section 5 General Code of Conduct~~Council Discussion.~~

~~On all questions of practice or procedure not provided for by these rules, the practice and procedure set forth in Robert's Rules of Order, current edition, shall serve as a guide.~~

5.1 Courtesy Norms:

- a. Be courteous and professional in recognition that Council communications and behaviors set the tone for the organization.
- b. To strive to honor time limits on meetings by arriving on time and having read preparatory materials.
- c. Refrain from eating or passing food during meetings. Councilmembers and the Mayor are permitted to consume non-alcoholic beverages during meetings.
- d. Out of respect for meeting presenters and not to violate the Open Public Meetings Act refrain from side conversations, phone calls, on-line activity, or electronic messaging during meetings.
- e. Use formal titles (Councilmember Jones, Mayor Anderson, etc.) during Regular Council Meetings. It shall be left up to each individual's discretion at informal meetings and work sessions.
- f. To be inclusive in policy making.
- g. To regularly check e-mail to use it as an efficient tool for communicating City news/activities.
- h. To strive for a partnership in the governance and operation of the City while respecting the necessary responsibilities for checks and balances.
 - 1. The Mayor shall seek to involve the Council in civic events and celebrations.
- i. Take individual responsibility for obtaining the information to learn about the actions and/or processes that occurred in meetings during an individual Councilmember's absence.

Section 6 Agenda Preparation.

- 6.1 The Mayor will be respectful of Council time by scheduling full and complete meetings and not having Study Sessions when there are insufficient agenda items.
- 6.2 The City Council desires adequate time to review and research all issues coming before it for consideration and/or action. Therefore, all communications, ordinances, resolutions, contract documents or other matters for Council consideration will be submitted to the City Clerk by 5:00 p.m. Friday, ten days prior to the scheduled Monday Council meeting. Items shall be submitted following agenda guidelines in the form designated by the City Clerk.

Items not submitted in time will not be placed on the agenda. However, late items may be placed on the agenda consistent with the Robert's Rules of Order, and pursuant to the procedure below, by passage of a motion to amend the agenda. ~~and/or suspend the Council Rules of Procedure.~~

a. Any item may be placed on a regular Council meeting agenda, after the agenda is closed and the notice prepared, by the City Administrator, Mayor, or Councilmembers, with an explanation of the necessity, motion and a majority vote of the Council.

6.32 Issues coming before the City Council at regular session for a vote shall first be placed on the agenda of the appropriate Council committee or Council Study Session at the request of the City Administrator, the Mayor, or any two or more Councilmembers for recommendation to the full Council for approval. ~~Otherwise, they may be placed on a Regular Council Meeting agenda by passage of a motion by a majority of the Council to amend the agenda and add the item.~~

6.43 Issues may be placed on the agenda of a City Commission for recommendation, but must go to a Council Committee or Council Study Session prior to being placed on the agenda of a Regular Meeting of the City Council.

6.54 Subject to the Council's right to amend the agenda, no legislative item, which has not been presented by consensus as a forthcoming agenda item by a Council Committee or Study Session shall be voted upon by the Council. Emergency situations (defined as that which would jeopardize the public's immediate physical health, safety, or welfare), would be exempted from this rule or when a majority of the Council votes in favor of placing such an item on the agenda for consideration.

6.65 Only items which receive a consensus approval at a Council Study Session or Council Committee will be placed on an upcoming Regular Council Meeting agenda. Items not receiving a consensus approval will be scheduled for additional discussion at an upcoming Council Study Session or referred back to the appropriate Council Committee for addition information

6.76 Communications not attached to a motion, ordinance, or resolution may be placed on a Council Study Session agenda for discussion and/or referral to a Council Committee, per the Council Rules of Procedure.

6.87 The City Clerk will prepare an agenda packet for each Council meeting specifying the time and place of the meeting, and setting forth a brief general description of each item to be considered by the Council. The agenda is subject to review and approval by the City Administrator or designee or the Mayor.

6.8 ~~Any item may be placed on a regular Council meeting agenda, after the agenda is closed and the notice prepared, by the City Administrator, Mayor, or Councilmembers, with an explanation of the necessity, motion and a majority vote of the Council.~~

6.9 The agenda bill form will be used for all items submitted for a regular or special Council meeting agenda. Items submitted for a study session agenda will include a cover memo briefly explaining the issue being discussed. Agenda packets will be ready for distribution to the Council by 5:00 p.m. Wednesday, prior to the following Monday's Council meeting.

Council or staff submitting items for the consideration will ensure Councilmembers are provided sufficient information to make decisions. Council shall contact staff prior to the meeting with questions or for assistance in regards to any packet item.

- 6.10 All Council agenda bills, when applicable, shall include budget amounts, requested expenditure and impact along with the statement of fiscal analysis, and identification of funding source. Item and/or issues containing new appropriations must be submitted to the Finance Committee for recommendation prior to being placed on a council agenda.
- 6.11 Some agenda items may be listed on the agenda for a time certain. Such listing will mean that an item will be heard as soon as reasonably possible on or about the specified time.
- 6.12 The City Clerk will prepare and keep current a calendar of agenda items for all Council regular and special meetings and study sessions. The City Clerk will also prepare and keep current a calendar of all Mayor and Council meetings and meetings of the Boards and Commissions of the City of Sumner.
- 6.13 The City Clerk will endeavor to schedule sufficient time between public hearings and other scheduled items so the public is not kept waiting an excessive amount of time and so the Council will have sufficient time to hear testimony and to deliberate matters among themselves.
- 6.14 Legally required and advertised public hearings will have a higher priority over other scheduled agenda items which have been scheduled by convenience rather than for statutory or other legal reasons.
- 6.15 Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.
- 6.16 Agendas for Regular Council Meetings should include, when possible, a positive note or celebration of community accomplishments, recognition of staff achievement, or presentation of an award or commendation for the City, an employee, or other official.

Section 7 Comments, Concerns and Testimony to Council.

- 7.1 Persons addressing the Council, who are not specifically scheduled on the agenda, will be requested to sign in on the public comment sheet provided. Comments are to be given at the podium area and limited to three (3) minutes. The Council may, by a majority vote, limit public comment based on the volume of comments anticipated and in the interest of conducting the business of the Council in an efficient manner.

All remarks will be addressed to the Council as a whole. Anyone who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested to leave the meeting. All speakers during public comment, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and deportment. See Rule 2.1 under Public Comment.

- 7.2 The Mayor or Presiding Officer has the authority to preserve order at all meetings of the Council, to cause removal of any person from any meeting for disorderly conduct, to

suspend a person's opportunity to speak and/or enforce the Rules of the Council. The Mayor or Presiding Officer may command assistance of any peace officer to enforce all lawful orders of the Mayor or Presiding Officer to restore order at any meeting.

- 7.3 The Mayor or Presiding Officer will acknowledge commenters at the close of their comments and decide on the disposition of their comments/issue, including but not limited to referral of the issue to City Administrator, a particular City Department, Council study session or Committee as deemed appropriate.
- 7.4 No person may use public comment for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Further, any direct mention of a person's candidacy or a ballot proposition shall constitute grounds for immediate suspension of such person's right to speak at that Council meeting.

Section 8 Motions.

- 8.1 Motions shall be clear and concise and not include arguments for the motion within the motion.
- 8.2 After a motion and a second, the Mayor or Presiding Officer will state the names of the Councilmembers making the motion and second.
- 8.3 If a motion does not receive a second, it dies. Motions that do not need a second include nominations, withdrawal of a motion, agenda order, request for a roll call vote, and point of order.
- 8.4 After a motion has been made and seconded, the Council may discuss their opinions on the issue prior to the vote. ~~PublicCitizen~~ comments may be heard at the discretion of the Mayor when there is a motion and a second on the floor.
- 8.5 A motion that receives a tie vote on the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money is deemed to have failed. The Mayor shall vote in the case of a tie only with respect to matters other than those stated above.
- 8.6 When the Council concurs or agrees with an item by consensus that does not require a formal motion, the Mayor or Presiding Officer will summarize the agreement at the conclusion of the discussion.
- 8.7 A motion may be withdrawn by the maker of the motion, at any time, without the consent of the Council.
- 8.8 A motion to table is not debatable and requires a second. It shall preclude all amendments or debate of the issue under consideration. If the motion to table prevails, the matter may be taken from the table only by adding it to the agenda of a future regular or special meeting at which time discussion will continue. If an item is tabled, it cannot be reconsidered at the same meeting.

- 8.9 A motion to postpone to a certain time is debatable, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting or at a time certain as established by Council motion at a future regular or special City Council meeting.
- 8.10 A motion to postpone indefinitely is debatable and is not amendable.
- 8.11 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 (2/3) vote. If seven (7) Councilmembers are present, then five (5) must vote in the affirmative to fill the 2/3 requirement. Debate is reopened if the motion fails.
- 8.12 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 language in the motion. Councilmembers will contact staff prior to the meeting where the amendment will be considered for assistance in formulating proper amendment language. Councilmembers are responsible for ensuring questions of the legality of the amendments proposed are addressed with the appropriate staff prior to bringing the amendment to Council for consideration. The making of amendments from the floor at the meeting is discouraged unless the timing of the subject legislation requires immediate action.
- 8.13 Discussion of the motion only occurs after the motion has been moved and seconded.
- 8.14 The motion maker, Mayor or Presiding Officer, or City Clerk shall repeat the motion prior to voting.
- 8.15 The City Clerk shall, in random rotation, take a roll call vote, if requested by the Mayor, a Councilmember, or as required by law. No Councilmember shall pass or abstain from voting when called upon to vote.
- 8.16 At the conclusion of any vote, the Mayor or Presiding Officer or the City Clerk shall announce the results of the vote. The City Clerk may confirm the results.
- 8.17 When a motion has been passed by Council any Councilmember who voted in the majority may move for reconsideration of the motion. A motion to reconsider is in order only at the meeting where the original motion was passed.
- 8.18 The City Attorney shall decide all questions of interpretations of these policies and procedures and other questions of a parliamentary nature which may arise at a Council meeting. All cases not provided for in these policies and procedures shall be guided by Roberts Rules of Order, current edition. In the event of a conflict, these Council policies and procedures shall prevail.

Section 9 Ordinances.

- 9.1 All ordinances shall be prepared or reviewed by the City Attorney. No ordinance shall be prepared for presentation to the Council unless requested by the City Administrator, Mayor, City Attorney, City staff, Council Committee, or a majority vote of the Council.

- 9.2 Ordinances will be introduced by an Agenda Bill. The City Clerk shall assign a permanent ordinance number prior to placing the ordinance on the agenda.
- 9.3 The Mayor or Presiding Officer or City Clerk shall read the title of the ordinance prior to voting.
- 9.4 The Mayor shall have the power to veto ordinances passed by the Council and submitted to ~~them~~him or her. Such veto may be overridden by the vote of a supermajority of all Councilmembers. The ordinance shall then become valid notwithstanding the Mayor's veto. If the Mayor fails for ten (10) days to either approve or veto an ordinance, it shall become valid without ~~their~~his or her approval.
- 9.5 Upon enactment of the ordinance, the City Clerk shall obtain the signature of the Mayor and City Attorney. After the Mayor's signature, the City Clerk shall sign the ordinance.
- 9.5 Ordinances, or ordinance summaries, shall be published in the official newspaper as a legal publication in the first possible publication following enactment.
- 9.6 An ordinance becomes effective five (5) days after the publication of the ordinance or ordinance summary unless otherwise specified.
- 9.7 Ordinances shall reflect the date of first reading, date of adoption, date of publication, and effective date.
- 9.8 There shall be one reading of an ordinance prior to any action and adoption by the City, unless a second reading is required by state statute or City code.
- 9.9 No public comment will be allowed on ordinances of a quasi-judicial matter.

Section 10 Mayor, Deputy Mayor and Presiding Officer.

- 10.1 The presiding officer at all meetings of the Council shall be the Mayor, and in the absence of the Mayor, the Deputy Mayor shall act in that capacity. If both the Mayor and Deputy Mayor are absent and a quorum is present, the Councilmembers present shall elect one of their members to serve as Presiding Officer until the return of the Mayor or Deputy Mayor.
- 10.2 The Presiding Officer shall:
 - a. Preserve order and decorum in the Council Chambers.
 - b. Observe and enforce all policies and procedures adopted by the Council.
 - c. Decide all questions on order, in accordance with these policies and procedures, subject to appeal by any Councilmember.
 - d. Recognize Councilmembers in the order in which they request the floor.
 - e. Retain the authority, during Public Comment, to determine whether a speaker's remarks fail to comply with these Rules or exceed the scope of the designated forums, and the presiding officer shall have the authority to suspend such person's opportunity to speak, subject to the Council's privilege to overrule such decision.

- f. At the sole discretion of the Presiding Officer, ~~they~~he/she may call for a recess during any regular or special meeting so long as that recess does not exceed fifteen (15) minutes. The Council may recess during any regular or special meeting for greater than fifteen (15) minutes by a majority vote of the Councilmembers present.
- 10.3 Challenge to Ruling of Presiding Officer. Notwithstanding anything herein contained, including Robert's Rules of Order, to the contrary, any member of the Council shall have the right and privilege to challenge any ruling of any kind made by the presiding officer at any Council meeting, in which case the approval or disapproval of the ruling of the Presiding Officer shall immediately and without debate or comment be put to a vote of the Council, and the decision of the majority of the members of the Council then present, shall prevail.

Section 11 Council Relations With Staff.

- 11.1 There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities. Concerns about performance of staff shall be raised to the Mayor or City Administrator.
- 11.2 City staff shall acknowledge the Council as policymakers, and the Councilmembers shall acknowledge City staff as administering the Council's policies.
- 11.3 Councilmembers shall not attempt to influence City staff in the selection of, or retention of, personnel, the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of City licenses or permits.
- 11.4 Councilmembers shall not attempt to interfere with the administration or internal operation and practices of any City department.
- 11.5 To ensure timely response and any required administrative actions, mail addressed to the Mayor shall be copied and circulated by the City Clerk to all appropriate persons as soon as practicable after it arrives.
- 11.6 No Councilmember shall direct the City Administrator or staff to initiate any action or prepare any report that is a priority or requires significant resources, or initiate any project or study without the consent of a majority of the Council.
- 11.7 Individual requests for information can be made directly to the Department Director unless otherwise determined by the City Administrator or Mayor. If the request would create a change in work assignments or City staffing levels, the request must be made through the City Administrator or Mayor.

Section 12 Council Meeting Staffing.

- 12.1 The City Administrator shall attend all meetings of the Council unless excused by the Mayor. The City Administrator may make recommendations to the Council and shall have the right to take part in the discussions of the Council, but shall have no vote. When the City Administrator has an excused absence, the designated Acting City Administrator shall attend the meeting.
- 12.2 The City Attorney shall attend all regular meetings of the Council unless excused by the City Administrator or Mayor and shall, upon request, give an opinion either written or oral, on legal questions. The City Attorney or designee shall act as the Council's parliamentarian. An Acting or Deputy City Attorney may attend meetings when the City Attorney has been excused.
- 12.3 The City Clerk, or designee, shall attend regular and special, and study session (when required) meetings of the Council, keep the official journal (minutes), and perform such other duties as may be needed for the orderly conduct of the meeting.

Section 13 Councilmember Attendance At Meetings.

- 13.1 If a councilmember is unable to attend a meeting, that Councilmember shall contact the Mayor prior to the meeting and provide the reason for ~~their~~his/her inability to attend the meeting. If the Councilmember is unable to contact the Mayor, the Councilmember shall contact the City Administrator or City Clerk, who shall convey the message to the Mayor.

- 13.2 At any point following roll call, the Mayor or Presiding Officer shall inform the Council of the Councilmember's absence. Councilmembers ~~shall~~ may make a motion to excuse ~~or not excuse~~the absent Councilmembers. If the motion fails to receive a second, or fails by vote, the absence shall be considered unexcused.

13.3a. RCW 35A.12.060 provides that a Councilmember shall forfeit ~~their~~his/her office by failing to attend three (3) consecutive regular meetings of the Council without being excused by the Council. Members of the Council may ask to be excused by following the procedure described in this section.

- ~~13.4~~13.3 For purposes of this section, and consistent with the provisions of the Open Public Meetings Act, regular Council meetings and study sessions, are regularly scheduled meetings and shall be considered regular meetings for determining whether a Council position has been vacated. For example, if a Councilmember has three (3) consecutive unexcused absences consisting of two (2) regular Council meetings and an intervening study session in a single month, such a Councilmember will have vacated the position.

- ~~13.5~~13.4 Councilmembers are encouraged to attend all required meetings in-person, but shall have the option to attend any meeting virtually, ~~when necessary, if the alternative to attending virtually would mean the Councilmember would be otherwise absent from the meeting. Any councilmember choosing to attend a meeting virtually shall notify the Mayor and City Clerk (for Regular Council Meetings and Study Sessions) and the appropriate staff liaison (for Committee meetings) no less than 24 hours' in advance to ensure proper technology is in place.~~ Virtual attendance shall be considered the same as in-person attendance for quorum and voting purposes.

Section 14 Media Representation At Council Meeting.

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

Section 15 Council Representation.

- 15.1 If a Councilmember represents the City through electronic, social or other media, use of City letterhead, or in any public venue, for the purpose of commenting on an issue, the Councilmember shall state the majority position of the Council. Any individual Councilmember's personal opinions and comments which differ from the Council majority, or which relate to an issue for which the Council has not formally taken a majority position, may be expressed if the Councilmember makes clear that their statements do not represent the Council as a whole.
- 15.2 Councilmembers shall not speak for, or otherwise represent other Councilmembers' view or position, to the media, or to any another governmental agency or community organization. However, a Councilmember may represent, or speak to, the Council's majority position on any issue for which the Council has formally taken a position, to the media or any other governmental agency or community organization.

Section 16 Confidentiality.

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

Section 17 Conflict of Interest.

- 17.1 Mayor and Councilmembers shall not, either directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from any source for any matter connected with or related to services as a Councilmember or Mayor.
- 17.2 Mayor and Councilmembers shall excuse themselves from consideration of any matter before Council in which they have a direct or indirect conflict of interest. If such conflict

exists, the conflicted Councilmember or Mayor shall excuse themselves and leave the Council Chambers prior to any briefing, hearing, discussion, or other consideration of the matter. If a Councilmember is concerned that a perceived, but not actual, conflict of interest may exist, that Councilmember is encouraged to consult with the City Attorney to determine whether a voluntary recusal from consideration of that matter is appropriate. Prior to recusal (whether required or voluntary), a Councilmember may announce to the public the reason for the recusal.

Section 18 Public Records – Technology Use.

