

## **COUNCILMEMBERS**

### **Position No.**

1. Tod Gunther
2. John Kelly
3. Tony Belot
4. John Williams
5. Gregg Bradshaw
6. Greg Hogan
7. Scott Drennen



## **ORTING CITY COUNCIL**

### **Study Session Agenda**

Virtual, Orting, WA  
October 21<sup>th</sup>, 2020, 6pm

### **DEPUTY MAYOR GREG HOGAN, CHAIR**

#### **1. CALL MEETING TO ORDER PLEDGE AND ROLL CALL**

**The City is utilizing remote attendance for Councilmembers and City employees. Please note: OPMA rules regarding provision for the public in a space have been suspended by proclamation of the Governor. The meeting is however, available for the public. To join the meeting use the following information: To join the meeting on a computer or mobile phone: use this link: <https://bluejeans.com/994891118?src=calendarLink> -Phone Dial-in -+1.408.419.1715**

**Meeting ID: 994 891 118**

#### **Public Service Announcement**

Pierce County Emergency Management skipped October's siren test and will resume Monday, November 2<sup>nd</sup>, 2020. They just completed a siren upgrade and want ample time to prepare residents for a change in what they will hear – chime and voice versus the “wail” sound. Be watching social media and other communication avenues for more information. If you want to hear the updated sounds, check out this page: <https://www.piercecountywa.gov/.../115310/Lahar-Warning-System>

#### **1. DISCUSSION- In Person Council Meetings.**


 **CM Williams / CM Drennen**

#### **2. COMMITTEE REPORTS**


##### **Public Works**

 **CM Drennen & CM Bradshaw**


##### **Public Safety**

 **CM Kelly & CM Belot**

##### **Community and Government Affairs**

 **CM Gunther & CM Williams**

#### **3. STAFF REPORTS**

 **Engineering, Planning, Public Works, City Clerk, Court, Police, City Administrator (Emeritus), City Administrator/Acting Finance Director.**

#### **4. AGENDA ITEMS**

**A. AB20-79- Park Plan Policy- Resolution No. 2020-34, A Resolution Of The City Of Orting, Washington, Amending The City Of Orting Parks, Trails And Open Space Plan To Add A New Policy.**

 **Emily Adams**

**B. AB20-80- Carbon River Setback Feasibility Study- Resolution No. 2020-35, A Resolution Of The City Of Orting, Washington, Establishing Project Alternatives For Consideration During The Carbon River Setback Feasibility Study Performed By Pierce County.**

 **CM Drennen/ CM Bradshaw/ JC Hungerford**

**C. AB20-81- Kansas Street Design and Permitting- Scope & Budget.**

 **CM Drennen/ CM Bradford**

**D.AB20-83**-2021 Property Taxes- Resolution No. 2020-37- A Resolution Of The City Of Orting, Washington, Requesting The Highest Lawful Levy.

✚ **Scott Larson**

**E.AB20-84**-Fema Hazard Mitigation Plan- Resolution No 2020-36,A Resolution Of The City Of Orting, Washington, Adopting The Region 5 All Hazard Mitigation Plan – 2020-2025 Edition And The City Of Orting Addendum To The Region 5 Hazard Mitigation Plan.

✚ **Mark Bethune**

**F.AB20-75**- Deputy Mayor Process/ Council Comment /Misc. Rule Cleanups.

✚ **CM Gunther/ CM Williams**

**G.AB20-85**-Fireworks Code Change.

✚ **CM Gunther/CM Williams**

**5. ADJOURNMENT**-Motion: *To Adjourn.*



**City Of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Date</b>	<b>Regular Meeting Date</b>
<b>Subject: Park Plan Policy</b>	<b>AB20-79</b>	<b>CGA 10.8.20</b>	<b>10.21.20</b>	<b>11.12.20</b>
	<b>Department:</b>	Planning		
	<b>Date Submitted:</b>	10.13.20		
<b>Cost of Item:</b>	<u>\$NA</u>			
<b>Amount Budgeted:</b>	<u>\$NA</u>			
<b>Unexpended Balance:</b>	<u>\$NA</u>			
<b>Bars #:</b>				
<b>Timeline:</b>				
<b>Submitted By:</b>	<b>Emily Adams (Planner)</b>			
<b>Fiscal Note:</b>				
<b>Attachments:</b>				
<b>SUMMARY STATEMENT:</b>				
<p>Amend the City of Orting Parks, Trails, and Open Space Plan to add a new policy to the capital facilities section, Policy CF 6.5, that reads:</p> <p style="padding-left: 40px;">Future park plans or remodels should prioritize barrier-free equipment additions, such as wheelchair swings, adaptive spinners, or the like — where none currently exist.</p> <p>The comprehensive plan would need to be amended during the 2021 cycle to add this policy and remain consistent with the parks plan.</p>				
<b>RECOMMENDED ACTION:</b> Move forward to Nov. 12 <sup>th</sup> , 2020, for hearing and vote.				
<b>FUTURE MOTION:</b> To Adopt Resolution No. 2020-37 Adding A New Policy To The Parks, Trails, And Open Space Plan.				

**CITY OF ORTING  
WASHINGTON  
RESOLUTION NO. 2020-34**

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**A RESOLUTION OF THE CITY OF ORTING,  
WASHINGTON, AMENDING THE CITY OF ORTING  
PARKS, TRAILS AND OPEN SPACE PLAN TO ADD A NEW  
POLICY.**

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**WHEREAS**, The City of Orting adopted the Parks, Trails and Open Space plan in 2003;  
and

**WHEREAS**, The City has updated the Parks, Trails and Open Space every six years since  
then to qualify for funding through the Washington State Recreation and Conservation Office  
(RCO); and

**WHEREAS**, The City Council desires to amend the Parks, Trails and Open Space plan to  
add a single policy prioritizing barrier-free equipment; and

**WHEREAS**, Staff reviewed the amendment with RCO and confirmed that the plan can be  
amended as such prior to the six-year update; and

**WHEREAS**, the Parks Advisory Board recommended approval of the amendment; and

**WHEREAS**, the City Council held a public hearing regarding the amendment on  
November XX, 2020; and

**WHEREAS**, the City Council has determined that the proposed amendment will not  
adversely affect the public health, safety, or general welfare and are in the best interest of the  
citizens of the City;

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

**Section 1. Recitals.** The foregoing recitals are incorporated herein by this reference.

**Section 2. Authorizes.** The Orting City Council authorizes staff to revise the Parks, Trails,  
and Open Space plan.

**Section 3. Corrections.** The City Clerk and the codifiers of this resolution are authorized to  
make necessary clerical corrections to this resolution including, but not limited to, the correction of  
scrivener's errors, references, numbering, section/ subsection numbers and any references thereto.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon adoption and signature as provided by law.