- 18.1 Public records created or received by the Mayor or any Councilmember should be transferred to the City Clerk's office for retention by the City in accordance with the Public Records Act, Chapter 42.17 RCW. Public records that are duplicates of those received by, or in the possession of the City, are not required to be retained. Questions about whether or not a document is a public record or if it is required to be retained should be referred to the City Attorney. Councilmembers shall complete Public Records Act training as mandated by law.
- 18.2 All electronic communications (e-mail, social media, blog etc.) sent or received by a Councilmember from either a City or personal account which are determined to be a Public Record pursuant to state law shall be subject to disclosure.
- 18.3 Electronic Communications between elected officials of a governing body can implicate the Open Public Meetings Act. If discussing City business with a quorum of fellow Councilmembers via electronic communications, it may constitute a public meeting and all the requirements for a public meeting would have to be met or a violation of the Act could occur. Councilmembers shall complete Open Public Meetings Act training as mandated by law.
- 18.4 Councilmembers are prohibited from using personal computers and devices to create, edit, store or other similar action, any writing as described in RCW 42.56.010(3) that may be a public record. Councilmembers may use a personal mobile device including smartphone or tablet to access City e-mail, provided that they do not create, edit or store writings on the device. Council also agrees to cooperate with any public disclosure request in which it would be reasonable to search those personally-owned devices for responsive records.
- 18.5 Councilmembers are required to follow the City's acceptable use policies when using City issued computers and devices. Council shall complete the required annual cyber-security training, as set for the City's acceptable use policies.
- 18.6 The use of social media to conduct city business, including communicating with constituents, generally constitutes a public record that may be subject to disclosure. All elected officials must follow the City's current elected officials social media policy, as adopted under a separate resolution. The City will provide regular training on the policy and assist with archival.

Section 19 Deputy Mayor Selection Process and Duties.

- 19.1 The Deputy Mayor shall be elected to a one (1) year term at the first Regular Council meeting in January of each year. The Mayor shall conduct the election for the Deputy Mayor as follows:
- a. The Mayor shall open the floor for nominations. Nominations do not require a second.
 - b. At the conclusion of nominations, the Mayor shall ask for a motion and second to close nominations. A majority vote of Council is required.
 - c. The City Clerk shall conduct a roll call vote. Each Councilmember shall respond with the name of the nominee they wish to vote for. Any nominee receiving a majority vote of the Council shall be declared the winner of the election. In the event of a tie, the Mayor shall cast the tie breaking vote.
- 19.2 The Mayor shall preside at all meetings of the Council, and in the absence of the Mayor, the Deputy Mayor will act in that capacity, following established procedures and directives provided in Section 10 of the Council Rules for the Mayor. If both the Mayor and Deputy Mayor are absent, the Councilmembers present shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Deputy Mayor.

Section 20 City Council Committees.

- 20.1 The following City Council Committees are formed by City of Sumner Resolution or City Code:
- a. Finance/Personnel
 - b. Public Works
 - c. Community Development/Parks
 - d. Public Safety
 - e. Lodging Tax Advisory Committee
- 20.2 Membership/Attendance
- a. For all committees, other than the Lodging Tax Advisory Committee, shall have a membership of three (3) Councilmembers. A fourth Councilmember will also be appointed to serve as alternate. The Lodging Tax Advisory Committee shall consist of one Councilmember who will serve as the chair.
 - b. All council committee meetings will be accessible to the public via ZOOM or an equal virtual platform.
 - c. Councilmembers wishing to attend a meeting of a committee of which they are not a regular member shall provide the Chair of that committee and the City Clerk 48 hours advanced notice of their intent to attend, and will attend in the capacity of an observer only. In accordance with the laws governing Council action, any four (4) Councilmembers participating in the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions, constitutes a quorum of the full Council. A meeting of a quorum of the full Council

requires 24-hours public notice and publication of a special Council meeting agenda stating the business to be transacted.

- d. If a councilmember is unable to attend a meeting, that Councilmember shall contact the Department Director responsible for the Committee prior to the meeting and provide the reason for their inability to attend the meeting. If the Councilmember is unable to contact the Department Director, the Councilmember shall contact the Mayor, City Administrator or City Clerk, who shall convey the message to the Department Director.
- e.e. A Councilmember shall be removed from an appointed Committee position and replaced by the alternate member upon three (3) consecutive unexcused absences or upon five (5) total unexcused absences in any twelve month period. Removal shall come as a recommendation of the remaining members of the subject Committee and shall be placed on the Council agenda at the next regular council meeting for confirmation by the full Council.
- e.f. Membership of each Committee shall be for a two (2) year term. The City Council shall appoint the members of each Council Committee by the second meeting of each even numbered year. Each Council Committee shall appoint its Chair.
- f.g. Councilmembers may trade committee membership with another Councilmember upon a do pass recommendation of both of the affected committees. The issue will then be placed on the consent agenda of the next available regular Council meeting for confirmation by the full Council.
- g. ~~Membership of each Committee shall be for a two (2) year term. Membership will be determined by deliberation of the full Council and upon reaching consensus or by majority vote.~~

20.3 Committee Work Programs and Agendas

- a. Recommendations. The Council Committee shall, with staff support, study issues and make recommendations to the full Council for action. Such recommendations may include a do pass to place the issue on a future regular Council meeting agenda for formal action by the full Council. It may also include a do not pass recommendation, which requires no further Council action. Should the Committee determine that further study of an issue by the full Council prior to taking formal action is warranted; the item will be placed on a future study session agenda for review. These actions will be clearly noted in the Committee minutes.
- b. Committee Agendas. Committee agendas shall be prepared at least two (2) business days in advance by the Committee staff in coordination with the Committee Chair and in consultation with the City Administrator or Mayor. Committee agendas shall be distributed to the full Council. If an agenda is not available to the Committee members at least two (2) business days in advance or if there is a lack of Committee business, the Committee meeting shall be cancelled. Staff shall notify the full Council at least 24 hours in advance of the time the meeting is to commence. Notice of the cancellation shall also be posted for the public. Should a Councilmember wish to submit an item to a Committee agenda, they shall coordinate with the Committee Chair to do so. The Chair shall coordinate with the staff liaison for inclusion of such items.

Section 21 Appointments To Regional Organizations.

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

- a. Any Councilmember may express an interest in a particular subject and interest in serving on a particular regional body.
- b. Council Committee membership shall not limit a Councilmember's interest in serving on a particular regional body.
- c. When a regional body requests membership recommendations where the regional body makes the final appointment, the Mayor shall ask Councilmembers to state their interest for appointment. All names shall be submitted by the Mayor to the regional body which will then make the appointment(s) subject to confirmation by the Council.
- d. When the Council has the authority to make direct appointment to a regional committee, discussion shall take place with the full Council to determine interest. The Mayor or Councilmember receiving a majority vote will represent the City on that regional body.
- e. Changes in representation to regional committees where the Council has the authority to make a direct appointment shall also be determined through full Council discussion and majority vote of the Council.
- f. For the purpose of appointing or reappointing Council members to authorized regional committee assignments (PCRC, RCC, SS911 etc.), the City Council shall appoint the members of each regional committee by the second meeting of each even numbered year. Council will review position assignments annually at the first regular Council meeting in January.
- g. If a councilmember is unable to attend a meeting, that Councilmember shall contact the Mayor prior to the meeting and provide the reason for their inability to attend the meeting. If the Councilmember is unable to contact the Mayor, the Councilmember shall contact the City Administrator or City Clerk, who shall convey the message to the Mayor.

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

Section 22 Suspension and Amendment of Rules.

22.1 Any provision of these rules not governed by State law or ordinance may be temporarily suspended upon proper motion and second and a majority vote of the Council.

22.2 Amendments to Rules. Amendments to these rules shall be made by resolution of the Council, which must be laid over at least one week, and may then be made by a majority vote of the membership of the City Council. After such proposed amendments have been

laid over for one week, they may be amended, added to, or deleted, and adopted at the same or a subsequent session of the Council.

Section 23 Decorum and Debate.

- 23.1 The City Council has power under general State law to impose punishment on its members, short of removal from office, for violation of State law or Council rules. When a decorum-related measure is presented for consideration to the Council, the Mayor shall recognize the appropriate individual to present the matter. When two or more Councilmembers wish to speak, the Mayor shall name the Councilmember who is to speak first. No member of the Council shall interrupt another while speaking except to make a point of order or privilege. No Councilmember shall be permitted to use derogatory or demeaning language when speaking to or about another Councilmember or member of the public.
- 23.2 If a Councilmember is violating the Rules of the Council, the Mayor or any Councilmember may call ~~them~~him/her to order, in which case ~~he/she/they~~ shall immediately be quiet. However, that Councilmember may appeal the ruling of the Mayor to the entire council. The Council shall, if appealed to, decide the case without debate. If the decision is in favor of the Councilmember called to order, ~~they~~he/she shall be allowed to proceed. If the decision is not in favor of the Councilmember called to order, ~~they~~he/she shall not proceed or continue in the action which has been determined to be out of order.
- 23.3 By vote of the majority of the Council, sanctions for violating the Council Rules may include any of the following:
- a. a verbal admonition,
 - b. a written reprimand,
 - c. censure,
 - d. expulsion from the meeting; and/or
 - e. removal of a Councilmember from appointed Council Committee(s) or Chair positions or removal of intergovernmental duties.

Section 24 Council Vacancies.

- 24.1 A Council position shall be officially declared vacant upon the occurrence of the causes of vacancy set forth in RCW 35A.12, Council Rule Section 13, or resignation, recall, forfeiture, written intent to resign, or death of a Councilmember.
- 24.2 In the occurrence of a vacancy, the Mayor or Council will direct staff to begin the appointment process and establish an application, interview, and appointment schedule. The Council has 90 days to fill the vacancy, after which time it will be filled by the Pierce County Council.
- a. Council may request additional public processes other than those delineated here, such as open houses, forums etc. as long as they are properly noticed and open to all members of the public.
- 24.3 The Councilmember who is vacating ~~their~~his or her position cannot participate in the appointment process.

- 24.4 Staff will advertise for the open position electronically, advise newspapers and other forms of media as appropriate, and post notices at City Hall. Applications will be due 30 days from the date the application is made available.
- a. Staff will prepare an application form which requests appropriate information for City Council consideration of the applicants. Applicants will be asked to submit a completed application, supplemental questions, and a resume. Endorsements, letters of reference or other materials will not be accepted.
 - b. Completed applications and supplemental materials received by the deadline will be copied and circulated to the Mayor and Council. Applications will be posted electronically following PDC rules for disclosure.
 - c. At the close of the application period, all timely applications will be reviewed by the City Clerk for completion and qualification. Interested candidates that submit an incomplete application, or that do not meet the minimum legal qualifications to be appointed, will not be considered. Staff shall notify the candidate of their disqualification accordingly.
- 24.5 Interviews will occur at the first available Study Session following the close of the application period, unless a special meeting needs to be called to avoid expiration of the 90 day appointment timeframe, or to avoid conflicting with other time sensitive policy issues. For efficiency, interviews may be recorded in advance and presented during the Study Session. The City Clerk shall establish the order of the interviews/presentation by random draw at the beginning of the Study Session.
- a. In an effort to preserve a fair interview process, if the interviews are in person (not pre-recorded), applicants not being interviewed may be asked to temporarily leave the meeting while they are not being interviewed, but are not required to do so.
 - b. Following each applicant interview, Councilmembers may ask follow-up clarifying questions. Clarifying questions will be limited to three (3) minutes per applicant.
- 24.6 The voting process will occur at the next available Regular Council Meeting following the interviews, unless the interviews and voting need to occur at the same special meeting to avoid expiration of the 90 day appointment timeframe. At the start of the meeting, the Mayor will call for nominations from Councilmembers for the purposes of creating a ballot. Each councilmember may make one nomination. No second is needed. Nominations are closed by motion, second, and a majority vote of the Council.
- 24.7 At the close of the nominations, the Mayor may accept public comment related to the final nominees. Public comment shall be limited to two (2) minutes.
- 24.8 Voting will occur in public by roll-call vote. Upon hearing their name, each Councilmember shall vote by saying the name of the nominee they wish to appoint. Any applicant receiving a majority vote of the sitting Council members shall be declared the winner. Nominees receiving the least amount of votes shall be dismissed from future rounds of voting. The Council may vote as many times as necessary to obtain a majority

vote. In the case of a tie between final two nominees, the Mayor will cast the deciding vote.

- a. At any time in the process, the Council may recess to executive session for the limited purpose of discussing the qualifications of the candidates in accordance with state law. This may be requested by any Councilmember. No voting or straw polls may be taken in executive session.
- b. The Council may move to postpone the election to a date certain if a majority vote is not received.

- 24.9 The Mayor shall declare the candidate receiving the majority vote as the new Councilmember, to be sworn into office and seated at the next regular Council meeting.
- 24.10 Any deviation from this procedure shall be by motion and shall require a second and majority vote of the Council.

Section 25 Repealer.

Resolution No. 1575, adopted March 15, 2021, is hereby repealed and replaced in its entirety.

Section 26 Severability.

If a section, subsection, paragraph, sentence, clause, or phrase of this resolution is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Sumner Municipal Code, the provisions of this resolution shall control.

Section 27 Corrections by City Clerk or Code Reviser.

Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this resolution, including but not limited to the correction of clerical errors; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 28 Effective Date.

This resolution shall become effective immediately upon adoption.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this 2nd day of May 2022.

Mayor Kathy Hayden

ATTEST:

City Clerk Michelle Converse, CMC

APPROVED AS TO FORM:

City Attorney Andrea Marquez

SUBJECT: 2023-24 Council Strategic Priorities

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. 2023-24 Council Strategic Priorities
2. Council Strategic Priorities Presentation

STAFF CONTACT: Jason Wilson, City Administrator

SUMMARY BACKGROUND:

Reviewing and updating the Council's Strategic Priorities is an important first step to developing Sumner's priorities for not only the next two-year budget cycle, but setting the stage for the next several bienniums. As our community exits the pandemic, our community is emerging stronger. We are seeing the community begin to transition to meet the long-term vision adopted in multiple planning documents. Our business and housing sectors continue to expand, including the diversification of our sales tax base. These are exciting and transitional times to be in our community's leadership. These times make it more important to refocus on Council's Strategic Priorities to ensure that as a City we can adjust to the community transitions while maintaining all of the things that make Sumner a great community.

At the March 5, 2022, Council Retreat, Council participated in an exercise to review what is working well and what the City could improve on. From that exercise five Strategic Priorities were developed, including supporting policy statements. The updated Strategic Priorities were reviewed at the April 11, 2022 study session.

COUNCIL COMMITTEE/STUDY SESSION: Study Session Review

MEETING/STUDY SESSION DATE: 4/11/2022

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Move to adopt the 2023-24 Council Strategic Priorities.

Community Character

- Investment in Parks & Open Space
- Balance the past with the future needs and desires of a changing community
- Vibrant events that celebrate arts, heritage & culture
- Policies and practices that support business growth
- Maintain welcoming small town charm
- Long range planning that effectively manages growth

Effective Transportation

- Investment in existing infrastructure to create capacity and efficiencies
- Focused on alternative transportation methods (bike, walking, transit etc.)
- Equitable distribution of infrastructure investments across all neighborhoods
- Preservation of existing assets
- Regionally aligned to mitigate "cut through" traffic
- Leverage technology to create efficiencies

Protection of Natural Resources

- Protection and enhancement of Rivers, streams & fish habitat
- Clean & safe drinking water
- Effective stormwater management
- Environmentally conscience capital investments
- High quality wastewater management

Public Safety

- Responsive & proactive policing
- Progressive, collaborative, & systemic social service solutions
- Emergency preparedness
- Partnership with community to address criminal activity
- Traffic Engineering, Education, & Enforcement

Excellent Government

- Equitable distribution of resources
- Recruitment & retention of quality, diverse staff
- Focused on long range financial stability
- Fiscally balanced mix of desired services
- Transparency in policy and actions
- Responsive to and engaged with the community
- Leverage partnerships for enhanced services

2023-24 COUNCIL STRATEGIC PRIORITIES



Staying in Focus



- Strategic Priorities help staff focus on what is important to the Council as we build the 2023-24 budget.
- Strategic Priorities are not “to do” lists
 - What the city accomplishes (outcomes) are a result of the Strategic Priorities
 - Many outcomes overlap priorities

Mission and Vision

Mission

To provide needed and valued services that promote our sense of community.

Vision

Sumner sets the standard of excellence for a progressive small city.



2023-24 Strategic Priorities

COMMUNITY CHARACTER

EFFECTIVE TRANSPORTATION

PROTECTION OF NATURAL RESOURCES

PUBLIC SAFETY

EXCELLENT GOVERNMENT

Community Character

- Investment in Parks & Open Space
- Balance the past with the future needs and desires of a changing community
- Vibrant events that celebrate arts, heritage & culture
- Policies and practices that support business growth
- Maintain welcoming small town charm
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- Protection and enhancement of rivers, streams & fish habitat
- Clean & safe drinking water
- Effective stormwater management
- Environmentally conscience capital investments
- High quality wastewater management



Public Safety

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- Emergency preparedness
- Partnership with community to address criminal activity
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Excellent Government

- Equitable distribution of resources
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- Responsive to and engaged with the community
- Leverage partnerships for enhanced services





SUBJECT: Ordinance No. 2819 - Amending Sumner Municipal Code 6.04 Dog License Fees

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Ordinance No 2819 - Amending Sumner Municipal Code 6.04 Dog License Fees

STAFF CONTACT: Brad Moericke, Police Chief

SUMMARY BACKGROUND:

Sumner Municipal Code section 6.04.030 establishing dog and cat licensing fees has not been updated since November 2014. Upon comparing the pet license fees of other local jurisdictions, it was determined that our current dog license fees are substantially less. This ordinance, if adopted, would increase the annual dog license fee for altered dogs by \$4.00 and the equivalent license fee for senior citizens by \$2.00. No other pet license fees are being increased by this ordinance. If adopted, the new license rate would go into effect June 1, 2022.

COUNCIL COMMITTEE/STUDY SESSION: Public Safety MEETING/STUDY SESSION DATE: 4/20/2022 COMMITTEE RECOMMENDATION: Do Pass
--

STAFF RECOMMENDATIONS/MOTION:

Pass ordinance 2819 as presented.

**ORDINANCE NO. 2819
CITY OF SUMNER, WASHINGTON**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER,
WASHINGTON, AMENDING SUMNER MUNICIPAL CODE, CHAPTER 6.04,
ANIMAL CONTROL, TO UPDATE DOG LICENSE FEES.**

WHEREAS, Chapter 6.04 SMC regulates Animal Control in the City of Sumner, including the requirement that dogs over the age of seven months be licensed; and

WHEREAS, SMC 6.04.030 that establishes the fees for said licenses has not been updated since November 2014; and

WHEREAS, after comparing Sumner animal license fees to other Pierce and King County entities it was determined that Sumner's dog license fees were substantially less; and

WHEREAS, periodic fee increases are necessary and proper to ensure consistency and efficiency and to allow for the continued high level of service delivery related to animal control; and

WHEREAS, on April 20th, 2022, the City of Sumner's Public Safety Committee reviewed the license fee increase as set forth below and has recommended its adoption and passage; and

WHEREAS, the amendments reflected in this Ordinance are in the public interest to off-set the increasing costs associated with providing animal care and control services in Sumner.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON
DO ORDAIN AS FOLLOWS:**

Section 1. That Sumner Municipal Code section 6.04.030(B) "Dog and cat licensing" is hereby amended as follows:

B. Fees. Dog and cat licenses shall be issued by the animal control authority upon application and payment of an annual license fee made payable to Metro Animal Services. The fee for each animal license shall be as set forth in the following schedule of fees. Applications for a dog or cat license shall be on forms provided by the animal control authority. No prorating of a license fee for a portion of the calendar year shall be made. Every dog or cat kept within the city limits shall be provided by its owner with a collar or harness made of leather, metal or other substantial material, which shall be worn by such dog or cat at all times when off the premises of the licensed owner and to which the license tag provided shall be securely fastened.

Animal Control Fees:

- (1) Juvenile dogs – eight weeks through six months \$0.00
- (2) Adult dogs – seven months or older:
 - Altered \$1620.00
 - Unaltered \$60.00
- (3) Juvenile cats – eight weeks through six months \$0.00
- (4) Adult cats – seven months or older:
 - Altered \$12.00
 - Unaltered \$60.00
- (5) Reduced rates for senior citizen, 65 years of age or

	older:	
(a)	Dogs:	
	Altered	\$810.00
	Unaltered	\$30.00
(b)	Cats:	
	Altered	\$6.00
	Unaltered	\$30.00

Section 2. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the Code Reviser are authorized to make the necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 4. Effective Date. This ordinance establishing new license fees shall become effective on June 1, 2022.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regularly scheduled open public meeting this 2nd day of May, 2022.

Mayor Kathy Hayden

ATTEST:

APPROVED AS TO FORM:

City Clerk Michelle Converse

City Attorney Andrea Marquez

Date Adopted:
Date of Publication:
Effective Date:

SUBJECT: Resolution No. 1623 - Memorandum of Understanding Regarding Opioid Settlement Funds**CATEGORY:** Resolution

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Resolution No. 1623 - Memorandum of Understanding Regarding Opioid Settlement Funds

STAFF CONTACT: Andrea Marquez, City Attorney

SUMMARY BACKGROUND:

Several Washington local governments initiated litigation against the "Big 3" opioid distributors (McKesson, Cardinal Health and AmerisourceBergen) and Johnson & Johnson to resolve claims by Washington local governments that these companies contributed to the opioid epidemic and caused the deaths of countless people. A settlement is likely to be reached, so the MOU establishes a framework for distributing and sharing the settlement figures throughout Washington counties and cities/towns. The MOU prioritizes regionalism, collaboration and abatement and pre-allocated the percentages that each local government would be entitled to. In order to receive the full settlement payments for all Washington, all of the litigating local governments must sign onto the MOU and strong participation by all remaining local governments (Sumner falls into this category as we are not an active named litigant) is necessary. The funds must be used by local governments for abatement strategies including expanding the availability of treatment, providing a full continuum of care for recovery services (housing, peer support, counseling, MH treatment, case management, etc) and support for children's services (supportive housing and services related to children who are removed from their home or placed in foster care due to custodial opioid use). Exhibit B to the attached MOU outlines each local jurisdiction's entitlement if the case(s) settles. The amount of the settlement remains unknown, but Sumner and its joint community court with the City of Bonney Lake could benefit greatly from receipt of these funds and the opportunity to better serve and help those suffering from substance abuse.

COUNCIL COMMITTEE/STUDY SESSION: Public Safety Committee**MEETING/STUDY SESSION DATE:** 4/20/2022**COMMITTEE RECOMMENDATION:** Do Pass**STAFF RECOMMENDATIONS/MOTION:**

Authorize the Mayor to execute the MOU on behalf of the City.

**RESOLUTION NO. 1623
CITY OF SUMNER, WASHINGTON**

A RESOLUTION OF THE CITY OF SUMNER, WASHINGTON, AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN WASHINGTON MUNICIPALITIES RELATED TO THE DISBURSEMENT OF SETTLEMENT FUNDS FOR THE LITIGATION AGAINST THOSE PHARMACEUTICAL COMPANIES RESPONSIBLE FOR THE HARMS CAUSED BY THE MANUFACTURE, DISTRIBUTION, and DISPENSEMENT OF PRESCRIPTION OPIOIDS.

WHEREAS, the City of Sumner seeks to enter into a memorandum of agreement enabling the City of Sumner to agree on a form of allocation of settlement funds related to the opioid litigation against the companies responsible for the manufacture, marketing, promotion, distribution and/or dispensing of a prescription opioid and the subsequent damages caused therefrom; and

WHEREAS, the City of Sumner is authorized, by and through its City Council, to enter into such agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON:

Section 1. Authorization. That the City Council hereby approves the One Washington MOU Between Washington Municipalities, a copy of which is attached and incorporated by reference and authorizes the Mayor to sign said agreement on behalf of the City of Sumner substantially in a form as approved by the City Attorney.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this resolution, including but not limited to the correction of clerical errors; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 3. Effective Date. This resolution shall take effect and be in force immediately upon passage by the City Council.

ADOPTED AND APPROVED this 2nd day of May, 2022.

Attest:

Kathy Hayden, Mayor

Michelle Converse, City Clerk

Approved as to form:

Andrea Marquez, City Attorney

ONE WASHINGTON MEMORANDUM OF UNDERSTANDING BETWEEN WASHINGTON MUNICIPALITIES

Whereas, the people of the State of Washington and its communities have been harmed by entities within the Pharmaceutical Supply Chain who manufacture, distribute, and dispense prescription opioids;

Whereas, certain Local Governments, through their elected representatives and counsel, are engaged in litigation seeking to hold these entities within the Pharmaceutical Supply Chain of prescription opioids accountable for the damage they have caused to the Local Governments;

Whereas, Local Governments and elected officials share a common desire to abate and alleviate the impacts of harms caused by these entities within the Pharmaceutical Supply Chain throughout the State of Washington, and strive to ensure that principals of equity and equitable service delivery are factors considered in the allocation and use of Opioid Funds; and

Whereas, certain Local Governments engaged in litigation and the other cities and counties in Washington desire to agree on a form of allocation for Opioid Funds they receive from entities within the Pharmaceutical Supply Chain.

Now therefore, the Local Governments enter into this Memorandum of Understanding (“MOU”) relating to the allocation and use of the proceeds of Settlements described.

A. Definitions

As used in this MOU:

1. “Allocation Regions” are the same geographic areas as the existing nine (9) Washington State Accountable Community of Health (ACH) Regions and have the purpose described in Section C below.
2. “Approved Purpose(s)” shall mean the strategies specified and set forth in the Opioid Abatement Strategies attached as Exhibit A.
3. “Effective Date” shall mean the date on which a court of competent jurisdiction enters the first Settlement by order or consent decree. The Parties anticipate that more than one Settlement will be administered according to the terms of this MOU, but that the first entered Settlement will trigger allocation of Opioid Funds in accordance with Section B herein, and the formation of the Opioid Abatement Councils in Section C.
4. “Litigating Local Government(s)” shall mean Local Governments that filed suit against any Pharmaceutical Supply Chain Participant pertaining to the Opioid epidemic prior to September 1, 2020.

5. “Local Government(s)” shall mean all counties, cities, and towns within the geographic boundaries of the State of Washington.

6. “National Settlement Agreements” means the national opioid settlement agreements dated July 21, 2021 involving Johnson & Johnson, and distributors AmerisourceBergen, Cardinal Health and McKesson as well as their subsidiaries, affiliates, officers, and directors named in the National Settlement Agreements, including all amendments thereto.

7. “Opioid Funds” shall mean monetary amounts obtained through a Settlement as defined in this MOU.

8. “Opioid Abatement Council” shall have the meaning described in Section C below.

9. “Participating Local Government(s)” shall mean all counties, cities, and towns within the geographic boundaries of the State that have chosen to sign on to this MOU. The Participating Local Governments may be referred to separately in this MOU as “Participating Counties” and “Participating Cities and Towns” (or “Participating Cities or Towns,” as appropriate) or “Parties.”

10. “Pharmaceutical Supply Chain” shall mean the process and channels through which controlled substances are manufactured, marketed, promoted, distributed, and/or dispensed, including prescription opioids.

11. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, and/or dispensing of a prescription opioid, including any entity that has assisted in any of the above.

12. “Qualified Settlement Fund Account,” or “QSF Account,” shall mean an account set up as a qualified settlement fund, 468b fund, as authorized by Treasury Regulations 1.468B-1(c) (26 CFR §1.468B-1).

13. “Regional Agreements” shall mean the understanding reached by the Participating Local Counties and Cities within an Allocation Region governing the allocation, management, distribution of Opioid Funds within that Allocation Region.

14. “Settlement” shall mean the future negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant when that resolution has been jointly entered into by the Participating Local Governments. “Settlement” expressly does not include a plan of reorganization confirmed under Title 11 of the United States Code, irrespective of the extent to which Participating Local Governments vote in favor of or otherwise support such plan of reorganization.

15. “Trustee” shall mean an independent trustee who shall be responsible for the ministerial task of releasing Opioid Funds from a QSF account to Participating Local Governments as authorized herein and accounting for all payments into or out of the trust.

16. The “Washington State Accountable Communities of Health” or “ACH” shall mean the nine (9) regions described in Section C below.

B. Allocation of Settlement Proceeds for Approved Purposes

1. All Opioid Funds shall be held in a QSF and distributed by the Trustee, for the benefit of the Participating Local Governments, only in a manner consistent with this MOU. Distribution of Opioid Funds will be subject to the mechanisms for auditing and reporting set forth below to provide public accountability and transparency.

2. All Opioid Funds, regardless of allocation, shall be utilized pursuant to Approved Purposes as defined herein and set forth in Exhibit A. Compliance with this requirement shall be verified through reporting, as set out in this MOU.

3. The division of Opioid Funds shall first be allocated to Participating Counties based on the methodology utilized for the Negotiation Class in *In Re: National Prescription Opiate Litigation*, United States District Court for the Northern District of Ohio, Case No. 1:17-md-02804-DAP. The allocation model uses three equally weighted factors: (1) the amount of opioids shipped to the county; (2) the number of opioid deaths that occurred in that county; and (3) the number of people who suffer opioid use disorder in that county. The allocation percentages that result from application of this methodology are set forth in the “County Total” line item in Exhibit B. In the event any county does not participate in this MOU, that county’s percentage share shall be reallocated proportionally amongst the Participating Counties by applying this same methodology to only the Participating Counties.

4. Allocation and distribution of Opioid Funds within each Participating County will be based on regional agreements as described in Section C.

C. Regional Agreements

1. For the purpose of this MOU, the regional structure for decision-making related to opioid fund allocation will be based upon the nine (9) pre-defined Washington State Accountable Community of Health Regions (Allocation Regions). Reference to these pre-defined regions is solely for the purpose of

drawing geographic boundaries to facilitate regional agreements for use of Opioid Funds. The Allocation Regions are as follows:

- King County (Single County Region)
- Pierce County (Single County Region)
- Olympic Community of Health Region (Clallam, Jefferson, and Kitsap Counties)
- Cascade Pacific Action Alliance Region (Cowlitz, Grays Harbor, Lewis, Mason, Pacific, Thurston, Lewis, and Wahkiakum Counties)
- North Sound Region (Island, San Juan, Skagit, Snohomish, and Whatcom Counties)
- SouthWest Region (Clark, Klickitat, and Skamania Counties)
- Greater Columbia Region (Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla, Whitman, and Yakima Counties)
- Spokane Region (Adams, Ferry, Lincoln, Pend Oreille, Spokane, and Stevens Counties)
- North Central Region (Chelan, Douglas, Grant, and Okanogan Counties)

2. Opioid Funds will be allocated, distributed and managed within each Allocation Region, as determined by its Regional Agreement as set forth below. If an Allocation Region does not have a Regional Agreement enumerated in this MOU, and does not subsequently adopt a Regional Agreement per Section C.5, the default mechanism for allocation, distribution and management of Opioid Funds described in Section C.4.a will apply. Each Allocation Region must have an OAC whose composition and responsibilities shall be defined by Regional Agreement or as set forth in Section C.4.

3. King County's Regional Agreement is reflected in Exhibit C to this MOU.

4. All other Allocation Regions that have not specified a Regional Agreement for allocating, distributing and managing Opioid Funds, will apply the following default methodology:

- a. Opioid Funds shall be allocated within each Allocation Region by taking the allocation for a Participating County from Exhibit B and apportioning those funds between that Participating County and its Participating Cities and Towns. Exhibit B also sets forth the allocation to the Participating Counties and the Participating Cities or Towns within the Counties based on a default allocation formula. As set forth above in Section B.3, to determine the allocation to a county, this formula utilizes: (1) the amount of opioids shipped to the county; (2) the number of opioid deaths that occurred in that county; and (3) the number of people who suffer opioid use disorder in that county. To determine the allocation within a county, the formula utilizes historical federal data showing how the specific Counties and the Cities and Towns within the Counties have

made opioids epidemic-related expenditures in the past. This is the same methodology used in the National Settlement Agreements for county and intra-county allocations. A Participating County, and the Cities and Towns within it may enter into a separate intra-county allocation agreement to modify how the Opioid Funds are allocated amongst themselves, provided the modification is in writing and agreed to by all Participating Local Governments in the County. Such an agreement shall not modify any of the other terms or requirements of this MOU.

b. 10% of the Opioid Funds received by the Region will be reserved, on an annual basis, for administrative costs related to the OAC. The OAC will provide an annual accounting for actual costs and any reserved funds that exceed actual costs will be reallocated to Participating Local Governments within the Region.

c. Cities and towns with a population of less than 10,000 shall be excluded from the allocation, with the exception of cities and towns that are Litigating Participating Local Governments. The portion of the Opioid Funds that would have been allocated to a city or town with a population of less than 10,000 that is not a Litigating Participating Local Government shall be redistributed to Participating Counties in the manner directed in C.4.a above.

d. Each Participating County, City, or Town may elect to have its share re-allocated to the OAC in which it is located. The OAC will then utilize this share for the benefit of Participating Local Governments within that Allocation Region, consistent with the Approved Purposes set forth in Exhibit A. A Participating Local Government's election to forego its allocation of Opioid Funds shall apply to all future allocations unless the Participating Local Government notifies its respective OAC otherwise. If a Participating Local Government elects to forego its allocation of the Opioid Funds, the Participating Local Government shall be excused from the reporting requirements set forth in this Agreement.

e. Participating Local Governments that receive a direct payment maintain full discretion over the use and distribution of their allocation of Opioid Funds, provided the Opioid Funds are used solely for Approved Purposes. Reasonable administrative costs for a Participating Local Government to administer its allocation of Opioid Funds shall not exceed actual costs or 10% of the Participating Local Government's allocation of Opioid Funds, whichever is less.

f. A Local Government that chooses not to become a Participating Local Government will not receive a direct allocation of Opioid Funds. The portion of the Opioid Funds that would have been allocated to a Local Government that is not a Participating Local Government shall be

redistributed to Participating Counties in the manner directed in C.4.a above.

g. As a condition of receiving a direct payment, each Participating Local Government that receives a direct payment agrees to undertake the following actions:

- i. Developing a methodology for obtaining proposals for use of Opioid Funds.
- ii. Ensuring there is opportunity for community-based input on priorities for Opioid Fund programs and services.
- iii. Receiving and reviewing proposals for use of Opioid Funds for Approved Purposes.
- iv. Approving or denying proposals for use of Opioid Funds for Approved Purposes.
- v. Receiving funds from the Trustee for approved proposals and distributing the Opioid Funds to the recipient.
- vi. Reporting to the OAC and making publicly available all decisions on Opioid Fund allocation applications, distributions and expenditures.

h. Prior to any distribution of Opioid Funds within the Allocation Region, The Participating Local Governments must establish an Opioid Abatement Council (OAC) to oversee Opioid Fund allocation, distribution, expenditures and dispute resolution. The OAC may be a preexisting regional body or may be a new body created for purposes of executing the obligations of this MOU.

i. The OAC for each Allocation Region shall be composed of representation from both Participating Counties and Participating Towns or Cities within the Region. The method of selecting members, and the terms for which they will serve will be determined by the Allocation Region's Participating Local Governments. All persons who serve on the OAC must have work or educational experience pertaining to one or more Approved Uses.

j. The Regional OAC will be responsible for the following actions:

- i. Overseeing distribution of Opioid Funds from Participating Local Governments to programs and services within the Allocation Region for Approved Purposes.

- ii. Annual review of expenditure reports from Participating Local Jurisdictions within the Allocation Region for compliance with Approved Purposes and the terms of this MOU and any Settlement.
- iii. In the case where Participating Local Governments chose to forego their allocation of Opioid Funds:
 - (i) Approving or denying proposals by Participating Local Governments or community groups to the OAC for use of Opioid Funds within the Allocation Region.
 - (ii) Directing the Trustee to distribute Opioid Funds for use by Participating Local Governments or community groups whose proposals are approved by the OAC.
 - (iii) Administrating and maintaining records of all OAC decisions and distributions of Opioid Funds.
- iv. Reporting and making publicly available all decisions on Opioid Fund allocation applications, distributions and expenditures by the OAC or directly by Participating Local Governments.
- v. Developing and maintaining a centralized public dashboard or other repository for the publication of expenditure data from any Participating Local Government that receives Opioid Funds, and for expenditures by the OAC in that Allocation Region, which it shall update at least annually.
- vi. If necessary, requiring and collecting additional outcome-related data from Participating Local Governments to evaluate the use of Opioid Funds, and all Participating Local Governments shall comply with such requirements.
- vii. Hearing complaints by Participating Local Governments within the Allocation Region regarding alleged failure to (1) use Opioid Funds for Approved Purposes or (2) comply with reporting requirements.

5. Participating Local Governments may agree and elect to share, pool, or collaborate with their respective allocation of Opioid Funds in any manner they choose by adopting a Regional Agreement, so long as such sharing, pooling, or collaboration is used for Approved Purposes and complies with the terms of this MOU and any Settlement.

6. Nothing in this MOU should alter or change any Participating Local Government's rights to pursue its own claim. Rather, the intent of this MOU is to join all parties who wish to be Participating Local Governments to agree upon an allocation formula for any Opioid Funds from any future binding Settlement with one or more Pharmaceutical Supply Chain Participants for all Local Governments in the State of Washington.