**RESOLVED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 12<sup>th</sup> DAY OF NOVEMBER, 2020.**

CITY OF ORTING

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Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

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Jane Montgomery, City Clerk, CMC

Approved as to form:

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Charlotte Archer  
Inslee, Best, Doezie & Ryder, P.S.  
City Attorney



**City Of Orting  
Council Agenda Bill Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>		<b>Council</b>
<b>Subject: Carbon River Setback Feasibility Study- Resolution No. 2020-35</b>	<b>AB20-80</b>	PW 10.7.20	<b>10.21.20</b>	10.28.20	
	<b>Department:</b>	Public Works			
	<b>Date Submitted:</b>	10/15/2020			
<b>Cost of Item:</b>	<u>\$ 0</u>				
<b>Amount Budgeted:</b>	<u>\$ 0</u>				
<b>Unexpended Balance:</b>	<u>\$ 0</u>				
<b>Bars #:</b>	N/A				
<b>Timeline:</b>					
<b>Submitted By:</b>	JC Hungerford, PE				
<b>Fiscal Note:</b>					
<b>Attachments:</b> Resolution 2020-35					
<b>SUMMARY STATEMENT:</b>					
<p>On August 19, 2020, Pierce County Surface Water Management presented to Orting City Council at a Study Session. In response, the Public Works Committee along with City Council has expressed a desire to encourage Pierce County to analyze additional project alternatives. The Public Works Committee has drafted the attached resolution for consideration by City Council.</p>					
<b>RECOMMENDED ACTION:</b> Move forward to the Consent agenda for 10.28.20 Meeting					
<b>FUTURE MOTION:</b> To Adopt Resolution 2020-35, <i>A Resolution of the City of Orting, Washington, Establishing Project Alternatives for Consideration During The Carbon River Setback Feasibility Study Performed by Pierce County.</i>					

**CITY OF ORTING**  
**WASHINGTON**  
**RESOLUTION NO. 2020-35**

**A RESOLUTION OF THE CITY OF ORTING,  
WASHINGTON, ESTABLISHING AND RECOMMENDING  
PROJECT ALTERNATIVES FOR CONSIDERATION  
DURING THE CARBON RIVER SETBACK FEASIBILITY  
STUDY PERFORMED BY PIERCE COUNTY.**

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**WHEREAS**, Pierce County Surface Water Management (the “County”) is currently completing a Setback Levee Feasibility Study along the Carbon River in and upstream of Orting, WA; and

**WHEREAS**, the County has selected four alternative alignments for setback levees; and

**WHEREAS**, the County has established scoring criteria (metrics) to analyze the setback alternatives quantitatively; and

**WHEREAS**, these metrics include Habitat Diversity and Use, Floodplain Risk, Geomorphic Processes, Community Concerns, Permitting/Implantability, and Cost; and

**WHEREAS**, the Carbon River historically occupied a channel northerly of the existing active channel; and

**WHEREAS**, the City of Orting desires to encourage the County to utilize additional alternatives for consideration and analysis to Pierce County Surface Water Management; and

**WHEREAS**, the City of Orting is a community located along The Foothills Trail, used by tens of thousands of pedestrians on an annual basis, where the trail is directly adjacent to the Carbon River; and

**WHEREAS**, the City of Orting is a community visited by thousands of fishermen who desire to fish on the Carbon River on an annual basis and the City has invested money in parking for recreationalists; and

**WHEREAS**, the City of Orting’s businesses depend on revenue from both trail users and recreationalists alike; and

**WHEREAS**, the City of Orting is surrounded by active and productive farmland, dating back over two centuries; and

**NOW, THEREFORE**, the City Council of the City of Orting, Washington, does resolve as follows:

**Section 1. Establishment of Recommended Alternative.** The City Council of the City of Orting hereby establishes and recommends that Pierce County include the following project alternative for consideration and analysis by Pierce County Surface Water Management:

1. Placement of large woody debris and engineered log jams within the active river channel of the Carbon River to divert the thalweg northerly into the historic channel. This would promote natural erosion of this channel, actively engaging this area of the river during high water events. Over time, this will promote channel braiding and complexity which is known to provide valuable salmon habitat. Under this alternative, a setback levee would not be constructed.
2. Analyze the existing Foothills Trail bridge spanning Voight Creek to determine if the current span is sufficient for flood events up to the 100-year event.

**Section 2. Effective Date.** This Resolution shall take effect and be in full force immediately upon its passage.

**PASSED BY THE ORTING CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_ DAY OF OCTOBER 2020.**

CITY OF ORTING

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Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

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Jane Montgomery, City Clerk

Approved as to form:

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Charlotte A. Archer  
Inslee Best  
City Attorney





**City Of Orting  
Council Agenda Bill Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Council</b>
<b>Subject: Kansas Street SW Design and Permitting</b>	<b>AB20-81</b>	<b>PW 10.7.20</b>	<b>10.21.20</b>	<b>10.28.20</b>
	<b>Department:</b>	Public Works		
	<b>Date Submitted:</b>	<b>10/15/2020</b>		
<b>Cost of Item:</b>	<u>\$ 470,232.64</u>			
<b>Amount Budgeted:</b>	<u>\$0</u>			
<b>Unexpended Balance:</b>	<u>\$ 0</u>			
<b>Bars #:</b>	<b>410-594-31-41-30</b>			
<b>Timeline:</b>				
<b>Submitted By:</b>	<b>JC Hungerford, PE</b>			
<b>Fiscal Note: This is funded by a \$470,250 PSRC Grant for Design and Permitting of Kansas Street SW.</b>				
<b>Attachments: Scope and Budget from Parametrix for professional services</b>				
<b>SUMMARY STATEMENT:</b> Parametrix was awarded the contract for design and permitting of Kansas Street SW. This is funded by a PSRC Grant in the amount of \$470,250.00.				
<b>RECOMMENDED ACTION: Move to the consent agenda for 10.28.20 Meeting</b>				
<b>MOTION: To approve the attached scope and budget for professional services as described in the attached Kanas Street SW Design and Permitting in the amount of \$470,232.64.</b>				

## SCOPE OF WORK

### City of Orting Kansas Street SW Design and Permitting

This Scope of Work and Budget covers the anticipated effort to complete a final design of Kansas Street SW (Project) as described below.

### PROJECT LIMITS

The Project limits are Kansas Street SW from Calistoga Street West to Harman Way South.

### ROADWAY IMPROVEMENTS

#### Kansas Street SW

- Improvements will include a two-lane section with a travel lane in each direction, curb, gutter, sidewalk, utility adjustments, illumination, channelization, and signing and landscaping. The sidewalk widths will be determined based on City of Orting (City) Standard Details.
- A new intersection control method (signal or roundabout) will be designed at the intersection with Calistoga Street West will be designed under the scope of work for the Whitehawk Boulevard Extension Project. The design of this Project will coordinate with that intersection design.
- A new intersection control method will not be designed or modified at Harman Way South.
- In addition to the intersections listed above, intersection improvements may be designed at each cross street to improve sight distance and pedestrian safety. These include Coe Lane SW, Ford Lane SW, Hays Avenue SW, Grinnell Avenue SW, and Eldredge Avenue SW.

### STORM DRAINAGE

Stormwater runoff from the extension of Whitehawk Boulevard will be collected and conveyed to a Project-specific stormwater facility. The facility may be designed as a Low Impact Development (LID) type best management practice (BMP) such as a bioretention area. Improvements may be coordinated with anticipated adjacent projects such as the Whitehawk Boulevard Extension Project.

### ILLUMINATION

An illumination system will be installed with this Project consistent with adjacent City projects and standards.

### INTERSECTIONS

A new intersection control method (signal or roundabout) will be designed at the intersection with Calistoga Street West under the scope of work for the Whitehawk Boulevard Extension Project. The design of this Project will coordinate with that intersection design.

A new intersection control method will not be designed or modified at Harman Way South.

In addition to the intersections listed above, intersection improvements may be designed at each cross street to improve sight distance and pedestrian safety. These include Coe Lane SW, Ford Lane SW, Hays Avenue SW, Grinnell Avenue SW, and Eldredge Avenue SW. New intersection control will not be designed at these locations.

## WATER MAIN

A 12-inch-diameter water main will be designed for the entire length of Kansas Street SW, connecting to existing mains at the intersections.

## SANITARY SEWER

The existing gravity sewer main will be left in place. Rim elevations of manholes may be adjusted as necessary.

## LANDSCAPING

Planter strips and possibly street trees will be installed at selected locations; an irrigation system will not be included.

## WSDOT REVIEW AND APPROVAL

Channelization and intersection plans will not be required for approval by Washington State Department of Transportation (WSDOT). An intersection Control Evaluation (ICE) will also not be required for review and approval by WSDOT. This Scope of Work will include coordination with appropriate WSDOT staff to obtain the necessary plan approvals prior to advertisement.

## ENVIRONMENTAL DOCUMENTATION AND PERMITTING

- We will obtain environmental approvals for the Project consistent with State Environmental Policy Act (SEPA) and National Environmental Policy Act (NEPA).
- We will complete analyses required for NEPA/SEPA documentation such as a noise analysis, hazardous waste assessment, Section 4(f) evaluation, and cultural resource assessment.
- Finally, we will provide for updates to permits and the NEPA documentation, if needed, should Project funding or other aspects of the Project result in delays of construction.

Below is a detailed breakdown of the work effort required to complete final design of the above described Scope of Work.

## TASK 1 – FINAL DESIGN

### Subtask 1 – Project Management and QA/QC

Work under this task includes time to administer and coordinate the various Project elements and will be ongoing throughout all phases of the Project. Work includes the following:

- Coordination, correspondence, and review meetings with City of Orting staff.
- Coordination with private utilities regarding the proposed locations of utility poles that require relocation.

- In-house Project administration, scheduling, and direction of Project staff.
- Preparation of monthly progress reports.

#### Deliverable(s)

- Monthly invoices and progress reports.
- Miscellaneous correspondence and letters.
- In-house monthly Project meetings.

#### Assumption(s)

- This phase will last 18 months.

#### Subtask 2 – Mapping

See attached scope from 1 Alliance Geomatics Surveying & Mapping.

#### Subtask 3 – Stormwater Report

This task will provide for the preparation of a stormwater report and stormwater pollution prevention plan in accordance with the Washington State Department of Ecology (WSDOE) 2014 Stormwater Management Manual for Western Washington. The following tasks will be performed:

- The stormwater facility will be a Project-specific facility for treatment and detention of runoff from the Whitehawk Boulevard Project.
- The facility may be a multiple-use facility and/or a bioretention facility.
- Stormwater runoff will be discharged following detention and water quality treatment to an existing City-owned system into the Puyallup River.

#### Deliverable(s)

- Stormwater Report in PDF format.
- Stormwater Pollution Prevention Plan in PDF format.

#### Assumption(s)

- The reports will be prepared in accordance with the 2014 Stormwater Management Manual for Western Washington (Department of Ecology).
- Stormwater conveyance sizing calculations will be provided based on the City Standards.

#### Subtask 4 – Preliminary Design

Parametrix has completed the 30-percent design. This design will be presented to all affected stakeholders at a Street Committee meeting or workshop. This meeting will focus on the major design elements and construction cost. Feedback from this meeting will be used to further refine the design and then be routed back to the City for final approval of the major design components.