7. If any Participating Local Government disputes the amount it receives from its allocation of Opioid Funds, the Participating Local Government shall alert its respective OAC within sixty (60) days of discovering the information underlying the dispute. Failure to alert its OAC within this time frame shall not constitute a waiver of the Participating Local Government's right to seek recoupment of any deficiency in its allocation of Opioid Funds.

8. If any OAC concludes that a Participating Local Government's expenditure of its allocation of Opioid Funds did not comply with the Approved Purposes listed in Exhibit A, or the terms of this MOU, or that the Participating Local Government otherwise misused its allocation of Opioid Funds, the OAC may take remedial action against the alleged offending Participating Local Government. Such remedial action is left to the discretion of the OAC and may include withholding future Opioid Funds owed to the offending Participating Local Government or requiring the offending Participating Local Government to reimburse improperly expended Opioid Funds back to the OAC to be re-allocated to the remaining Participating Local Governments within that Region.

9. All Participating Local Governments and OAC shall maintain all records related to the receipt and expenditure of Opioid Funds for no less than five (5) years and shall make such records available for review by any other Participating Local Government or OAC, or the public. Records requested by the public shall be produced in accordance with Washington's Public Records Act RCW 42.56.001 *et seq.* Records requested by another Participating Local Government or an OAC shall be produced within twenty-one (21) days of the date the record request was received. This requirement does not supplant any Participating Local Government or OAC's obligations under Washington's Public Records Act RCW 42.56.001 *et seq.*

D. Payment of Counsel and Litigation Expenses

1. The Litigating Local Governments have incurred attorneys' fees and litigation expenses relating to their prosecution of claims against the Pharmaceutical Supply Chain Participants, and this prosecution has inured to the benefit of all Participating Local Governments. Accordingly, a Washington

Government Fee Fund (“GFF”) shall be established that ensures that all Parties that receive Opioid Funds contribute to the payment of fees and expenses incurred to prosecute the claims against the Pharmaceutical Supply Chain Participants, regardless of whether they are litigating or non-litigating entities.

2. The amount of the GFF shall be based as follows: the funds to be deposited in the GFF shall be equal to 15% of the total cash value of the Opioid Funds.

3. The maximum percentage of any contingency fee agreement permitted for compensation shall be 15% of the portion of the Opioid Funds allocated to the Litigating Local Government that is a party to the contingency fee agreement, plus expenses attributable to that Litigating Local Government. Under no circumstances may counsel collect more for its work on behalf of a Litigating Local Government than it would under its contingency agreement with that Litigating Local Government.

4. Payments from the GFF shall be overseen by a committee (the “Opioid Fee and Expense Committee”) consisting of one representative of the following law firms: (a) Keller Rohrback L.L.P.; (b) Hagens Berman Sobol Shapiro LLP; (c) Goldfarb & Huck Roth Riojas, PLLC; and (d) Napoli Shkolnik PLLC. The role of the Opioid Fee and Expense Committee shall be limited to ensuring that the GFF is administered in accordance with this Section.

5. In the event that settling Pharmaceutical Supply Chain Participants do not pay the fees and expenses of the Participating Local Governments directly at the time settlement is achieved, payments to counsel for Participating Local Governments shall be made from the GFF over not more than three years, with 50% paid within 12 months of the date of Settlement and 25% paid in each subsequent year, or at the time the total Settlement amount is paid to the Trustee by the Defendants, whichever is sooner.

6. Any funds remaining in the GFF in excess of: (i) the amounts needed to cover Litigating Local Governments’ private counsel’s representation agreements, and (ii) the amounts needed to cover the common benefit tax discussed in Section C.8 below (if not paid directly by the Defendants in connection with future settlement(s), shall revert to the Participating Local Governments *pro rata* according to the percentages set forth in Exhibits B, to be used for Approved Purposes as set forth herein and in Exhibit A.

7. In the event that funds in the GFF are not sufficient to pay all fees and expenses owed under this Section, payments to counsel for all Litigating Local Governments shall be reduced on a *pro rata* basis. The Litigating Local Governments will not be responsible for any of these reduced amounts.

8. The Parties anticipate that any Opioid Funds they receive will be subject to a common benefit “tax” imposed by the court in *In Re: National Prescription Opiate Litigation*, United States District Court for the Northern District of Ohio, Case No. 1:17-md-02804-DAP (“Common Benefit Tax”). If this occurs, the Participating Local Governments shall first seek to have the settling defendants pay the Common Benefit Tax. If the settling defendants do not agree to pay the Common Benefit Tax, then the Common Benefit Tax shall be paid from the Opioid Funds and by both litigating and non-litigating Local Governments. This payment shall occur prior to allocation and distribution of funds to the Participating Local Governments. In the event that GFF is not fully exhausted to pay the Litigating Local Governments’ private counsel’s representation agreements, excess funds in the GFF shall be applied to pay the Common Benefit Tax (if any).

E. General Terms

1. If any Participating Local Government believes another Participating Local Government, not including the Regional Abatement Advisory Councils, violated the terms of this MOU, the alleging Participating Local Government may seek to enforce the terms of this MOU in the court in which any applicable Settlement(s) was entered, provided the alleging Participating Local Government first provides the alleged offending Participating Local Government notice of the alleged violation(s) and a reasonable opportunity to cure the alleged violation(s). In such an enforcement action, any alleging Participating Local Government or alleged offending Participating Local Government may be represented by their respective public entity in accordance with Washington law.

2. Nothing in this MOU shall be interpreted to waive the right of any Participating Local Government to seek judicial relief for conduct occurring outside the scope of this MOU that violates any Washington law. In such an action, the alleged offending Participating Local Government, including the Regional Abatement Advisory Councils, may be represented by their respective public entities in accordance with Washington law. In the event of a conflict, any Participating Local Government, including the Regional Abatement Advisory Councils and its Members, may seek outside representation to defend itself against such an action.

3. Venue for any legal action related to this MOU shall be in the court in which the Participating Local Government is located or in accordance with the court rules on venue in that jurisdiction. This provision is not intended to expand the court rules on venue.

4. This MOU may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The Participating Local Governments approve the use of electronic signatures for execution of this MOU. All use of electronic signatures

shall be governed by the Uniform Electronic Transactions Act, C.R.S. §§ 24-71.3-101, *et seq.* The Parties agree not to deny the legal effect or enforceability of the MOU solely because it is in electronic form or because an electronic record was used in its formation. The Participating Local Government agree not to object to the admissibility of the MOU in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the grounds that it is an electronic record or electronic signature or that it is not in its original form or is not an original.

5. Each Participating Local Government represents that all procedures necessary to authorize such Participating Local Government's execution of this MOU have been performed and that the person signing for such Party has been authorized to execute the MOU.

[Remainder of Page Intentionally Left Blank – Signature Pages Follow]

This One Washington Memorandum of Understanding Between Washington Municipalities is signed this _____ day of _____, 2022 by:

Name & Title _____

On behalf of _____

EXHIBIT A

OPIOID ABATEMENT STRATEGIES

PART ONE: TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions, co-usage, and/or co-addiction through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.
2. Support and reimburse services that include the full American Society of Addiction Medicine (ASAM) continuum of care for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including but not limited to:
 - a. Medication-Assisted Treatment (MAT);
 - b. Abstinence-based treatment;
 - c. Treatment, recovery, or other services provided by states, subdivisions, community health centers; non-for-profit providers; or for-profit providers;
 - d. Treatment by providers that focus on OUD treatment as well as treatment by providers that offer OUD treatment along with treatment for other SUD/MH conditions, co-usage, and/or co-addiction; or
 - e. Evidence-informed residential services programs, as noted below.
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (OTPs) to assure evidence-based, evidence-informed, or promising practices such as adequate methadone dosing.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction and for persons who have experienced an opioid overdose.
6. Support treatment of mental health trauma resulting from the traumatic experiences of the opioid user (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose

or overdose fatality), and training of health care personnel to identify and address such trauma.

7. Support detoxification (detox) and withdrawal management services for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including medical detox, referral to treatment, or connections to other services or supports.
8. Support training on MAT for health care providers, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
10. Provide fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.
12. Support the dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.
13. Support the development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in treatment for and recovery from OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Provide the full continuum of care of recovery services for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including supportive housing, residential treatment, medical detox services, peer support services and counseling, community navigators, case management, and connections to community-based services.
2. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

3. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including supportive housing, recovery housing, housing assistance programs, or training for housing providers.
4. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
5. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
6. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
7. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
8. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to manage the opioid user in the family.
9. Provide training and development of procedures for government staff to appropriately interact and provide social and other services to current and recovering opioid users, including reducing stigma.
10. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.

**C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED
(CONNECTIONS TO CARE)**

Provide connections to care for people who have – or are at risk of developing – OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Support Screening, Brief Intervention and Referral to Treatment (SBIRT) programs to reduce the transition from use to disorders.
3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.

4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Support training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
6. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, or persons who have experienced an opioid overdose, into community treatment or recovery services through a bridge clinic or similar approach.
7. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction or persons that have experienced an opioid overdose.
8. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
9. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction or to persons who have experienced an opioid overdose.
10. Provide funding for peer navigators, recovery coaches, care coordinators, or care managers that offer assistance to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction or to persons who have experienced on opioid overdose.
11. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
12. Develop and support best practices on addressing OUD in the workplace.
13. Support assistance programs for health care providers with OUD.
14. Engage non-profits and the faith community as a system to support outreach for treatment.
15. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
16. Create or support intake and call centers to facilitate education and access to treatment, prevention, and recovery services for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

17. Develop or support a National Treatment Availability Clearinghouse – a multistate/nationally accessible database whereby health care providers can list locations for currently available in-patient and out-patient OUD treatment services that are accessible on a real-time basis by persons who seek treatment.

D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction who are involved – or are at risk of becoming involved – in the criminal justice system through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Support pre-arrest or post-arrest diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including established strategies such as:
 - a. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (PAARI);
 - b. Active outreach strategies such as the Drug Abuse Response Team (DART) model;
 - c. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
 - d. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (LEAD) model;
 - e. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative;
 - f. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise and to reduce perceived barriers associated with law enforcement 911 responses; or
 - g. County prosecution diversion programs, including diversion officer salary, only for counties with a population of 50,000 or less. Any diversion services in matters involving opioids must include drug testing, monitoring, or treatment.
2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, but only if these courts provide referrals to evidence-informed treatment, including MAT.

4. Provide evidence-informed treatment, including MAT, recovery support, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction who are leaving jail or prison have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal-justice-involved persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, case management, or other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, and the needs of their families, including babies with neonatal abstinence syndrome, through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Support evidence-based, evidence-informed, or promising treatment, including MAT, recovery services and supports, and prevention services for pregnant women – or women who could become pregnant – who have OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Provide training for obstetricians or other healthcare personnel that work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
3. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.
4. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.

5. Offer enhanced family supports and home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including but not limited to parent skills training.
6. Support for Children's Services – Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
2. Academic counter-detailing to educate prescribers on appropriate opioid prescribing.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Support enhancements or improvements to Prescription Drug Monitoring Programs (PDMPs), including but not limited to improvements that:
 - a. Increase the number of prescribers using PDMPs;
 - b. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs or by improving the interface that prescribers use to access PDMP data, or both; or
 - c. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD.
6. Development and implementation of a national PDMP – Fund development of a multistate/national PDMP that permits information sharing while providing appropriate safeguards on sharing of private health information, including but not limited to:
 - a. Integration of PDMP data with electronic health records, overdose episodes, and decision support tools for health care providers relating to OUD.

- b. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database.
7. Increase electronic prescribing to prevent diversion or forgery.
8. Educate Dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Corrective advertising or affirmative public education campaigns based on evidence.
2. Public education relating to drug disposal.
3. Drug take-back disposal or destruction programs.
4. Fund community anti-drug coalitions that engage in drug prevention efforts.
5. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction – including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).
6. Engage non-profits and faith-based communities as systems to support prevention.
7. Support evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
8. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
9. Support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
10. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
11. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses or other school staff, to

address mental health needs in young people that (when not properly addressed) increase the risk of opioid or other drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Increase availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, opioid users, families and friends of opioid users, schools, community navigators and outreach workers, drug offenders upon release from jail/prison, or other members of the general public.
2. Provision by public health entities of free naloxone to anyone in the community, including but not limited to provision of intra-nasal naloxone in settings where other options are not available or allowed.
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, and other members of the general public.
4. Enable school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expand, improve, or develop data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.
7. Public education relating to immunity and Good Samaritan laws.
8. Educate first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
10. Support mobile units that offer or provide referrals to treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
11. Provide training in treatment and recovery strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
12. Support screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items C8, D1 through D7, H1, H3, and H8, support the following:

1. Current and future law enforcement expenditures relating to the opioid epidemic.
2. Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, and coordination to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Community regional planning to identify goals for reducing harms related to the opioid epidemic, to identify areas and populations with the greatest needs for treatment intervention services, or to support other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
2. A government dashboard to track key opioid-related indicators and supports as identified through collaborative community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to in various items above, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Invest in infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, or implement other

strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.
4. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
5. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g. Hawaii HOPE and Dakota 24/7).
6. Research on expanded modalities such as prescription methadone that can expand access to MAT.

EXHIBIT B

County	Local Government	% Allocation
<u>Adams County</u>		
	Adams County	0.1638732475%
	Hatton	
	Lind	
	Othello	
	Ritzville	
	Washtucna	
	County Total:	0.1638732475%
<u>Asotin County</u>		
	Asotin County	0.4694498386%
	Asotin	
	Clarkston	
	County Total:	0.4694498386%
<u>Benton County</u>		
	Benton County	1.4848831892%
	Benton City	
	Kennewick	0.5415650564%
	Prosser	
	Richland	0.4756779517%
	West Richland	0.0459360490%
	County Total:	2.5480622463%
<u>Chelan County</u>		
	Chelan County	0.7434914485%
	Cashmere	
	Chelan	
	Entiat	
	Leavenworth	
	Wenatchee	0.2968333494%
	County Total:	1.0403247979%
<u>Clallam County</u>		
	Clallam County	1.3076983401%
	Forks	
	Port Angeles	0.4598370527%
	Sequim	
	County Total:	1.7675353928%

EXHIBIT B

County	Local Government	% Allocation
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Clark County

Clark County	4.5149775326%
Battle Ground	0.1384729857%
Camas	0.2691592724%
La Center	
Ridgefield	
Vancouver	1.7306605325%
Washougal	0.1279328220%
Woodland***	
Yacolt	
County Total:	6.7812031452%

Columbia County

Columbia County	0.0561699537%
Dayton	
Starbuck	
County Total:	0.0561699537%

Cowlitz County

Cowlitz County	1.7226945990%
Castle Rock	
Kalama	
Kelso	0.1331145270%
Longview	0.6162736905%
Woodland***	
County Total:	2.4720828165%

Douglas County

Douglas County	0.3932175175%
Bridgeport	
Coulee Dam***	
East Wenatchee	0.0799810865%
Mansfield	
Rock Island	
Waterville	
County Total:	0.4731986040%

Ferry County

Ferry County	0.1153487994%
Republic	
County Total:	0.1153487994%

EXHIBIT B

County	Local Government	% Allocation
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Franklin County

Franklin County	0.3361237144%
Connell	
Kahlotus	
Mesa	
Pasco	0.4278056066%
County Total:	0.7639293210%

Garfield County

Garfield County	0.0321982209%
Pomeroy	
County Total:	0.0321982209%

Grant County

Grant County	0.9932572167%
Coulee City	
Coulee Dam***	
Electric City	
Ephrata	
George	
Grand Coulee	
Hartline	
Krupp	
Mattawa	
Moses Lake	0.2078293909%
Quincy	
Royal City	
Soap Lake	
Warden	
Wilson Creek	
County Total:	1.2010866076%

EXHIBIT B

County	Local Government	% Allocation
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Grays Harbor County

Grays Harbor County	0.9992429138%
Aberdeen	0.2491525333%
Cosmopolis	
Elma	
Hoquiam	
McCleary	
Montesano	
Oakville	
Ocean Shores	
Westport	
County Total:	1.2483954471%

Island County

Island County	0.6820422610%
Coupeville	
Langley	
Oak Harbor	0.2511550431%
County Total:	0.9331973041%

Jefferson County

Jefferson County	0.4417137380%
Port Townsend	
County Total:	0.4417137380%

EXHIBIT B

County	Local Government	% Allocation
<u>King County</u>		
	King County	13.9743722662%
	Algona	
	Auburn***	0.2622774917%
	Beaux Arts Village	
	Bellevue	1.1300592573%
	Black Diamond	
	Bothell***	0.1821602716%
	Burien	0.0270962921%
	Carnation	
	Clyde Hill	
	Covington	0.0118134406%
	Des Moines	0.1179764526%
	Duvall	
	Enumclaw***	0.0537768326%
	Federal Way	0.3061452240%
	Hunts Point	
	Issaquah	0.1876240107%
	Kenmore	0.0204441024%
	Kent	0.5377397676%
	Kirkland	0.5453525246%
	Lake Forest Park	0.0525439124%
	Maple Valley	0.0093761587%
	Medina	
	Mercer Island	0.1751797481%
	Milton***	
	Newcastle	0.0033117880%
	Normandy Park	
	North Bend	
	Pacific***	
	Redmond	0.4839486007%
	Renton	0.7652626920%
	Sammamish	0.0224369090%
	SeaTac	0.1481551278%
	Seattle	6.6032403816%
	Shoreline	0.0435834501%
	Skykomish	
	Snoqualmie	0.0649164481%
	Tukwila	0.3032205739%
	Woodinville	0.0185516364%
	Yarrow Point	
	County Total:	26.0505653608%

EXHIBIT B

County	Local Government	% Allocation
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Kitsap County

Kitsap County	2.6294133668%
Bainbridge Island	0.1364686014%
Bremerton	0.6193374389%
Port Orchard	0.1009497162%
Poulsbo	0.0773748246%
County Total:	3.5635439479%

Kittitas County

Kittitas County	0.3855704683%
Cle Elum	
Ellensburg	0.0955824915%
Kittitas	
Roslyn	
South Cle Elum	
County Total:	0.4811529598%

Klickitat County

Klickitat County	0.2211673457%
Bingen	
Goldendale	
White Salmon	
County Total:	0.2211673457%

Lewis County

Lewis County	1.0777377479%
Centralia	0.1909990353%
Chehalis	
Morton	
Mossyrock	
Napavine	
Pe Ell	
Toledo	
Vader	
Winlock	
County Total:	1.2687367832%

EXHIBIT B

County	Local Government	% Allocation
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Lincoln County

Lincoln County	0.1712669645%
Almira	
Creston	
Davenport	
Harrington	
Odessa	
Reardan	
Sprague	
Wilbur	
County Total:	0.1712669645%

Mason County

Mason County	0.8089918012%
Shelton	0.1239179888%
County Total:	0.9329097900%

Okanogan County

Okanogan County	0.6145043345%
Brewster	
Conconully	
Coulee Dam***	
Elmer City	
Nespelem	
Okanogan	
Omak	
Oroville	
Pateros	
Riverside	
Tonasket	
Twisp	
Winthrop	
County Total:	0.6145043345%

Pacific County

Pacific County	0.4895416466%
Ilwaco	
Long Beach	
Raymond	
South Bend	
County Total:	0.4895416466%

EXHIBIT B

County	Local Government	% Allocation
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Pend Oreille County

Pend Oreille County	0.2566374940%
Cusick	
Ione	
Metaline	
Metaline Falls	
Newport	
County Total:	0.2566374940%

Pierce County

Pierce County	7.2310164020%
Auburn***	0.0628522112%
Bonney Lake	0.1190773864%
Buckley	
Carbonado	
DuPont	
Eatonville	
Edgewood	0.0048016791%
Enumclaw***	0.0000000000%
Fife	0.1955185481%
Fircrest	
Gig Harbor	0.0859963345%
Lakewood	0.5253640894%
Milton***	
Orting	
Pacific***	
Puyallup	0.3845704814%
Roy	
Ruston	
South Prairie	
Steilacoom	
Sumner	0.1083157569%
Tacoma	3.2816374617%
University Place	0.0353733363%
Wilkeson	
County Total:	12.0345236870%

San Juan County

San Juan County	0.2101495171%
Friday Harbor	
County Total:	0.2101495171%

EXHIBIT B

County	Local Government	% Allocation
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Skagit County

Skagit County	1.0526023961%
Anacortes	0.1774962906%
Burlington	0.1146861661%
Concrete	
Hamilton	
La Conner	
Lyman	
Mount Vernon	0.2801063665%
Sedro-Woolley	0.0661146351%
County Total:	1.6910058544%

Skamania County

Skamania County	0.1631931925%
North Bonneville	
Stevenson	
County Total:	0.1631931925%

Snohomish County

Snohomish County	6.9054415622%
Arlington	0.2620524080%
Bothell***	0.2654558588%
Brier	
Darrington	
Edmonds	0.3058936009%
Everett	1.9258363241%
Gold Bar	
Granite Falls	
Index	
Lake Stevens	0.1385202891%
Lynnwood	0.7704629214%
Marysville	0.3945067827%
Mill Creek	0.1227939546%
Monroe	0.1771621898%
Mountlake Terrace	0.2108935805%
Mukilteo	0.2561790702%
Snohomish	0.0861097964%
Stanwood	
Sultan	
Woodway	
County Total:	11.8213083387%

EXHIBIT B

County	Local Government	% Allocation
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Spokane County

Spokane County	5.5623859292%
Airway Heights	
Cheney	0.1238454349%
Deer Park	
Fairfield	
Latah	
Liberty Lake	0.0389636519%
Medical Lake	
Millwood	
Rockford	
Spangle	
Spokane	3.0872078287%
Spokane Valley	0.0684217500%
Waverly	
County Total:	8.8808245947%

Stevens County

Stevens County	0.7479240179%
Chewelah	
Colville	
Kettle Falls	
Marcus	
Northport	
Springdale	
County Total:	0.7479240179%

Thurston County

Thurston County	2.3258492094%
Bucoda	
Lacey	0.2348627221%
Olympia	0.6039423385%
Rainier	
Tenino	
Tumwater	0.2065982350%
Yelm	
County Total:	3.3712525050%

Wahkiakum County

Wahkiakum County	0.0596582197%
Cathlamet	
County Total:	0.0596582197%

EXHIBIT B

County	Local Government	% Allocation
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Walla Walla County

Walla Walla County	0.5543870294%
College Place	
Prescott	
Waitsburg	
Walla Walla	0.3140768654%
County Total:	0.8684638948%

Whatcom County

Whatcom County	1.3452637306%
Bellingham	0.8978614577%
Blaine	
Everson	
Ferndale	0.0646101891%
Lynden	0.0827115612%
Nooksack	
Sumas	
County Total:	2.3904469386%

Whitman County

Whitman County	0.2626805837%
Albion	
Colfax	
Colton	
Endicott	
Farmington	
Garfield	
LaCrosse	
Lamont	
Malden	
Oakesdale	
Palouse	
Pullman	0.2214837491%
Rosalia	
St. John	
Tekoa	
Uniontown	
County Total:	0.4841643328%

EXHIBIT B

County	Local Government	% Allocation
<u>Yakima County</u>		
	Yakima County	1.9388392959%
	Grandview	0.0530606109%
	Granger	
	Harrah	
	Mabton	
	Moxee	
	Naches	
	Selah	
	Sunnyside	0.1213478384%
	Tieton	
	Toppenish	
	Union Gap	
	Wapato	
	Yakima	0.6060410539%
	Zillah	
	County Total:	2.7192887991%

SUBJECT: Appointment - Hearing Examiner

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Hearing Examiner Consultant Services Contract
2. Shelton RFQ Response Materials
3. Exhibit A Hearing Examiner Contract

STAFF CONTACT: Andrea Marquez, City Attorney

SUMMARY BACKGROUND:

The City's former hearing examiner, Steve Causseaux, retired in December 2021. Since that time, his pro tem hearing examiner, Steve Shelton, has served as the City's interim Hearing Examiner (HE) while the City prepared an RFQ for ad. On March 1st and March 8th the City advertised in the Tacoma News Tribune for Request for Qualifications for Professional Services for Hearing Examiner. In addition to publication, the RFQ was sent directly to numerous firms that are known to provide HE services to nearby jurisdictions. The City received 2 proposals (Stephen Shelton and Olbretchs & Associates) which were evaluated and scored by 3 City employees. Both respondents were extremely qualified, having provided HE services on land use and all other municipal matters for decades. Stephen Shelton was the unanimous selection of the scoring committee. Mr. Shelton's fee is \$150.00 per hour, and the remainder of his experience and qualifications are outlined in his submittal, attached to the packet. The term of the initial contract will be for 2 years. The hearing examiner is an appointment by the City Administrator that requires Council approval.

COUNCIL COMMITTEE/STUDY SESSION: Finance & Personnel Committee
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MEETING/STUDY SESSION DATE: 4/6/2022
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COMMITTEE RECOMMENDATION: Do Pass

STAFF RECOMMENDATIONS/MOTION:

Do Pass

PROFESSIONAL/CONSULTANT SERVICES CONTRACT

between the CITY OF SUMNER and

STEPHEN R. SHELTON FOR HEARING EXAMINER SERVICES

THIS CONTRACT is made between the CITY OF SUMNER, a Washington municipal corporation (hereinafter the "City"), and STEPHEN R. SHELTON, DBA JUDGE STEPHEN R. SHELTON RET., located and doing business at 1030 Fairway Drive, Fircrest WA 98466 (hereinafter the "Consultant")(collectively, the "Parties").

I. DESCRIPTION OF WORK.

Consultant shall perform the following services for the City in accordance with the attached scope of work/engagement letter:

In exchange for compensation paid by the City under this contract, Consultant agrees to provide the services specified in Exhibit A, scope of services, attached and incorporated into this contract. The services are described as authorized under Sumner Municipal Code Chapter 2.58.

The Consultant further represents that the services furnished under this Contract will be performed in accordance with generally accepted professional practices within the Puget Sound region in effect at the time those services are performed.

II. TIME OF COMPLETION. The Parties agree that work will begin on the tasks described in Section I above immediately upon the effective date of this Contract and shall continue for a period of two (2) years. The term of this contract can be renewed and extended by mutual written agreement of the parties for subsequent terms of one (1) year(s).

III. COMPENSATION.

- A. The City shall pay the Consultant a rate of One hundred Fifty Dollars & 00/100 (\$150.00) per hour for the services described in this Contract and Exhibit A.
- B. The Consultant shall submit monthly invoices, unless otherwise agreed in writing by the City. The City shall, upon receipt of Consultant's monthly invoice, process payment in accordance with the City's standard payment schedules, but in no event more than forty-five (45) days after receipt of monthly invoice, unless it has provided a written dispute of the invoice (in whole or part) to the Consultant in a timely manner.
- C. Consultant must maintain time and expense records and provide them to the City upon request.
- D. The Parties have agreed that the above amount is sufficient to compensate Consultant for the contemplated services; however, the Parties may agree to additional compensation and/or an amended scope of services in an addendum to this Contract. If Consultant anticipates requiring additional compensation to complete the Services, whether as originally agreed or as agreed in an addendum, Consultant must include the request for the additional amount at the time the addendum is agreed to. Requests for additional compensation that have not been agreed to in writing or that are submitted more than 60 calendar days from the date the Consultant knew or should have known that additional compensation might become

an issue, will be rejected by the City. All adjustments to compensation, scope, or term must be by mutual written agreement. Agreed extensions of time do not in and of themselves constitute a basis for any claim against the City for additional compensation. If Consultant fails to request additional compensation at the time the extension of time is agreed to, any additional compensation is waived.

IV. INDEPENDENT CONTRACTOR. The Parties intend that an Independent Contractor-Employer Relationship will be created by this Contract and that the Consultant has the ability to control and direct the performance and details of its work, the City being interested only in the results obtained under this Contract. Consultant expressly agrees to the status of an independent contractor and agrees the services provided hereunder are consistent with and meet the six-part independent contractor test set forth in RCW 51.08.195. Consultant also expressly understands that during the term of this contract, the City may engage other independent contractors to perform the same or similar work that Consultant performs hereunder.

V. TERMINATION.

- A. Termination for Convenience. This Contract may be terminated by either Party at any time. Termination for convenience is effective upon 60 calendar days' written notice to the other Party.
- B. Termination for Cause. If Consultant refuses or fails to complete the tasks described in Attachment A, or to complete such work in a manner satisfactory to the City, the City may notify Consultant in writing of its intent to terminate the Contract by a specified date if the deficiency is not cured. If Consultant fails to cure the deficiency to the satisfaction of the City by the specified date, the City will send Consultant a termination letter which will be effective upon deposit in the United States mail addressed as set forth in the NOTICE section below.
- C. Rights Upon Termination. In the event of termination (whether for convenience or for cause), the City is only responsible for paying for services satisfactorily performed by Consultant up to the effective date of termination, as described in the final invoice to the City. The City Administrator in consultation with the City Attorney makes the final determination about which services have been satisfactorily performed.
- D. If this Contract is terminated (whether for convenience or for cause), Consultant is responsible for transitioning all pending matters to their successor in an appropriate and timely manner, by providing all finished and unfinished findings, recommendations, reports or other documents prepared pursuant to this Contract to the successor designated by the City, or to the City in the absence of an identified successor. Consultant's notes and research are work product owned by Consultant and not required to be transferred, provided that any preliminary drafts prepared based on same are delivered to successor.
- E. The rights and remedies of the City provided in this subsection are not exclusive and are in addition to any other rights and remedies provided by law or under this Contract.

VI. DISCRIMINATION. In the hiring of employees for the performance of work under this Contract or any subcontract, the Consultant, its subcontractors, or any person acting on behalf of the Consultant or subcontractor shall not, by reason of race, religion, color, sex, age, sexual orientation, national origin, or the presence of any sensory, mental, or physical disability, discriminate against any person who is qualified and available to perform the work to which the employment relates.

VII. INDEMNIFICATION. Consultant shall defend, indemnify and hold the City, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages,

losses or suits, including attorney fees, arising out of or in connection with the Consultant's intentionally damaging, reckless or negligent performance of this Contract, except for injuries and damages caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this Contract is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, agents and volunteers, the Consultant's liability hereunder shall be only to the extent of the Consultant's negligence.

IT IS FURTHER SPECIFICALLY AND EXPRESSLY UNDERSTOOD THAT THE INDEMNIFICATION PROVIDED HEREIN CONSTITUTES THE CONSULTANT'S WAIVER OF IMMUNITY UNDER INDUSTRIAL INSURANCE, TITLE 51 RCW, SOLELY FOR THE PURPOSES OF THIS INDEMNIFICATION. THE PARTIES FURTHER ACKNOWLEDGE THAT THEY HAVE MUTUALLY NEGOTIATED THIS WAIVER.

The provisions of this section shall survive the expiration or termination of this Contract.

VIII. INSURANCE. The Consultant shall procure and maintain for the duration of this Contract, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, and/or its agents, representatives, or employees.

No Limitation. The Consultant's maintenance of insurance as required by this Contract shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

A. Minimum Scope of Insurance. The Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
2. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
3. Professional Liability insurance appropriate to the Consultant's profession in the legal services industry.

Minimum Amounts of Insurance: The Consultant shall maintain the following insurance limits during the entire duration of this Contract:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

B. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, and Professional Liability insurance:

1. The Consultant's insurance coverage shall be primary insurance with respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained

by the City shall be excess of the Consultant's insurance and shall not contribute with it.

2. The Consultant's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

C. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

D. Verification of Coverage The Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work hereunder.

IX. EXCHANGE OF INFORMATION. The City will provide its best efforts to provide reasonable accuracy of any information supplied by it to the Consultant for the purpose of completion of the work under this Contract.

X. OWNERSHIP AND USE OF RECORDS AND DOCUMENTS. Original documents, drawings, designs, reports, or any other records developed or created under this Contract shall belong to and become the property of the City; provided, however, the Consultant has the right, subject to confidentiality, to use the Consultant's work product for internal instructional and other purposes (including as an anonymized template for subsequent work product for the City or other clients). All records submitted by the City to the Consultant will be safeguarded by the Consultant. The Consultant shall make such data, documents, and files available to the City upon the City's request. The City's use or reuse of any of the documents, data and files created by the Consultant for this project by anyone other than the Consultant on any other project shall be without liability or legal exposure to the Consultant.

XI. CITY'S RIGHT OF INSPECTION. Even though the Consultant is an independent contractor with the authority to control and direct the performance and details of the work authorized under this Contract, the work must meet the approval of the City and shall be subject to the City's general right of inspection to secure satisfactory completion.

XII. PUBLIC RECORDS ACT. The City is required to comply with the Public Records Act, codified in Chapter 42.56 RCW. From time to time, the City will receive requests for public records regarding City business. When a public records request is made regarding work performed or documents created under this Contract, Consultant shall conduct a thorough search of any and all potentially responsive public records created or maintained in the course of completing this Contract, shall provide those documents to the City in a timely manner following the request for search, and shall retain all records in accordance with the retainage schedule as published by the Washington Secretary of State. Following completion of the work pursuant to this contract, Consultant shall provide to the City any and all documents prepared, created or maintained in the course of completing this contract.

XIII. WORK PERFORMED AT THE CONSULTANT'S RISK. The Consultant shall take all necessary precautions and shall be responsible for the safety of its employees, agents, and subcontractors in the performance of the contract work and shall utilize all protection necessary for that purpose. All work shall be done at the Consultant's own risk, and the Consultant shall be responsible for any loss of or damage to materials, tools, or other articles used or held for use in connection with the work.

XIV. MISCELLANEOUS PROVISIONS.

A. Non-Waiver of Breach. The failure of the City to insist upon strict performance of any of the covenants and agreements contained in this Contract, or to exercise any option conferred by this Contract in one or more instances shall not be construed to be a waiver or relinquishment of those covenants, agreements or options, and the same shall be and remain in full force and effect.

B. Resolution of Disputes and Governing Law.

1. Alternative Dispute Resolution. If a dispute arises from or relates to this Contract or the breach thereof and if the dispute cannot be resolved through direct discussions, the parties agree to endeavor first to settle the dispute in an amicable manner by mediation administered by a mediator under JAMS Alternative Dispute Resolution service rules or policies before resorting to arbitration. The mediator may be selected by agreement of the parties or through JAMS. Following mediation, or upon written agreement of the parties to waive mediation, any unresolved controversy or claim arising from or relating to this Contract or breach thereof shall be settled through arbitration which shall be conducted under JAMS rules or policies. The arbitrator may be selected by agreement of the parties or through JAMS. All fees and expenses for mediation or arbitration shall be borne by the parties equally. However, each party shall bear the expense of its own counsel, experts, witnesses, and preparation and presentation of evidence. Notwithstanding, the foregoing, any claims alleging professional negligence are not subject to arbitration and shall be commenced exclusively in the Pierce County Superior Court or the United States District Court, Western District of Washington as appropriate.

2. Applicable Law and Jurisdiction. This Contract shall be governed by the laws of the State of Washington. Although the agreed to and designated primary dispute resolution method as set forth above, in the event any claim, dispute or action arising from or relating to this Contract cannot be submitted to arbitration, then it shall be commenced exclusively in the Pierce County Superior Court or the United States District Court, Western District of Washington as appropriate. In any claim or lawsuit for damages arising from the parties' performance of this Agreement, each party shall pay all its legal costs and attorney's fees incurred in defending or bringing such claim or lawsuit, in addition to any other recovery or award provided by law; provided, however, nothing in this paragraph shall be construed to limit the City's right to indemnification under Section VII of this Contract.

C. Written Notice. All communications regarding this Contract shall be sent to the parties at the addresses listed on the signature page of this Contract, unless notified to the contrary. Any written notice hereunder shall become effective three (3) business days after the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Contract or such other address as may be hereafter specified in writing.

D. Assignment. Any assignment of this Contract by either party without the written consent of the non-assigning party shall be void. If the non-assigning party gives its consent to any assignment, the terms of this Contract shall continue in full force and effect and no further assignment shall be made without additional written consent. Consultant is solely responsible for the performance of the services specified herein and on the attached Exhibit A. Consultant does not have authority to contract for or incur obligations on behalf of the City.

E. Modification. No waiver, alteration, or modification of any of the provisions of this Contract shall be binding unless in writing and signed by a duly authorized representative of the City and the Consultant.

F. Entire Contract. The written provisions and terms of this Contract, together with any Exhibits attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of or altering in any manner this Contract. All of the above documents are hereby made a part of this Contract. However, should any language in any of the Exhibits to this Contract conflict with any language contained in this Contract, the terms of this Contract shall prevail.

G. Compliance with Laws. The Consultant agrees to comply with all applicable federal, state, and municipal laws, rules, and regulations that are now effective or in the future become applicable to the Consultant's business, equipment, and personnel engaged in operations covered by this Contract or accruing out of the performance of those operations.

H. Counterparts. This Contract may be executed in any number of counterparts, each of which shall constitute an original, and all of which will together constitute this one Contract.

I. Ratification. The parties agree to ratify and confirm any acts consistent with the authority and prior to the final approval of this contract.