The preliminary design plan and profile will include the following elements:

1. Roadway horizontal and vertical alignment.
2. Roadway and sidewalk widths.
3. Planter locations.
4. Utility layout.
5. Anticipated roadside safety elements.
6. Preliminary grading.
7. Stormwater Mitigation Plan.

### Deliverable(s)

- Initial design review meeting with the City.
- Preliminary design plan and profile, 40-scale plan set (11x17).
- Construction cost estimate.
- Review meeting with the City on preliminary design.
- Revised preliminary design plan and profile, 40-scale plan set (11x17).
- Revised construction cost estimate.

### Assumption(s)

- Two meetings will be required to finalize the preliminary design.
- The City will invite stakeholders to design review meetings.
- Channelization plans will not be required for WSDOT approval as there will not be any channelization changes on SR 162 (Harman Way South).

### Subtask 5 – Final Design

The purpose of this task will be to develop final plans and specifications necessary for bidding and construction. All materials and installation procedures will be in conformance with the City of Orting Standards and WSDOT Standards, except as modified to address specific Project needs. All plans will be completed using AutoCAD Civil 3D 2018. Plan format, layout, and presentation will follow the format of past projects completed for the City by Parametrix. The following Final Plan Sheet Index is anticipated:

**Table 1. Final Plan Sheet Index**

Plan Sheet	Number of Sheets
Cover Sheet	1
Legend	1
Typical Sections	1
Alignment Plans	4
Demolition and Utility Relocation Plan (40-scale plan)	3
Roadway Plan and Profile (20-scale plan)	7
Stormwater Mitigation Plan and Details	3
Water/Stormwater Plan and Profile (20-scale plan)	6
Channelization, Signage, and Illumination Plan (20-scale plan)	6

## SCOPE OF WORK (continued)

Plan Sheet	Number of Sheets
Illumination Plans and Details	6
Signal Interconnect Plans	2
Restoration/Mitigation Plans	2
Miscellaneous Details/Landscaping	4
Approved Channelization Plans (WSDOT)	3
Total Estimated Sheet Count	54

### Deliverable(s)

- Opinion of probable construction cost.
- One full-size (22 by 34) and five half-size (11 by 17) sets of camera-ready reproducible plans.
- One set of contract specifications (hard copy).

### Assumption(s)

- The Scope of Work and Budget for final design assumes that the decisions made during preliminary design will not change. Changes to items such as sidewalk location, stormwater treatment type and location, and vertical and horizontal alignment of the roadway will be considered extra work and may require a budget amendment.
- The Scope of Work and Budget for final design assumes that the intersection plans at the Kansas Street SW/SR 162 intersection will be approved by WSDOT within two review cycles following the initial submittal. Additional review requests by WSDOT may be considered extra work.

### Subtask 6 – Geotechnical Report

HWA Geosciences will complete subsurface explorations to characterize subsurface soil and groundwater conditions to support design of the Project elements. Their findings, conclusions, and geotechnical engineering recommendations will be summarized in a report. A separate scope has been prepared by HWA Geosciences to support their effort.

### Deliverable(s)

Draft and Final Geotechnical Report summarizing the results of the geotechnical field explorations and geotechnical engineering conclusions and recommendations for design of the Project. The report will include a site plan showing approximate exploration locations, descriptive logs of subsurface explorations, results of field and laboratory tests, and a description of soil and groundwater conditions encountered in the explorations.

### Assumption(s)

- Any required City permits will be provided at no charge.
- If necessary, the City or Parametrix will arrange for right-of-way onto private property to complete the borings.

- The locations and elevations of all borings will not be surveyed. A drawing showing the approximate locations of the borings will be given to Parametrix so that Parametrix survey crews may pick up the locations.
- Exploration borings located in the right-of-way will be patched with concrete.
- Field exploration will be performed during the daylight hours.
- Soil samples will be disposed of 90 days after the date of the final report.
- Piezometers will be installed in accordance with Washington Administrative Code (WAC) 160-360. Abandonment of piezometers is not included in the Scope of Work. Abandonment of piezometers should be made part of the construction requirements.
- All traffic control costs are incidental to the geotechnical exploration and design.
- All utility locate costs are incidental to the geotechnical exploration and design.
- Parametrix and the City of Orting will provide a single, conformed set of review comments for the Draft document, and will not raise new review issues after issuing the Draft comments.
- This Scope of Work does not include environmental sampling and testing in the event that contaminated soils are encountered.

### Subtask 7 – Right-of-Way Assessment and Feasibility Support

Universal Field Services will assist Parametrix with this task. A separate scope has been prepared by Universal Field Services to support their effort. See attached.

## TASK 2 – ENVIRONMENTAL DOCUMENTATION AND PERMITTING

### Subtask 1 – NEPA Documentation

Parametrix will prepare a WSDOT Categorical Exclusion (CE) Documentation Form in support of a NEPA Documented Categorical Exclusion (DCE). Parametrix shall submit the draft CE Form for approval by the City for review prior to submission to WSDOT.

It is assumed that the following supporting technical materials will be prepared to accompany the CE Form:

- Traffic analysis (prepared by PH Consulting).
- Biological Assessment (see Subtask 2).
- Cultural Resources Study (see Subtask 3).

### Deliverable(s)

- Draft and Final CE Form including above-listed supporting technical materials.
- PDF versions of all draft and final documents will be provided in addition to up to six printed hard copies.

### Assumption(s)

- One electronic meeting by a Parametrix **Senior Engineer** and Senior Planner with WSDOT Local Programs staff persons to discuss proposed NEPA approach.