J. Consultant's Employees – Employment Eligibility Requirements (E-Verify).
The Consultant and any subcontractors shall comply with E-Verify as set forth in Sumner Municipal Code Chapter 3.30. E-Verify is an Internet-based system operated by United States Citizenship and Immigration Services in partnership with the Social Security Administration. E-Verify is free to employers and is available in all 50 states. E-Verify provides an automated link to federal databases to help employers determine employment eligibility of new hires and the validity of their Social Security numbers. The Consultant shall enroll in, participate in and document use of E-Verify as a condition of the award of this contract. The Consultant shall continue participation in E-Verify throughout the course of the Consultant's contractual relationship with the City. If the Consultant uses or employs any subcontractor in the performance of work under this contract, or any subsequent renewals, modifications or extension of this contract, the subcontractor shall register in and participate in E-Verify and certify such participation to the Consultant. Upon execution of this Contract, the Consultant shall provide proof of compliance with this section by filling out and signing the attached Certification of Compliance with Sumner's Municipal Code 3.30 "E-Verify" attached hereto as Exhibit B.

K. Debarment. The Consultant must certify that it, and its subcontractors, have not been and are not currently on the Federal or the Washington State Debarment List and if the Consultant or its subcontractors become listed on the Federal or State Debarment List, the City will be notified immediately.

L. Force Majeure. Consultant is not responsible for the delay or default caused by fire, flood, riots, acts of God or war if the event is beyond Consultant's reasonable control and Consultant gives notice to the City immediately upon occurrence of the event causing the delay or default or that is reasonably expected to cause a delay or default.

IN WITNESS, the parties below execute this Contract, which shall become effective on the last date entered below.

CONSULTANT:	CITY OF SUMNER:
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By: _____ <i>(signature)</i> Print Name: _____ Title: _____ <i>(Title)</i> DATE: _____	By: _____ <i>(signature)</i> Print Name: <u>Kathy Hayden</u> Its <u>Mayor</u> <i>(Title)</i> DATE: _____ By: _____ <i>(signature)</i> Print Name: <u>Jason Wilson</u> Its <u>City Administrator</u> <i>(Title)</i> DATE: _____ Approved as to Form: Attest: _____ Approved as to form: _____ _____ City Clerk City Attorney DATE: _____ DATE: _____
NOTICES TO BE SENT TO: Stephen R. Shelton 1030 Fairway Drive Fircrest, WA 98466 (253) 229-3789	NOTICES TO BE SENT TO: CITY OF SUMNER: Jason Wilson, City Administrator City of Sumner 1104 Maple Street Sumner, WA 98390 (253) 299-5501

EXHIBIT A
SCOPE OF WORK/BUDGET

Stephen R. Shelton
1030 Fairway Drive
Fircrest, WA 98466
shelt1@nventure.com
(253) 229-3789

March 22, 2022

Doug Beagle
Development Services Director
City Sumner, WA

VIA Email: dougb@sumnerwa.gov

RE: Proposal for Hearing Examiner Contract Services

Dear Mr. Beagle,

I appreciate the opportunity to be considered for the position of Hearing Examiner for the City of Sumner. I believe my background makes me uniquely qualified for the position and would enjoy the opportunity to discuss my credentials with you. Attached please find my resume, biography, references, fee proposal, my view of a municipal Hearing Examiner's role and duties and a copy of two recent decisions.

I am a licensed attorney with a juris doctorate degree from the Seattle University School of Law. I have a State business license with the registered trade name of 'Judge Stephen R. Shelton Ret.' As a criminal deputy prosecuting attorney representing Pierce County, I conducted numerous bench and jury trials in district court and superior court. As the civil land use deputy, I represented the County in environmental law and zoning matters and code enforcement. I regularly advised department managers, the County Council and the County Executive on legal issues related to the planning and building departments, including but not limited to, subdivisions, shorelines, the state environmental policy act and growth management. As the city attorney for the City of Auburn, I advised the Mayor and department directors in all areas of city government which at the time involved the development of the Super Mall and Emerald Downs. While I was the city attorney, I also served as a councilmember and mayor for the City of Fircrest and was involved with policy making regarding city and regional growth management, annexations, sewers, parks, and the police and fire departments.

I was fortunate to be appointed to four terms and elected to one term as the City of Puyallup Municipal Court Judge. While in the appointed part-time position, I also served as the judge for the City of Sumner and Town of Ruston and a pro tem judge and commissioner in Pierce County district and superior courts. During nearly nineteen years on the bench, I presided over thousands of hearings and hundreds of bench and jury trials. Also, prior to serving as a full-time judge, I served as a Pierce County Deputy Hearing Examiner. Finally, as you know, I have recently served as the Sumner Interim Hearing Examiner.

I am currently serving as a Deputy Hearing Examiner for Pierce County and the Hearing Examiner for the Cities of Ruston and University Place. Generally, the examiner cases are a variety of land use matters which include all of the land development applications listed in the RFQ and appeals of administrative decisions. I have found that my years on the bench have prepared me well for conducting the examiner hearings and the multitude of legal issues in the land use area to be very challenging. In each jurisdiction, and, frankly, in the City of Sumner, in particular, I have been impressed with staff members' expertise, knowledge, professionalism and personable demeanors.

In closing, I am grateful to have served the City Sumner as judge and interim examiner and for the opportunity to now be considered for appointment to the position of the Hearing Examiner.

Sincerely,



Stephen R. Shelton

Stephen R. Shelton
DBA Judge Stephen R. Shelton Ret.
shelt1@nventure.com
(253) 229-3789

Current Areas of Practice

Deputy Hearing Examiner	Pierce County
Hearing Examiner	City of Ruston, City of University Place and Tacoma Pierce County Health Department
Of Counsel	Stuart E. Shelton Injury Law Lacey WA
Wedding Officiant	State of Washington

Education

University of Washington	Bachelor of Arts – English
University of Washington	Secondary Teaching Certificate
Seattle University School of Law	Juris Doctorate

Legal Experience

Judge	City of Puyallup Municipal Court	1994-2012
Judge	City of Sumner Municipal Court	2002-2008
Judge	Town of Ruston Municipal Court	1996-2002
Pro Tem Commissioner	Pierce County District/Superior Courts	1994-2005
Deputy Hearing Examiner	Pierce County	1996-1999
City Attorney	City of Auburn	1990-1993
Deputy Prosecuting Attorney	Pierce County	1983-1990

Community Experience

Ambassador Committee	Greater Tacoma Community Foundation
Teacher	Science and Math Institute Tacoma School District
Mayor/Councilmember	City of Fircrest, WA

Professional History

Washington State District and Municipal Court Judges' Association	1999 -2009
President and other elected positions	
Diversity Committee - Chair	
Board Liaison to WSBA Board of Governors	
Judicial Assistance Committee - Peer Counselor	
Washington State Board of Judicial Administration	Member
Washington State Pro Tem Judge Training Program	Faculty/Moderator
Washington State Judicial College	Faculty

Judge Stephen R. Shelton Ret.

Stephen R. Shelton's distinguished legal career in Washington spans nearly 40 years

Judge Shelton served as the judge of the Puyallup Municipal Court for nearly nineteen years, first as an appointed part-time judge and then as the first full-time elected judge for the City of Puyallup. He also served as the judge for the City of Sumner and the Town of Ruston and as a pro tem commissioner for Pierce County District and Superior Courts. Judge Shelton is currently serving as a deputy hearing examiner for Pierce and Thurston Counties.

Prior to his appointment as a judge, Judge Shelton served as the city attorney for the City of Auburn, a deputy prosecutor for Pierce County as a criminal trial attorney in district court and in the felony Special Assault Unit, as the chief deputy of the misdemeanor division and as the county's environmental and land use attorney.

In addition to his legal experience, Judge Shelton was the mayor and council member for the City of Fircrest and a middle and high school teacher for the Tacoma School District.

During his judicial career, Judge Shelton was elected President of the Washington State District and Municipal Court Judge's Association as only the third municipal court judge to serve as President during the previous 30 years. Prior to becoming President, Judge Shelton served on the DMCJA Board as a board member, Secretary-Treasurer, Vice-President and President-Elect. As President, he served on the State Board of Judicial Administration. Judge Shelton also served on the faculty for the Washington State Judicial College.

Judge Shelton has always been supportive of greater diversity in the judiciary. In his position of Past-President, he served as chair of the diversity committee which partnered with the Washington State Bar Association to establish the first state-wide pro tem judge training program on which he served as the moderator and faculty member. The goal of the program is to develop a state judiciary that reflects the diversity of the community it serves.

Judge Shelton actively addressed the tragedy of domestic violence. He was a founding member of the East Pierce County Alliance Against Domestic Violence established to provide assistance to victims of domestic violence. He was also a founding judge of the first Domestic Violence Victim Impact Panel in the State of Washington to assist in ending the cycle of violence by providing an awareness program for perpetrators of domestic violence.

After Judge Shelton retired in October, 2012, he has continued his community service by serving as a pro tem judge, a special master and expert witness in Superior Court cases, a wedding officiant, a deputy hearing examiner and an Ambassador for the Greater Tacoma Community Foundation.

Judge Shelton is currently serving as "Of Counsel" in his brother's law firm, Stuart E. Shelton Injury Law in Lacey, WA, and as a Deputy Hearing Examiner for Pierce and Thurston Counties and various cities and towns. He is married to Karen Goon who is the County Administrator for Kitsap County and has four children, two granddaughters and two grandsons.

View of Municipal Hearing Examiner's Roles and Duties

The roles and duties for the City of Sumner Hearing Examiner are articulated in Sumner Municipal Code 2.58 entitled "Hearing Examiner" and are similar, if not identical, to the authorizing and governing language in other cities and counties. In summary, the Hearing Examiner conducts quasi-judicial and administrative hearings, prepares written decisions on land use applications and administrative appeals and prepares reports for the City Council, the Planning Commission and other City agencies regarding matters heard and decided. In completing these responsibilities, the Examiner works with City staff to calendar hearings and to arrange site visits, if appropriate. The Examiner may also be tasked with making recommendations regarding relevant City regulations and policies.

My general approach to fulfilling the above-referenced roles and duties is founded on the same understandings and commitments that I made every weekday morning for nineteen years as I entered the courtroom knowing that for the next eight to nine hours I would preside over forty to ninety cases and make hundreds of decisions that would impact the lives of individuals, their families and the community:

- I am fortunate and humbled by being able to be a public servant;
- I will treat everyone with dignity and respect;
- While maintaining sympathy and empathy, I will base my decisions on the law;
- I will remain calm and thoughtful regardless of the situation.

My specific approach to hearings is to conduct relatively formal proceedings without being rigid nor unapproachable. Although the hearings are quasi-judicial in nature, the hearings should not be so relaxed that the gravity of the issues are diminished. The hearing room should be an environment where individuals are comfortable but where they are expected to comport themselves responsibly. Although I understand some hearings and/or issues are contentious and individuals should have latitude to advocate for themselves, I will not condone nor excuse comments and behaviors that demean individuals nor the hearing process.

I consider a "good result" of a hearing to be one where everyone has not only had an opportunity to participate and present their positions and information, but, also, a hearing where they know that I have heard them and that I will consider their requests and comments.

Finally, in regard to any decisions I make, the "good result" for which I strive is that my decisions and reasonings would be upheld by a court of law if heard on an appeal.

Hearing Examiner Fee Proposal

Stephen R. Shelton

In regard to my fee proposal, please be advised that I work in my home office where I conduct virtual hearings and research and draft decisions. I do not utilize subcontractors such as clerical or research staff. Currently, I appreciate the benefits of virtual hearings, but would certainly attend in-person hearings if the City deems them appropriate.

I am proposing a \$150.00 per hour fee to be billed in quarter-hour increments for all the basic requirements of serving as the Hearing Examiner: preparing cases, presiding over hearings, conducting site visits, researching and writing decisions. I will not bill for clerical or research assistance nor for any miscellaneous activities such as calendaring hearings, verbal or email communications with staff or electronically transmitting decisions.

References for Stephen R. Shelton

shelt1@nventure.com

253-229-3789

Stephen K. Causseaux, Jr.

scausseaux@mchlawoffices.com

253-272-2206

Mr. Causseaux has been the hearing examiner for Pierce County and Jefferson County and numerous cities and towns and the pro tem hearing examiner for Thurston County for decades. He has been the one constant through all the years during all the changes in the land use area throughout the south sound. I am very fortunate that he asked me twice to be one of his deputy examiners and to have been a mentor for me over the past years.

Joseph Scorcio, AICP

jscorcio@gmail.com

253-405-9674

Mr. Scorcio was the Pierce County planning department manager when I was a deputy prosecutor advising county departments and elected officials in land use matters. After being a deputy in the criminal division for several years, he was my mentor in all areas of planning. He is the former City Manager and former Community and Economic Development Director for the City of SeaTac.

Bob Roegner bjroegner@comcast.net

253-528-0913

Mr. Roegner was the Mayor of the City of Auburn for 12 years after serving on their council. He appointed me to the position of city attorney and quickly became my mentor in all areas of municipal government. I have found him to be the most knowledgeable and ethical person in public service that I have ever known.

OFFICE OF THE HEARING EXAMINER

PIERCE COUNTY

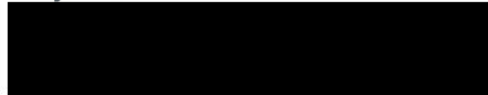
REPORT AND DECISION

CASE NO.: **WETLAND VARIANCE**
 Application Number: 969769

PROPERTY OWNERS: Gordon and Glenda Golob



APPLICANT: Billy Sarno



COUNTY CONTACT: Scott R. Sissons, Environmental Biologist III

SUMMARY OF REQUEST:

Reduce the required 150-foot buffer for a Category III Wetland below the minimum allowed under Title 18E.30.060 on each of these parcels to accommodate a single-family residence (SFR) and have reasonable use of these parcels of record like other parcels in the vicinity. The sites are in the Gig Harbor area of unincorporated Pierce County, located at 6808 & 6812-82nd Avenue N.W., Within the SW ¼ of Section 11, T 21N, R 1E, W.M., in Council District # 7.

SUMMARY OF DECISION: Variance Requests Approved

DATE OF DECISION: December 1, 2021

PUBLIC HEARING:

After reviewing the Planning and Public Works Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing convened on November 17, 2021 at 9:02 a.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

- EXHIBIT 1 - Planning and Public Works Staff Report
- EXHIBIT 2 - Application
- EXHIBIT 3 - Agency and Public Comments
- EXHIBIT 4 - Notice and Routing Documents
- EXHIBIT 5 - Site Information
- EXHIBIT 6 - Site Plan
- EXHIBIT 7 - Power Point Presentation
- EXHIBIT 8 - Letter from Janice Pittman dated November 14, 2021

The Minutes of the Public Hearing set forth below are not the official record and are provided for the convenience of the parties. The official record is the recording of the hearing that can be transcribed for purposes of appeal.

SCOTT SISSONS, County Environmental Biologist, appeared, presented the Staff Report by a Power Point and testified that Glenda and Gordon Golob, Owners, are requesting the reduction of a 150-foot buffer for a Category III wetland covering each parcel to accommodate a single-family residence on each parcel and have a reasonable use of these parcels of record like other parcels in the vicinity. The two parcels are in a 1964 recorded plat known as Louise Park which is a high intensity development of more than one residence per acre. The parcels are on Sylvia Lake which is not under shoreline jurisdiction but does require a 35-foot buffer as a Type N3 Water. The Category III wetland along the lakeshore normally requires a 50-foot buffer with a 15-foot building setback but is increased 100-feet due to high land use intensity resulting in a 150-foot wetland buffer and the 15-foot building setback. To accommodate the proposed residences, the request exceeds the minimum of 112.5-feet that could be administratively granted; one request is for a parcel to have a 60-foot buffer and the other to be 1 15-foot buffer. The proposed system is pre-existing off-site on three parcels owned by the Owner. A public water system will serve the two parcels. No actual wetland fill is proposed. Mitigation sequencing will be required. The photos in the PowerPoint were described as was the chronological sequencing of the site plans being before and after review by the Gig Harbor Peninsula Advisory Commission (PAC). Mr. Sissons also provided Staff comments regarding the criteria required to be reviewed and approved by the Hearing Examiner in order to grant the Owners' requests. On inquiry by the Examiner, Mr. Sissons stated that there are currently fifteen (15) vacant lots on the Lake of which three or four (3-4) were owned by Pierce County Public Works with no plans for development.

GORDON GOLOB, Owner, testified that unlike the proposal herein, the other vacant lots on the Lake do not have an option for off-site sewage systems. He stated that he and Glenda developed the property in 2008 with the plan to downsize from their current home on the parcels across the street to the subject site.

BILLY SARNO, Applicant, testified as a real estate broker and home builder he has been working with the Applicants since and will partner with them to construct the proposed residences.

ERIC RUSSELL, Russell and Associates, appeared on behalf of the Owner and testified as

to the "Wetland Analysis Report and Habitat Assessment Study" prepared by his company. He agreed with the Owner that unlike the other vacant lots on the Lake, the subject site has access to an upslope, off-site sewage system across the street. He summarized the Report and stated the drainage and erosion plans as well as the mitigation plans would comply with the Pierce County Development Engineers Department requirements. In addition, the mitigation plan to plant vegetation would enhance the wetland buffer by increasing the absorption of the moisture into the soil.

PAT BERGER appeared and testified in opposition to the proposal by summarizing her written response previously submitted to the County (Ex. 5C). She stated that she has lived on the Lake for over 50 years and has seen a lot of changes including extreme contamination that has resulted in increased algae growth with two toxic blooms this year and one last year. The algae makes the Lake very unattractive and affects the boating and fishing. In 2003 she participated in the drafting of the "Sylvia Lake Integrated Aquatic Vegetation Management Plan" which designated certain conservation areas in the Lake with the main one being near the proposed construction site. She is concerned that the proposed development will affect the character of the neighborhood and the health of the Lake; the conservation areas are in the southeast end of the Lake which cannot be treated with chemicals as it contains the outlet to the Puget Sound. In the subject area, the cattails provide a protected habitat for waterfowl and fish and the wetland area in general. The Owners currently have a gazebo without a foundation on one of the lots because the lots have very soft soil which may not support foundations

GORDON GOLOB reappeared and stated that the conservation area noted by Ms. Berger are not a legal document but the Owners have lived in the area and known Ms. Berger for over forty-five (45) years and will be good stewards of the Lake and the wetland areas.

SCOTT SISSONS reappeared and stated that any issues with the construction of the residences including foundations will be addressed pursuant to the Pierce County Code provisions as the County processes the Owners' applications for building and site permits.

No one spoke further in this matter and the Hearing Examiner took the matter under advisement. The hearing was concluded at 9:55 a.m.

NOTE: A complete record of this hearing is available in the office of the Pierce County Planning and Public Works.

FINDINGS, CONCLUSIONS, AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony, and taken this matter under advisement.

2. Pursuant to the State Environmental Policy Act (SEPA) and the Pierce County Environmental Regulations (Pierce County Code, Title 18D – Environmental Regulations), this variance application does not require SEPA review.
3. Public and Legal Notice:
 - September 14, 2021: Notice of Application/Public Hearing Notice sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
 - September 15, 2021: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
 - November 3, 2021: Legal notice was published in the official County newspaper (Tacoma News Tribune), advertising the public hearing by the Pierce County Hearing Examiner.
4. The Owners have a possessory ownership interest in six (6) parcels located in the Gig Harbor area of unincorporated Pierce County in the Rural Sensitive Resource zone classification, the Gig Harbor Peninsula Community Plan area and within the SW ¼ of Section 11, T 21N, R 1E, W.M. in Council District #7 within the plat known as Louise Park AFN2044077 recorded in 1964.
5. The Owners purchased four parcels on the east side of 82nd Avenue NW and in 1966 built a single family residence located at 6813 82nd Avenue NW (Parcel 2370000580) and did not develop the three (3) parcels adjacent to their residence (Parcels 2370000590, 2370000600 and 2370000610) except for the installation of the sewage system to service their single-family residence.
6. In 2001, the Owners purchased the two subject parcels from Pierce County which are bordered on the east by a public road, 82nd Avenue NW, and on the east by Sylvia Lake. At the time of purchase from the County, the principle use of the parcels was noted as "residential." (Pierce County Assessor Records) The two parcels are located at 6808 82nd Avenue NW and 6812 82nd Avenue NW, Gig Harbor, WA 98332. Parcel 5370000230 is approximately 11,400-square feet in size and parcel 5370000240 is about 11,896-square feet in size.
7. The Owners propose to construct a single-family residence on each of the subject parcels and utilize the off-site septic system currently serving their residence to pump the septic across 82nd Ave NW onto their parcels 527000590, 527000600 and 527000610.
8. The subject parcels are rectangular east to west in shape, have a relatively flat topography and a gradual downward slope to Sylvia Lake along the western portion of the parcels. The two subject parcels are largely cleared and are dominated by grasses and other low growing plants. The parcels adjacent to the subject properties

are undeveloped; to the south is a vacant wooded lot owned by the Sylvia Lake County Club and to the north is a cleared vacant lot with a maintained lawn owned by a private party.

9. Sylvia Lake is not under the State or County shoreline jurisdiction but as a Type N3 Water would require a 35-foot lake/pond buffer. However, a Category III wet land is located along the lakeshore of Sylvia Lake that requires a standard 50-foot buffer; however, given the high land use intensity and moderate habitat value, the buffer is increased by 100-feet resulting in a required 150-foot buffer with a 15-foot building setback.
10. The Owners have refrained from requesting an administrative buffer reduction allowed by code to 112.5-feet with a 15-foot building setback as such an administrative reduction would be insufficient to accommodate a single-family residence on each parcel to be comparable to other homes in the development and have reasonable use. Therefore, the Owners made an original proposal to the County to reduce the buffers in a site plan dated April 23, 2021, an amended proposal site plan dated July 14, 2021 and an amended site plan with enhanced buffers on October 4, 2021, which was presented to the Gig Harbor Peninsula Advisory Commission (PAC).
11. On October 27, 2021, at its regularly scheduled meeting, the PAC considered the Owners' proposal with a quorum present seven (7) out of eight (8) members present. The PAC considered presentations from Mr. Sissons, Mr. Golob and citizen neighbor Janice Pittman, who opposed the variances, and written comments from several resident/neighbors Edward R. Fahy, Priscilla D. Taylor, Amy C. Wilkerson, Janice Pittman and Pat Berger who also opposed the variances. The PAC discussed the proposals noting the lots have been in existence a long time (1964) and agreed they did not have any issue with the proposed buffer reduction for the southern lot parcel 570000240. However, the PAC concluded that the buffer on the northern lot parcel 5370000240 should be increased to prevent future expansion of the building site toward Sylvia Lake and required the maximum mitigation of Pierce County Code 18E.20.060D.3.a. On a motion and second, the PAC voted to recommend approval of the proposed variance to the southern lot and that the northern lot development of the property end eighty-five (85) feet from the 82nd Ave NW with the remainder of the lot to be in the wetland buffer except for the pervious path to the dock.
12. On November 1, 2021, the Owner presented an amended site plan with enhanced buffers to comply with the recommendation of the PAC which would reduce the wetland buffer on the northern parcel 5370000230 to approximately 60-feet with a 15-foot building setback and the buffer for southern parcel 5320000240 to approximately a minimum of 15-feet with a 15-foot building setback.

13. The citizens/residents of Sylvia Lake and neighbors of the Owners who oppose the proposed variances provided well-articulated and meaningful concerns and comments about the ongoing degradation of the Lake. The Lake was created in 1963 with the damming of a salmon stream and, originally, the Lake was deeper and the water cleaner, especially at the farthest area from the dam where the Owners propose construction. Since then, the health of the lake water has diminished as forests were cleared leaving bare earth allowing silt to flow into the Lake resulting in the area of the proposed construction to become shallower.
14. The citizens' concern is that small incremental changes by variance decisions made on a case-by-case basis do not consider the cumulative long term effects on the health of the Lake. They state that the individual variances run counter to the purpose of the wetland buffer which is especially important during the ongoing climate change with high-intensity precipitation resulting in declining species and habitats. They question how the subject development will impact the wetland's ability to absorb water and to prevent silt and pollutants such as cleaning agents or phosphorous and nutrients from entering the Lake causing extreme algae growth.
15. The Sylvia Lake County Club which owns the parcel adjacent to the southern subject property is a non-profit homeowners association/corporation tasked with managing the Lake. A member of the Club, Pat Berger, testified that not only is there a concern about the health of the Lake, but there is a question as to whether the subject parcels are suitable for construction of the single family residences. She opined that the Category III wet land is just too soft to support the home foundations as the parcels are actually swamp-like much of the year. Photos of the subject property on October 31 and November 12, 2021, were submitted by Janice Pittman to illustrate that during heavy rains the subject parcels do not absorb the rain and that reducing the wetland buffer would exacerbate the rain run-off to the Lake thereby threatening the health of the Lake.
16. Pursuant to PCC 18E.20.060D(30(a) Variances, Decision Criteria for Wetland Buffers and Fish and Wildlife Habitat Buffers, the Hearing Examiner has the authority to grant a variance from the buffer requirements of PCC 18E.30.060 when, in the opinion of the Examiner, all of the following criteria have been met:
 - (1) There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to surrounding properties or that make it impossible to redesign the project to preclude the need for a variance;

The parcels are lots of record pursuant to the Louise Park subdivision in 1964. The Owners purchased four parcels and built a home on one of them and their septic system on the three adjacent parcels in 1966. The Owners purchased the two subject parcels on the shore of Sylvia Lake in 2001 from Pierce County with the plan

to build the two homes. At the time of purchase, the two lots were noted as "residential." The two subject lots are very small and are completely encumbered by the 150-foot wetland buffer. The administrative reduction to 112.5-feet is insufficient for the construction of a reasonably sized single-family residence on each parcel. Without the variances requested, the Owners are unable to have reasonable use of these lots commensurate with the other parcels in this 1964 plat that have homes on the lakeshore. In addition, the septic system will not be on the subject lots as the Owners will pump the septic from the lakeshore residences across 82nd Avenue NW to their existing off-site septic system.

- (2) The applicant has avoided impacts and provided mitigation to the maximum practical extent;

The Owners cannot avoid impacts to the wetland buffer. The lots border Sylvia Lake to the west. In proposing construction on the eastern portion of each site, the Owners will also request an administrative front yard setback reduction from 25-feet to 20-feet to minimize impact to the wetland buffer. The Owners submitted several revisions to their proposed variance request to minimize the impacts including a final version that was recommended for approval by the Gig Harbor Peninsula Advisory Commission. As stated above, both onsite sewage system drainfields will be located offsite, outside of the wetland and wetland buffer areas. The proposed mitigation plan of plantings will enhance the onsite wetland areas and the required signage and fencing will protect the areas and there will be no actual wetland filling is proposed.

- (3) The buffer reduction proposed through the variance is limited to that necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property, but which because of special circumstances is denied to the property in question; and

The proposed buffer reduction on each lot of record parcel is limited to the area necessary to construct a single-family residence that is consistent in size with the homes in the surrounding area on built lots of record in the Louise Park plat. The requested area of use of each lot is smaller than most of the parcels that are similarly situated in the area.

- (4) Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvement.

Although the County is recommending approval of the requested variances, the County also recognizes that buffer reductions on individual parcels may not be materially detrimental to the public welfare or injurious to property but that the cumulative effects of such buffer reductions may result in significant negative long term impacts. The citizen comments herein have articulated their specific concerns that the proposal will introduce silt and contaminants and further degrade Sylvia Lake. They note that the location of the proposal is in a conservation area of the Lake which is now much shallower due to the silt run-off and that the inclusion of

vegetation removal, the applicant shall complete the requirements necessary to obtain wetland approval, and shall record the Final Wetland Area Approval with the Pierce County Auditor's Office.

2. For water quality, the application of fertilizers, herbicides and/or pesticides shall not be allowed within the wetland or wetland buffer.
3. Critical Areas (wetland, and buffers) shall be shown on all site plans submitted to Planning and Public Works.
4. The applicant shall submit a finalized wetland buffer mitigation plan \$1,100 (LXRN) for review and approval by Pierce County.
5. A financial guarantee to be determined by their wetland specialist in the final wetland buffer mitigation plan shall be provided. Once the As-built including plant receipts of photographs prepared by your wetland specialist has been submitted and approved by the Pierce County Environmental Biologist, and upon the submittal of a financial guarantee to guarantee that the required maintenance and monitoring takes place, the installation financial guarantee will be released back to you. Once the final monitoring report is approved by the County, the monitoring guarantee will be released to you. Please be advised that your responsibility for this requirement does not end with the sale of the property. Therefore, you need to obtain a replacement financial guarantee from the new owner or do the required work to avoid forfeiture of your financial guarantee. Only Pierce County Bond or Assignment of Funds forms shall be used.
6. An as-built report including plant receipts and photographs shall be submitted to Pierce County following completion and implementation of the mitigation/enhancement measures.
7. Photographs and a short letter on the condition of the installed plants by October 31, for three years following installation shall be submitted.
8. Performance Standards and Monitoring shall also include the following: "Monitoring can stop when mortality is no greater than 20% and the plants are healthy and viable".
9. Split-rail fencing or Pierce County approved substitute fencing, and signage will be required around the buffer area to delineate the critical area from the developed area of each parcel. This will be specified in the final wetland area approval.
10. The decision set forth herein is based upon representations made and exhibits, including plans and proposals submitted at the hearing conducted by the hearing examiner. Any substantial change(s) or deviation(s) in such

additional homes on the lake will increase run-off of nutrients and exacerbate the algae blooms.

In reviewing the County recommendation for approval and the citizens' opposition, the Examiner will not minimize the citizens' concerns nor attempt to balance the two positions. Given the testimony, the Examiner finds that without the variances, the Owners' "reasonable use" of the subject small properties would be limited to maintaining grass area vacant lots with a gazebo and a dock and generally treating their two lots of record as a private park or a neighborhood green belt. On the other hand, the Examiner finds that the "reasonable use" of the two lots could be to enable the Owners to find a viable way to minimize the impact on the wetland and the Lake and enable them to construct small single-family residences that are similar to homes on the surrounding properties.

Herein, the subject lots were created in 1964 and the Owners constructed their home and septic system on three lots in 1966 which were both prior to first critical area ordinance adopted in Pierce County. In addition, the Owners have continued to live in the home, purchased the subject lots in 2001 and have testified that they will be good stewards of the subject property. They have proposed construction that will minimize the intrusion into the wetland buffer, will not occur within the wetland including no actual wetland filling and will not apply fertilizers, herbicides and/or pesticides within the wetland or wetland buffer. The septic systems to pump septic off-site across the road outside the wetland buffer will be reviewed and approved by the Tacoma Pierce County Health Department. The Pierce County Development Engineering Department will require and review the drainage system to comply with current county codes regarding water quality and quantity. In this regard, no other vacant properties appear to have the capacity to have off-site septic systems which distinguishes the subject proposal from any potential future proposals. And, finally, the mitigation plan will enhance the remaining buffer by removal of invasive vegetation and planting of native vegetation to absorb moisture.

CONCLUSIONS:

1. The Hearing Examiner has the jurisdiction to consider and decide the issues presented by this request.
2. The Owners/Applicants have shown that their request for a wetland variance satisfies the criteria set forth in Pierce County Code 18E.20.060 and therefore should be granted subject to the following conditions
 1. Prior to the issuance of any permits on these parcels (i.e., Site Development or Building permits), or the initiation of any grading, clearing, filling, or

plans, proposals, or conditions of approval imposed shall be subject to the approval of the hearing examiner and may require further and additional hearings.

11. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition precedent to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the Owner/Applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

DECISION: The request to reduce the required 150-foot buffer for a Category III Wetland below the minimum allowed under Title 18E.30.060 on each of these parcels to accommodate a single-family residence (SFR) and have reasonable use of these parcels of record like other parcels in the vicinity is hereby approved.

ORDERED this 1st day of December, 2021.

STEPHEN R. SHELTON
Deputy Hearing Examiner

TRANSMITTED this 1st day of December, 2021, to the following:

PROPERTY OWNERS:

Gordon and Glenda Golob


APPLICANT:

Billy Sarno


OTHERS:

Gig Harbor Peninsula Advisory Commission (PAC)

OFFICE OF THE HEARING EXAMINER

PIERCE COUNTY

REPORT AND DECISION

CASE NO.: **CONDITIONAL USE PERMIT:
CHIROPRACTIC AND VETERINARY WEST
Application Number: 958965**

OWNER/APPLICANT: Shannon West, DVM
[REDACTED]

COUNTY CONTACT: Adonais Clark, Senior Planner

SUMMARY OF REQUEST:

Add two non-resident employees to an approved Cottage Industry Level I Home Occupation (AUP5-98), which currently permits two non-resident employees in association with chiropractic and veterinary treatment of dogs and cats, on a 1.1 acre parcel, in the Rural Sensitive Resource (RSR) zone classification and the Graham Community Plan area. The site is located at 24908-154th Avenue East, Graham, within the SW 1/4 of Section 19, T18N, R5E, W.M., in Council District #3

SUMMARY OF DECISION: Approved with Conditions.

DATE OF DECISION: October 19, 2021

PUBLIC HEARING:

After reviewing the Planning and Public Works Staff Report and examining available information on file with the application and admitted herein (Exhibits 1-10), the Examiner conducted a public hearing on the request as follows:

The hearing convened on September 15, 2021, at 9:00 a.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

EXHIBIT 1 - Planning and Public Works Staff Report
EXHIBIT 2 - Application

- EXHIBIT 3** - Agency Comments
- EXHIBIT 4** - Public Comments/Parties of Record
- EXHIBIT 5** - Notice and Routing Documents
- EXHIBIT 6** - Land Use Advisory Commission (LUAC)
- EXHIBIT 7** - Reports and Decisions
- EXHIBIT 8** - Site Information
- EXHIBIT 9** - Site Plans
- EXHIBIT 10** - Power Point Presentation

The Minutes of the Public Hearing set forth below are not the official record and are provided for the convenience of the parties. The official record is the recording of the hearing that can be transcribed for purposes of appeal.

ADONAI CLARK, Senior Planner, appeared, and using a Power Point presentation (Ex. 10) testified that Shannon West, DVM, Owner/Applicant, is requesting a Conditional Use Permit (CUP) to add two non-resident employees to an approved Cottage Industry Level 1 Home Occupation which currently permits two non-resident employees in association with chiropractic and veterinary treatment of dogs and cats on a 1.1- acre parcel in the Rural Sensitive Resource zone classification (RSR) and the Graham Community Plan area. An Administrative Use Permit was approved in 1998 to allow expansion of a mobile veterinarian service to include surgical procedures of small animals and up to two non-resident employees. The Applicant submitted the CUP application on April 1 2021. He then presented aerial and ground photos and a proposed site plan noting the rural nature of the neighborhood, that the heavily treed subject parcel will be in compliance with the landscaping requirements and the current structures will be maintained without exterior or interior construction renovations. He reviewed Pierce County Code 18A.37.110, Home Occupation Cottage Industry Level II, standards that would be required for the approval of the application. A quorum of the Graham Advisory Commission (GAC) reviewed the proposal on July 13, 2021, wherein the Applicant stated that the two additional non-resident employees are needed to spread out the workload and that she is not proposing to enlarge her practice. No members of the public were present. The GAC unanimously approved the proposal. He stated that County staff has reviewed the application, found it in compliance with all applicable policies, codes and regulations and recommended approval of the proposal subject to conditions.

SHANNON WEST, DVM, owner/applicant, appeared and testified that she appreciated Mr. Clark's assistance, that three individuals supporting the proposal had attended the GAC virtual meeting but did not speak and that the increase in two employees will enable her to spread the surgical work out a bit and avoid asking employees to come in on their days off.

No one spoke further in this matter and the Hearing Examiner took the matter under advisement. The hearing was concluded at 9:14 a.m.

NOTE: A complete record of this hearing is available in the office of the Pierce County Planning and Public Works.

FINDINGS, CONCLUSIONS, AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony and taken this matter under advisement.
2. State Environmental Policy Act (SEPA): The proposal is categorically exempt from SEPA in accordance with WAC 197-11-800(6)(b).
3. Public and Legal Notice:
 - May 12, 2021: Notice of Application (NOA) and Public Meeting Notice was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
 - May 19, 2021: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
 - June 29, 2021: Legal Notice was published in the official County newspaper (Tacoma News Tribune), advertising the public meeting to be held by the Graham Advisory Commission (GAC).
 - August 31, 2021: Public Notice of the Examiner's hearing was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
 - September 1, 2021: Legal Notice was published in the official County newspaper (Tacoma News Tribune), advertising the public hearing to be held by the Pierce County Hearing Examiner.
4. The Applicant currently has a Cottage Industry Level I Home Occupation (AUP5-98) which was administratively approved pursuant to Pierce County Code (PCC) 18A.37.110(A)(3) in 1998 allowing an expansion to an existing mobile veterinarian service to include surgical procedures for small animals. The Level I enabled the Applicant to have two non-resident employees. (Ex. 7A) The location of the existing Level I and proposed Level II is at 24908 154th Avenue East, Graham, WA, within the SW ¼ of Section 19, T18N, R5E, W.M., and within the Graham Advisory Commission and Council District #3.
5. Pursuant to PCC 18.37.110(A)(4), the Applicant filed a Master Application on March 12, 2021, requesting a Conditional Use Permit to hire two additional non-resident employees that will enable her to avoid requesting her two current employees to work on their days off when surgeries are necessary. The Applicant stated the residence is approximately 2/3 residential and 1/3 veterinary practice, treating small animals and noted the veterinary practice is confined to the house and includes house calls, office calls, chiropractic treatment of dogs and cats and on-site surgery. (Ex. 2A)

6. The existing site is a 1.1-acre parcel that is generally flat with shrubs and grass and is densely wooded with deciduous trees (alder, maple, aspen) and evergreen trees (fir, cedar, pine). The site is accessed from the east via 154th Avenue East and is occupied by a single-family residence and detached garage. The 570-square foot current Level 1 Home Occupation small animal x-ray and surgery facility is located within the Applicant's 1,682-square foot living space in her single-family residence, or 33-percent of the dwelling space. In requesting the CUP to add the two employees, the Applicant is not planning nor proposing any expansion nor renovation of the dwelling.
7. The site is served as follows: Water – Valley Water; Sewer – Septic Disposal System; and Power – Puget Sound Energy.
8. The Graham Community Plan, Appendix F of the Pierce County Comprehensive Plan designates the area in which the subject site is located as Rural Sensitive Resource (RSR). The Rural Sensitive Resource (RSR) zoning classification implements the GCP designation. The surrounding zoning classifications and land use are as follows: To the north and south, RSR/single-family residential; to the east, RSR/154th Avenue East and single-family residence beyond; and to the west, RSR/single-family residence.
9. The County Comprehensive Plan, Chapter 2, Land Use Element, Urban, Rural, and Resource, provides the following relevant goals of Home Occupations and Cottage Industries in Pierce County: (pg. 2-80)

LU-106	Allow home occupations, daycare facilities, and cottage industries.
LU-106.1	Recognize the importance of the home-based business sector.
LU-106.2	Encourage environmentally friendly home occupations and industries as a means of low impact employment.
LU-106.3	Promote local professional services so business owners don't need to travel out of the area to purchase services.
LU-106.5	Ensure compatibility with the underlying land use designation.
LU-106.6	Ensure activities are maintained and carried out in accordance with the conditions of approval.