- It is anticipated that a DCE will be acceptable for this Project for WSDOT and FHWA approval.
- No air quality analysis will be required.
- No noise study will be required.
- A brief environmental justice memorandum will be written to support the CE. There will be no impacts to environmental justice communities as a result of Project activities.
- A brief memorandum documenting hazardous materials in the area will be written. No hazardous materials impacts will result from Project activities.
- A cultural resources study will be necessary. Parametrix will coordinate with WSDOT Local Programs to determine the Area of Potential Effect (APE) prior to investigation.
- WSDOT and FHWA comments on draft deliverables will be submitted to Parametrix in a consolidated Excel spreadsheet comment form.
- The Project site is developed, and no wetlands or critical areas are present.
- No other federal, state, local, or other environmental permits will be required.
- Preparation of a SEPA checklist will not be required, and the City will adopt the DCE under SEPA as a DNS or MDNS. The City will be responsible for publishing the SEPA public notice.

### Subtask 2 – Biological Assessment

The purpose of this work element is to support compliance with Section 7 of the Endangered Species Act (ESA) through the preparation of a biological assessment (BA) addressing the potential impacts of the proposed action on species and habitat protected under the ESA. Using WSDOT’s BA template, Parametrix shall prepare the BA in accordance with the scope and quality requirements in the current version of WSDOT’s Advanced Training Manual for Biological Assessment Preparation for Transportation Projects. The BA will include an evaluation of the Project’s potential effects on federally listed threatened, endangered, and proposed species and critical habitat. The BA will also include an evaluation of potential adverse effects on essential fish habitat (EFH) consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Project drawings, species lists, site photos, and the EFH analysis will be provided as appendices.

Consistent with the requirements of WSDOT’s Advanced Training Manual for Biological Assessment Preparation for Transportation Projects, Parametrix shall conduct a single-day site reconnaissance to review the Project site and evaluate habitat conditions. It is assumed that a pre-BA meeting will not be required for this Project.

Parametrix shall work with the Project design team to develop a detailed Project description that includes the following information:

- Pertinent information on construction activities, including construction methods, timing, schedule, and phasing, and a list of all construction equipment required.
- Locations of staging/stockpile areas.
- Specifications for stormwater treatment and detention facilities.
- A list of proposed water quantity and quality BMPs for Project construction and operation.



Parametrix shall use the Western Washington Highway Runoff Dilution and Loading Stormwater Model (HI-RUN Model) to calculate modeled changes in pollutant loads directed to receiving waters. Model input data will be drawn from the ESA Stormwater Design Checklist completed by the Project design team. Based on the anticipated lack of Project-related impacts to in-stream or riparian habitats, combined with the lack of suitable habitat for ESA-listed species in terrestrial portions of the action area, effects associated with stormwater runoff are assumed to be the only potential source of impacts to ESA-listed species or critical habitat. It is assumed that the BA will include determinations of “may affect, not likely to adversely affect” for ESA-listed fish species that may be present in receiving waters and “no effect” for other species. The BA will include brief descriptions of the status, range, and habitat requirements of species that will not be affected, along with an explanation of why no effects are anticipated. The budget developed for this task is based on the assumption that intersection improvements will not affect the rate of residential or commercial development in nearby areas, and that a formal analysis of impacts associated with facilitated development will not be required.

The Project vicinity map and most other figures for the BA will be drawn from figures created for other documents created under this task order. The exception is the map of the action area, which the Parametrix shall develop, using GIS data provided by the design team.

Parametrix shall submit a first draft of the BA to the City. City staff will review the draft document and provide a single set of nonconflicting comments, focusing on ensuring the accuracy of the Project description. Parametrix shall revise the BA in response to the City’s comments and, after receiving confirmation that those comments have been addressed appropriately, submit the document for review by WSDOT. WSDOT staff will conduct a single review of the draft document. Parametrix shall revise the BA in response to and provide a single set of nonconflicting comments from WSDOT and submit the revised BA to WSDOT for confirmation that comments have been addressed appropriately. WSDOT will be responsible for coordinating or conducting consultation with federal agencies with ESA jurisdiction.

#### Deliverable(s)

- Draft and Final BA for submittal to WSDOT.

#### Assumption(s)

- The BA will recommend a finding of May Affect, Not Likely to Adversely Affect for aquatic species and No Effect for other species. No formal consultation will be necessary.

#### Subtask 3 – Cultural Resources Assessment

This task will identify cultural and historical resources potentially occurring or documented in the area in order to satisfy requirements of Section 106 of the National Historic Preservation Act and related regulations. Parametrix will provide a draft APE to WSDOT Local Programs for Department of Archaeology and Historic Preservation (DAHP) approval. Subsequent to APE approval, a cultural resources subconsultant will complete the cultural resources field investigation and compile a report for submission to WSDOT for consultation with DAHP.

#### Deliverable(s)

- Cultural and Historical Resources Memorandum.

**Assumption(s)**

- The cultural and historical resources study and memorandum will update any prior investigations conducted within the APE and include new areas not previously surveyed.
- Work will be performed by Willamette Cultural Resources Associates, as a subconsultant to Parametrix.
- There will be no adverse effects to historic resources under Section 106.
- There will be no effects to Section 4(f) properties.

	Water Solutions Division Manager	Sr Project Controls Specialist	Sr Engineer	Designer IV	Sr Engineer	Sr Planner	Project Accountant	Sr Publications Specialist	Sr Planner	Planner II	Scientist/Biologist IV	Scientist/Biologist	Hydrologist III	Sr GIS Analyst	Engineer I	Sr Engineer	Sr Engineer
<b>Cost Rates:</b>	\$76.54	\$42.50	\$66.20	\$48.22	\$60.56	\$69.11	\$32.31	\$37.32	\$64.62	\$36.52	\$55.00	\$60.95	\$43.78	\$39.42	\$32.12	\$66.05	\$57.51
<b>Burdened Rates:</b>	\$213.67	\$118.64	\$184.80	\$134.61	\$169.06	\$192.93	\$90.20	\$104.18	\$180.39	\$101.95	\$153.54	\$170.15	\$122.22	\$110.04	\$89.67	\$184.39	\$160.54

Task	SubTask	Description	Labor and Overhead	Labor Hours																		
01		Final Design	\$241,055.84	1,909.00	\$86,350.42	183	120	20	504	284	44	12	60	0	0	0	0	0	0	276	80	80
	01	Project Management/QA&QC	\$59,072.82	352	\$21,160.92	140	120	20	0	60	0	12	0	0	0	0	0	0	0	0	0	0
		Progress Letters and Invoices	\$19,120.56	132		40	80					12										
		Utility Coordination	\$10,143.56	60						60												
		Coordination w/ WSDOT	\$4,273.38	20		20																
		Meetings	\$8,546.76	40		40																
		QA/QC	\$16,988.56	100		40	40	20														
	02	Mapping (1 Alliance Geomatics)																				
	03	Stormwater Report	\$18,454.49	168	\$6,610.72	0	0	0	8	0	0	0	0	0	0	0	0	0	0	128	32	0
		Delineate Basins	\$2,192.41	16																8	8	
		Design Alternatives	\$3,627.07	32																24	8	
		Facility Sizing and Design	\$2,151.99	24																24		
		Conveyance Sizing and Analysis	\$3,228.88	32				8												24		
		Draft Report	\$3,627.07	32																24	8	
		Final Report	\$3,627.07	32																24	8	
	04	Preliminary Design	\$34,299.78	249	\$12,286.78	1	0	0	100	64	0	0	0	0	0	0	0	0	0	60	24	0
		Design Criteria Memorandum	\$1,566.14	9		1				8												
		Horizontal Design	\$7,989.34	60					20	12										20	8	
		Vertical Design	\$7,989.34	60					20	12										20	8	
		Cross Sections	\$7,989.34	60					20	12										20	8	
		Preliminary Utility Plans	\$8,765.62	60					40	20												
	05	Final Design	\$129,228.75	894	\$46,292.00	42	0	0	396	160	44	0	60	0	0	0	0	0	0	88	24	80
		General Sheets	\$2,830.01	20					16	4												
		Demo Sheets	\$5,686.71	38					24	12												
		Roadway Plan and Profile Sheets	\$17,696.96	124					100	20												
		Storm Mitigation Plans	\$14,206.34	120					8	4										80	24	
		Utility Sheets	\$14,328.50	100					80	16												
		Illumination Plans	\$15,871.81	104					40													60
		Misc. Details/Landscaping	\$19,353.38	120					60	16	40											
		Specifications	\$35,253.66	240					60	80	4		60									20
		Estimate	\$4,001.37	28					8	8										8		
	06	Geotechnical (Willamette Cultural Resources)	\$0.00	0	\$-																	
	02	Environmental Documentation and Permitting	\$34,651.47	246	\$12,412.76	16	0	0	4	6	0	0	14	24	60	90	4	16	12	0	0	0
	01	NEPA Documentation	\$15,475.74	124					4	2			14	16	56				16	8		
	02	Biological Assessment	\$16,131.99	104						2					90	4			4			
	03	Cultural Resources Assessment	\$3,043.74	18					2	2			8	4								
	04	Construction Services																				
<b>Labor Totals:</b>			\$275,707.30	1,909		199	120	20	508	290	44	12	74	24	60	90	4	16	12	276	80	80
<b>Totals:</b>			\$275,707.30		\$42,520.14	\$14,237.16	\$3,696.08	\$68,382.36	\$49,027.20	\$8,488.81	\$1,082.36	\$7,709.51	\$4,329.44	\$6,116.95	\$13,818.42	\$680.59	\$1,955.46	\$1,320.54	\$24,747.87	#####	\$12,843.59	

Fee of 30% on Direct Salary \$29,628.95

<b>Subconsultants</b>	
HWA Geosciences Inc.	\$34,099.43
PH Consulting LLC	\$72,161.69
UFS	\$19,963.88
Willamette Cultural Resources	\$11,945.18
1 Alliance Geometrics	\$25,801.21
<b>Subconsultants Total:</b>	<b>\$163,971.39</b>

<b>Other Direct Expenses</b>	
Mileage - \$0.58/mile	\$925.00
<b>Other Direct Expenses Total:</b>	<b>\$925.00</b>

**Project Total \$470,232.64**



**City Of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Date</b>	<b>Regular Meeting</b>
<b>Subject: Hearing-2021 Property Taxes- Resolution No. 2020-37 – A Resolution of the City of Orting, Requesting the Highest Lawful Levy</b>	<b>AB20-83</b>	<b>N/A</b>	<b>10.21.20</b>	<b>10.28.20</b>
	<b>Department:</b>	Finance		
	<b>Date Submitted:</b>	October 15, 2020		
<b>Cost of Item:</b>	<u>N/A</u>			
<b>Amount Budgeted:</b>	<u>N/A</u>			
<b>Unexpended Balance:</b>	<u>N/A</u>			
<b>Bars #:</b>	<u>N/A</u>			
<b>Timeline:</b>	No later than November 30, 2020			
<b>Submitted By:</b>	Scott Larson			
<b>Fiscal Note:</b> See Summary Statement				
<b>Attachments:</b> Property Tax Resolution No. 2020-37, Other Documents from County				
<b>SUMMARY STATEMENT:</b>				
<p>This resolution will raise our property tax cap by \$12,111.70 to \$1,347,915.06, which is an increase of less than 1% over the prior years' levy which was \$1,335,880.61.</p> <ul style="list-style-type: none"> <li>• The increase in the total amount of property tax collections is driven by \$2 million in new construction, and</li> <li>• Assessed valuation for 2020 and 2021 are \$868.93 million and \$960.6 million respectively, an increase of 10.5%.</li> <li>• The rate that would be paid by citizens would <u>decrease</u> to approximately \$1.40 per \$1,000 of assessed valuation. The rate in 2020 was \$1.53 per \$1,000 of assessed valuation.</li> </ul>				
<b>RECOMMENDED ACTION:</b> Advance To The Agenda For The Council Meeting Of October 28, 2020, For Hearing And Council Vote.				
<b>FUTURE MOTION:</b> <i>To Approve Resolution No. 2020-37, A Resolution Of The City Of Orting, Washington, Requesting The Highest Lawful Levy.</i>				

**CITY OF ORTING  
WASHINGTON  
RESOLUTION NO. 2020-37**

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**A RESOLUTION OF THE CITY OF  
ORTING, WASHINGTON, REQUESTING  
THE HIGHEST LAWFUL LEVY**

**WHEREAS**, the City Council of the City of Orting, Washington (hereinafter, the “District”) has met and considered its budget for the calendar year 2021; and

**WHEREAS**, the District’s actual levy amount from the previous year was \$1,335,803.36; and

**WHEREAS**, the population of this District is less than 10,000; and

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

**Section 1. Declaration of Highest Lawful Levy.** Be it resolved by the governing body of the taxing District that an increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2021 tax year.