The Applicant's existing home occupation is consistent with the County Comprehensive Plan as it is part of the County home-based business sector, is environmentally friendly and is compatible with underlying land use designation of Rural 10. The proposed addition of two non-resident employees is also consistent with the above referenced Land Use goals.

10. The Graham Community Plan, Chapter 5, Economic Element, Home Occupations and Cottage Industries, provides:

Home occupations and cottage industries are deeply imbedded in the fabric of this rural business community. (pg.F-164)

In addition, Chapter 5, Economic Development Policies provides just one policy:

Provide opportunities for businesses to successfully locate at locations and a scale appropriate to the rural character envisioned for the area. (pg.F-165)

The location and scale of the Applicant's home occupation with the addition of two non-resident employees continues to be appropriate and is consistent with to the rural character of the area.

11. The Graham Advisory Commission reviewed the proposal at its regularly scheduled meeting on July 3, 2021. A quorum of members was present. Mr. Clark and the Applicant gave presentations and answered questions from the Commission members. Three members of the public were present at the virtual hearing but did not speak. On a motion and second, the GAC unanimously approved the proposal as presented. (Ex. 6A and B)
12. As stated above, the Applicant submitted a complete Master Application requesting a Conditional Use Permit to Pierce County on April 1, 2021. Therefore, the CUP is subject to the development regulations in effect on that date.
13. Pursuant to PCC 18A.37.110(A)(1), the Applicant's home occupation must comply with a general list of standards. As stated above, the Applicant currently has a Cottage Industry Level I Home Occupation (AUP5-98) which was administratively approved pursuant to Pierce County Code (PCC) 18A.37.110(A)(3) in 1998 allowing an expansion of an existing mobile veterinarian service to include surgical procedures for small animals. There is no evidence that the Applicant's business or structures are not in full compliance with these conditions.
14. Pursuant to PCC 18A.37.110(A)(4), the Applicant's request for a Cottage Industry Level II may be allowed in a rural zone only on the issuance of a Conditional Use Permit and compliance with the following standards:
 - a. The cottage industry shall be limited to 1,500 square feet or a size equivalent to 50 percent of total floor area of the living space within the residence, whichever is less. Properties which are 5 acres or greater may exceed this requirement at the Examiner's discretion;

The Pierce County Assessor-Treasurer's Office records indicate the total living space of the Applicant's single-family residence is approximately 1,682-square feet. The Applicant indicates that her home business occupies 570-square feet, or 33% of the total floor area of the living space within the residence.

- b. Four non-resident employees are allowed;

The Applicant currently employs two non-resident individuals under the Level 1 standards and is requesting the Level II Cottage Industry to bring her total non-resident employees to 4.

- c. Three 18,000 pounds gross vehicle weight vehicles and one vehicle in excess of 18,000 pounds gross vehicle weight are allowed;

The Applicant's home business does not utilize any vehicles.

- d. Activities and outside storage of materials and equipment are allowed provided the site is sufficiently screened;

No business activities nor storage of materials and equipment occur outside the residence.

- e. Activities involving outdoor events, such as wedding facilities, shall be limited to six outdoor events per year, with no more than one event per month; properties which are greater than 10 acres in size may exceed this standard at the Hearing Examiner's discretion;

No outdoor event activities are proposed.

- f. Outside material and vehicle storage shall be screened from neighboring residential dwellings with a Level 3 landscape buffer and F1 fencing. See PCC 18J.15.040 for landscape and fence buffer standards;

The existing business and proposed addition of two non-resident employees does not involve outside material or vehicle storage.

- g. A Level 3 landscape buffer shall be provided between cottage industry activities and neighboring residential dwellings. See PCC 18J.15.040 for landscape buffer standards.

The Applicant's cottage industry is surrounded on three sides (south, west and north) by residential dwellings. As stated above and evident in the photos of the property, (Ex. 1), the Applicant's property is heavily vegetated with deciduous and evergreen trees and shrubs such that no additional landscaping is required.

15. Pursuant to PCC 18A.75.030(B)(1), Conditional Use Permit, Decision Criteria, Required Findings, the Examiner may approve a request for a Conditional Use Permit only if all of the following findings can be made regarding the proposal and are supported by the record:

a. That the granting of the proposed Conditional Use Permit will not:

- (1) be detrimental to the public health, safety, and general welfare;

The existing Level II home occupation administratively approved in 1998 provides for all performed activities of veterinary chiropractic and surgery to occur completely within the residence. The Applicant is not proposing an expansion of the business not the physical residence. The numbers of animals and people coming to and leaving from the residence will not appreciably change.

- (2) adversely affect the established character and planned character of the surrounding vicinity;

The proposed business activities of the CUP will remain essentially the same as the activities under the administrative approval and will continue to be subject to the General Standards noted above in PCC 8A.37.110(A).

- (3) be injurious to the uses, planned uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

As stated above, all the activities of the home business will continue to be within the residence which is well hidden on the parcel due to heavy vegetation of dense deciduous and evergreen trees and shrubs.

- b. That the granting of the proposed Conditional Use Permit is consistent and compatible with the intent of the goals, objectives and policies of the County's Comprehensive Plan, appropriate Community Plan (provided that, in the event of conflict with the Comprehensive Plan, the Comprehensive Plan prevails), and any implementing regulation.

As stated above, the granting of the proposed CUP is consistent with the intent, goals, objectives and policies of the County Comprehensive Plan and the Graham Community Plan and any implementing regulations.

- c. That all conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.

The three conditions of approval that are imposed herein lessen any impacts of the approved Cottage Level II activity can be properly monitored and enforced.

- d. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.

The only change in the current activity of the Applicant's home business will be the addition of two non-resident employees which will remove the requirement for current employees to work on their days off when surgeries are required and will therefore not introduce any hazardous conditions and may very well reduce any such hazards that may exist.

- e. That the conditional use will be supported by, and not adversely affect, adequate public facilities and services, or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

The addition of the two more non-resident employees to the existing business will have no impact on public facilities and services.

- f. That the Level of Service standards for public facilities and services are met in accordance with concurrency management requirements.

As stated above and for the same reasons, the addition of two non-resident employees to the existing business for a total of four employees will not require an increased level of government services.

CONCLUSIONS:

1. The Hearing Examiner has the jurisdiction to consider and decide the issues presented by this request.
2. The Applicant has established that the request for the Conditional Use Permit to authorize a Cottage Industry Level II should be granted subject to the following conditions:
 1. Customers and clients are allowed between the hours of 6 a.m. and 9 p.m.
 2. Off-street parking shall include one space per non-resident employee, for a total of 4 spaces, and one space for clients.
 3. Oxygen is limited on site to two (254-cf) cylinders. This includes empties.

DECISION: Approved with Conditions.

ORDERED this 19th day of October, 2021.

STEPHEN R. SHELTON
Deputy Hearing Examiner

Stephen R. Shelton
1030 Fairway Drive
Fircrest, WA 98466
shelt1@nventure.com
(253) 229-3789

March 22, 2022

Doug Beagle
Development Services Director
City Sumner, WA

VIA Email: dougb@sumnerwa.gov

RE: Proposal for Hearing Examiner Contract Services

Dear Mr. Beagle,

I appreciate the opportunity to be considered for the position of Hearing Examiner for the City of Sumner. I believe my background makes me uniquely qualified for the position and would enjoy the opportunity to discuss my credentials with you. Attached please find my resume, biography, references, fee proposal, my view of a municipal Hearing Examiner's role and duties and a copy of two recent decisions.

I am a licensed attorney with a juris doctorate degree from the Seattle University School of Law. I have a State business license with the registered trade name of 'Judge Stephen R. Shelton Ret.' As a criminal deputy prosecuting attorney representing Pierce County, I conducted numerous bench and jury trials in district court and superior court. As the civil land use deputy, I represented the County in environmental law and zoning matters and code enforcement. I regularly advised department managers, the County Council and the County Executive on legal issues related to the planning and building departments, including but not limited to, subdivisions, shorelines, the state environmental policy act and growth management. As the city attorney for the City of Auburn, I advised the Mayor and department directors in all areas of city government which at the time involved the development of the Super Mall and Emerald Downs. While I was the city attorney, I also served as a councilmember and mayor for the City of Fircrest and was involved with policy making regarding city and regional growth management, annexations, sewers, parks, and the police and fire departments.

I was fortunate to be appointed to four terms and elected to one term as the City of Puyallup Municipal Court Judge. While in the appointed part-time position, I also served as the judge for the City of Sumner and Town of Ruston and a pro tem judge and commissioner in Pierce County district and superior courts. During nearly nineteen years on the bench, I presided over thousands of hearings and hundreds of bench and jury trials. Also, prior to serving as a full-time judge, I served as a Pierce County Deputy Hearing Examiner. Finally, as you know, I have recently served as the Sumner Interim Hearing Examiner.

I am currently serving as a Deputy Hearing Examiner for Pierce County and the Hearing Examiner for the Cities of Ruston and University Place. Generally, the examiner cases are a variety of land use matters which include all of the land development applications listed in the RFQ and appeals of administrative decisions. I have found that my years on the bench have prepared me well for conducting the examiner hearings and the multitude of legal issues in the land use area to be very challenging. In each jurisdiction, and, frankly, in the City of Sumner, in particular, I have been impressed with staff members' expertise, knowledge, professionalism and personable demeanors.

In closing, I am grateful to have served the City Sumner as judge and interim examiner and for the opportunity to now be considered for appointment to the position of the Hearing Examiner.

Sincerely,



Stephen R. Shelton

Stephen R. Shelton
DBA Judge Stephen R. Shelton Ret.
shelt1@nventure.com
(253) 229-3789

Current Areas of Practice

Deputy Hearing Examiner	Pierce County
Hearing Examiner	City of Ruston, City of University Place and Tacoma Pierce County Health Department
Of Counsel	Stuart E. Shelton Injury Law Lacey WA
Wedding Officiant	State of Washington

Education

University of Washington	Bachelor of Arts – English
University of Washington	Secondary Teaching Certificate
Seattle University School of Law	Juris Doctorate

Legal Experience

Judge	City of Puyallup Municipal Court	1994-2012
Judge	City of Sumner Municipal Court	2002-2008
Judge	Town of Ruston Municipal Court	1996-2002
Pro Tem Commissioner	Pierce County District/Superior Courts	1994-2005
Deputy Hearing Examiner	Pierce County	1996-1999
City Attorney	City of Auburn	1990-1993
Deputy Prosecuting Attorney	Pierce County	1983-1990

Community Experience

Ambassador Committee	Greater Tacoma Community Foundation
Teacher	Science and Math Institute Tacoma School District
Mayor/Councilmember	City of Fircrest, WA

Professional History

Washington State District and Municipal Court Judges' Association	1999 -2009
President and other elected positions	
Diversity Committee - Chair	
Board Liaison to WSBA Board of Governors	
Judicial Assistance Committee - Peer Counselor	
Washington State Board of Judicial Administration	Member
Washington State Pro Tem Judge Training Program	Faculty/Moderator
Washington State Judicial College	Faculty

Judge Stephen R. Shelton Ret.

Stephen R. Shelton's distinguished legal career in Washington spans nearly 40 years

Judge Shelton served as the judge of the Puyallup Municipal Court for nearly nineteen years, first as an appointed part-time judge and then as the first full-time elected judge for the City of Puyallup. He also served as the judge for the City of Sumner and the Town of Ruston and as a pro tem commissioner for Pierce County District and Superior Courts. Judge Shelton is currently serving as a deputy hearing examiner for Pierce and Thurston Counties.

Prior to his appointment as a judge, Judge Shelton served as the city attorney for the City of Auburn, a deputy prosecutor for Pierce County as a criminal trial attorney in district court and in the felony Special Assault Unit, as the chief deputy of the misdemeanor division and as the county's environmental and land use attorney.

In addition to his legal experience, Judge Shelton was the mayor and council member for the City of Fircrest and a middle and high school teacher for the Tacoma School District.

During his judicial career, Judge Shelton was elected President of the Washington State District and Municipal Court Judge's Association as only the third municipal court judge to serve as President during the previous 30 years. Prior to becoming President, Judge Shelton served on the DMCJA Board as a board member, Secretary-Treasurer, Vice-President and President-Elect. As President, he served on the State Board of Judicial Administration. Judge Shelton also served on the faculty for the Washington State Judicial College.

Judge Shelton has always been supportive of greater diversity in the judiciary. In his position of Past-President, he served as chair of the diversity committee which partnered with the Washington State Bar Association to establish the first state-wide pro tem judge training program on which he served as the moderator and faculty member. The goal of the program is to develop a state judiciary that reflects the diversity of the community it serves.

Judge Shelton actively addressed the tragedy of domestic violence. He was a founding member of the East Pierce County Alliance Against Domestic Violence established to provide assistance to victims of domestic violence. He was also a founding judge of the first Domestic Violence Victim Impact Panel in the State of Washington to assist in ending the cycle of violence by providing an awareness program for perpetrators of domestic violence.

After Judge Shelton retired in October, 2012, he has continued his community service by serving as a pro tem judge, a special master and expert witness in Superior Court cases, a wedding officiant, a deputy hearing examiner and an Ambassador for the Greater Tacoma Community Foundation.

Judge Shelton is currently serving as "Of Counsel" in his brother's law firm, Stuart E. Shelton Injury Law in Lacey, WA, and as a Deputy Hearing Examiner for Pierce and Thurston Counties and various cities and towns. He is married to Karen Goon who is the County Administrator for Kitsap County and has four children, two granddaughters and two grandsons.

View of Municipal Hearing Examiner's Roles and Duties

The roles and duties for the City of Sumner Hearing Examiner are articulated in Sumner Municipal Code 2.58 entitled "Hearing Examiner" and are similar, if not identical, to the authorizing and governing language in other cities and counties. In summary, the Hearing Examiner conducts quasi-judicial and administrative hearings, prepares written decisions on land use applications and administrative appeals and prepares reports for the City Council, the Planning Commission and other City agencies regarding matters heard and decided. In completing these responsibilities, the Examiner works with City staff to calendar hearings and to arrange site visits, if appropriate. The Examiner may also be tasked with making recommendations regarding relevant City regulations and policies.

My general approach to fulfilling the above-referenced roles and duties is founded on the same understandings and commitments that I made every weekday morning for nineteen years as I entered the courtroom knowing that for the next eight to nine hours I would preside over forty to ninety cases and make hundreds of decisions that would impact the lives of individuals, their families and the community:

- I am fortunate and humbled by being able to be a public servant;
- I will treat everyone with dignity and respect;
- While maintaining sympathy and empathy, I will base my decisions on the law;
- I will remain calm and thoughtful regardless of the situation.

My specific approach to hearings is to conduct relatively formal proceedings without being rigid nor unapproachable. Although the hearings are quasi-judicial in nature, the hearings should not be so relaxed that the gravity of the issues are diminished. The hearing room should be an environment where individuals are comfortable but where they are expected to comport themselves responsibly. Although I understand some hearings and/or issues are contentious and individuals should have latitude to advocate for themselves, I will not condone nor excuse comments and behaviors that demean individuals nor the hearing process.

I consider a "good result" of a hearing to be one where everyone has not only had an opportunity to participate and present their positions and information, but, also, a hearing where they know that I have heard them and that I will consider their requests and comments.

Finally, in regard to any decisions I make, the "good result" for which I strive is that my decisions and reasonings would be upheld by a court of law if heard on an appeal.

Hearing Examiner Fee Proposal

Stephen R. Shelton

In regard to my fee proposal, please be advised that I work in my home office where I conduct virtual hearings and research and draft decisions. I do not utilize subcontractors such as clerical or research staff. Currently, I appreciate the benefits of virtual hearings, but would certainly attend in-person hearings if the City deems them appropriate.

I am proposing a \$150.00 per hour fee to be billed in quarter-hour increments for all the basic requirements of serving as the Hearing Examiner: preparing cases, presiding over hearings, conducting site visits, researching and writing decisions. I will not bill for clerical or research assistance nor for any miscellaneous activities such as calendaring hearings, verbal or email communications with staff or electronically transmitting decisions.

May 2022

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
2	3	4	5	6	7
6:00PM Regular Council Meeting (Hybrid)	4:00 PM Public Works Committee (Virtual)	5:30PM Finance Committee (Virtual)	6:00PM Planning Commission (Virtual)		
9	10	11	12	13	14
6:00PM Study Session (Hybrid)		5:30PM American Rescue Plan Committee (Virtual) 6:30PM Design Commission (Virtual)	4:30PM Forestry/Parks Commission (Virtual)		
16	17	18	19	20	21
6:00PM Regular Council Meeting (Hybrid)		5:30PM Public Safety (Virtual)			
23	24	25	26	27	28
6:00PM Study Session (Hybrid)		5:00PM CD Committee (Virtual)	5:30PM Cultural Arts Commission (Virtual)		
30 Recognized Holiday City Hall Closed	31				

Meeting dates and times may change. Please contact City Hall to confirm this information prior to any meeting you plan to attend. **These meetings are accessible to persons with disabilities.** For individuals who require special accommodations, please contact City Hall at (253) 299-5500, 24 hours in advance.

Name: Michelle Converse, CMC
Title: City Clerk

City of Sumner www.sumnerwa.gov
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Sumner, Washington 98390
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