The dollar amount of the increase over the actual levy amount from the previous year shall be \$8492.79 which is a percentage increase of 0.635782 percent from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, any increase in value of state assessed property, any annexation that have occurred and refunds made.

**Section 2. Effective Date.** This Resolution shall be effective immediately upon passage, and shall be implemented for the 2021 tax year, as stated above.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 28<sup>th</sup> DAY OF OCTOBER, 2020.**

CITY OF ORTING

\_\_\_\_\_  
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Jane Montgomery, City Clerk, CMC

Approved as to form:

\_\_\_\_\_  
Charlotte Archer, City Attorney  
Inslee Best, PLLC



2401 South 35<sup>th</sup> Street, Room 142  
Tacoma, Washington 98409-7498  
(253) 798-6111 • FAX (253) 798-3142  
ATLAS (253) 798-3333  
www.piercecountywa.org/atr

**Mike Lonergan**  
Assessor-Treasurer

**MEMORANDUM**

**DATE:** September 22, 2020  
**TO:** Pierce County Taxing Districts  
**FROM:** Mike Lonergan, Assessor-Treasurer  
**RE:** **Preliminary Certification of Assessed Values/Levy Limit Factor**

Enclosed is the Preliminary Certification of Assessed Values for your taxing district. These values include last year's State Assessed Property Values.

For budget preparation assistance to applicable districts, Levy limit factor worksheets, court ordered refund information, and sample ordinance/resolutions are included. *The amount of the prior year's additional revenue from increase in state assessed property listed on the preliminary values memo may be added to the levy limit calculation for estimating budget purposes and preparing Levy Certifications.*

**Submit original ad valorem Budget / Levy Certifications & an approved Ordinance or Resolution no later than November 30<sup>th</sup>:**

Pierce County Council  
Attention: Clerk, Rm. 1046  
County City Building  
930 Tacoma Ave. S  
Tacoma, WA 98402

**And a copy to:**  
Pierce County Assessor-Treasurer  
Attention: Levy Dept.  
2401 S. 35<sup>th</sup> St. Rm. 142  
Tacoma, WA 98409

**email: [kim.fleshman@piercecountywa.gov](mailto:kim.fleshman@piercecountywa.gov)**

**DUE TO THE GOVERNOR'S STAY HOME STAY HEALTHY ORDER PLEASE EMAIL 2<sup>ND</sup> COPIES IN PDF FOR THE ASSESSOR-TREASURER TO KIM FLESHMAN**

(Failure to submit a budget request & the district's Resolution/Ordinance may adversely affect next year's Levy collection)

**Preliminary Values Are Subject to Change.**

Districts will receive **Final** values in late December.

Amended Levy Certifications may be submitted to the Pierce County Council & Pierce County Assessor-Treasurer after final values have been calculated.

The district's Ordinance/Resolution **must** identify these three components.

- The **dollar amount of the previous year's levy**. The actual levy received, including refunds.
- The **dollar amount of increase** reflects the difference between the previous year's actual levy and the 1% growth of the highest lawful levy, or a lesser amount if banking levy capacity.
- The **percent of increase** equals the change over the prior year's actual levy plus the dollar amount of increase equal to the district's highest lawful levy for this year, or a lesser amount if banking levy capacity.

The sample Ordinance/Resolution enclosed provides the amounts for districts wishing to request their highest lawful levy.



## Pierce County

### **Mike Lonergan, Assessor-Treasurer**

2401 South 35th Street  
Tacoma, WA 98409-7498  
(253) 798-6111 FAX (253) 798-3142  
ATLAS (253) 798-3333  
[www.piercecountywa.org/atr](http://www.piercecountywa.org/atr)

September 22, 2020

OFFICIAL NOTIFICATION TO: ORTING

RE: 2020 PRELIMINARY ASSESSED VALUES

#### FOR REGULAR LEVY

Total Taxable Regular Value	960,612,225
Highest lawful regular levy amount since 1985	1,330,986.29
Last year's actual levy amount (including refunds)	1,335,803.36
Additional revenue from current year's NC&I	3,189.34
Additional revenue from annexations (RCW 84.55)	0.00
Additional revenue from administrative refunds (RCW 84.69)	429.56

*No additional revenue from administrative refunds will be allowed if you are limited by your statutory rate limit.*

**Prior Year's Additional revenue from increase in state-assessed property** 0.00

#### FOR EXCESS LEVY

Taxable Value	943,877,472
Timber Assessed Value	-
Total Taxable Excess Value	943,877,472

2020 New Construction and Improvement Value 2,073,300

*If you need assistance or have any questions regarding this information, please contact Kim Fleshman  
253.798.7114 [kim.fleshman@piercecountywa.gov](mailto:kim.fleshman@piercecountywa.gov)*



**Pierce County**

**Mike Lonergan, Assessor-Treasurer**

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**PRELIMINARY HIGHEST LAWFUL LEVY LIMIT 2020 FOR 2021**

**ORTING  
< 10,000**

**REGULAR TAX LEVY LIMIT:**

	<b>2019</b>
A. <u>Highest regular tax which could have been lawfully levied beginning with the 1985 levy</u> [refund levy not included] times limit factor (as defined in RCW 84.55.005).	1,330,986.29
	1.01
	1,344,296.15
B. Current year's assessed value of new construction, improvements and wind turbines in original districts before annexation occurred times last year's levy rate (if an error occurred or an error correction was made in the previous year, use the rate that would have been levied had no error occurred).	2,073,300
	1.538293780583
	3,189.34
C. Current year's state assessed property value in original district if annexed less last year's state assessed property value. The remainder to be multiplied by last year's regular levy rate (or the rate that should have been levied).	8,766,970
	8,766,970
	0.00
	1.538293780583
	0.00
<b>D. REGULAR PROPERTY TAX LIMIT (A + B + C)</b>	<b>1,347,485.50</b>

**ADDITIONAL LEVY LIMIT DUE TO ANNEXATIONS:**

E. To find rate to be used in F, take the levy limit as shown in Line D above and divide it by the current assessed value of the district, excluding the annexed area.	1,347,485.50
	960,612,225
	1.402736156101
F. Annexed area's current assessed value including new construction and improvements times rate found in E above.	0.00
	1.402736156101
	0.00
<b>G. NEW LEVY LIMIT FOR ANNEXATION (D + F)</b>	<b>1,347,485.50</b>

**LEVY FOR REFUNDS:**

H. RCW 84.55.070 provides that the levy limit will not apply to the levy for taxes refunded or to be refunded pursuant to Chapters 84.68 or 84.69 RCW. (D or G + refund if any)	1,347,485.50
	429.56
	1,347,915.06
<b>I. TOTAL ALLOWABLE LEVY AS CONTROLLED BY THE LEVY LIMIT (D,G,or H)</b>	<b>1,347,915.06</b>
J. Amount of levy under statutory rate limitation.	960,612,225
	1.628495338917
	1,564,352.53
<b>K. LESSER OF I OR J</b>	<b>1,347,915.06</b>



EXAMPLE OF ORDINANCE/RESOLUTION  
REQUESTING HIGHEST LAWFUL LEVY

Ordinance/Resolution No. \_\_\_\_\_  
RCW 84.55.120

WHEREAS, the \_\_\_\_\_ of \_\_\_\_\_ ORTING \_\_\_\_\_ has met and considered  
(Governing body of the taxing district) (Name of the taxing district)  
its budget for the calendar year 2021; and,

WHEREAS, the districts actual levy amount from the previous year was \$ 1,335,803.36 and,  
(Previous Year's Levy Amount)

WHEREAS, the population of this district is  more than or  less than 10,000; and now, therefore,  
(Check One)

BE IT RESOLVED by the governing body of the taxing district that an increase in the regular property tax levy  
is hereby authorized for the levy to be collected in the 2021 tax year.  
(Year of Collection)

The dollar amount of the increase over the actual levy amount from the previous year shall be \$ 8,492.79  
which is a percentage increase of 0.635782% from the previous year. This increase is exclusive of  
(Percentage Increase)

additional revenue resulting from new construction, improvements to property, newly constructed wind turbines,  
any increase in the value of state assessed property, any annexations that have occurred and refunds made.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

SAMPLE

If additional signatures are necessary, please attach additional page.

This form or its equivalent must be submitted to your county assessor prior to their calculation of the property tax levies. A certified budget/levy request, separate from this form is to be filed with the County Legislative Authority no later than November 30th. As required by RCW 84.52.020, that filing certifies the total amount to be levied by the regular property tax levy. The Department of Revenue provides the "Levy Certification" form (REV 64 0100) for this purpose. The form can be found at: <http://dor.wa.gov/docs/forms/PropTx/Forms/LevyCertf.doc>.

For tax assistance, visit <http://dor.wa.gov/content/taxes/property/default.aspx> or call (360) 570-5900. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users may call 1-800-451-7985.



# Levy Certification

Submit this document to the county legislative authority on or before November 30 of the year preceding the year in which the levy amounts are to be collected and forward a copy to the assessor.

In accordance with RCW 84.52.020, I, \_\_\_\_\_,  
(Name)

\_\_\_\_\_, for \_\_\_\_\_, do hereby certify to  
(Title) (District Name)

the \_\_\_\_\_ County legislative authority that the \_\_\_\_\_  
(Name of County) (Commissioners, Council, Board, etc.)

of said district requests that the following levy amounts be collected in \_\_\_\_\_ as provided in the district's  
(Year of Collection)

budget, which was adopted following a public hearing held on \_\_\_\_\_:  
(Date of Public Hearing)

Regular Levy: \_\_\_\_\_  
(State the total dollar amount to be levied)

Excess Levy: \_\_\_\_\_  
(State the total dollar amount to be levied)

Refund Levy: \_\_\_\_\_  
(State the total dollar amount to be levied)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

To ask about the availability of this publication in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users, please call (360) 705-6718. For tax assistance, call (360) 534-1400.



**City Of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject: FEMA Hazard Mitigation Plan- Resolution No. 2020-36</b>	<b>AB20-84</b>		<b>10.21.20</b>	<b>10.28.20</b>
	<b>Department:</b>	Executive		
	<b>Date Submitted:</b>	<b>10/9/20</b>		
<b>Cost of Item:</b>		<u>\$0</u>		
<b>Amount Budgeted:</b>		<u>\$</u>		
<b>Unexpended Balance:</b>		<u>\$</u>		
<b>Bars #:</b>				
<b>Timeline:</b>				
<b>Submitted By:</b>				
<b>Fiscal Note:</b>				
<b>Attachments: Resolution 2020-36</b>				
<b>SUMMARY STATEMENT:</b>				
<p>The City developed its first FEMA approved Hazard Mitigation Plan in 2005. Since that time the plan has been updated through Pierce County in 2015 and now 2020. The current update started in 2019 and has just been state approved. Having this plan allows the city to receive FEMA funding for damages from any declared emergency. The City received such funding after the 2016 flooding. The plan remains pretty much the same every year in that our hazards have not changed, our assets, ability to respond, services and facilities have changed very little. The only item that changes the most are the mitigation measures we develop. Those mitigation measures include the pedestrian evacuation bridge. These measures are listed primarily to allow the city to apply for FEMA grants. Unfortunately the grants are usually for no more than about \$250K and it requires an effort that has an expense of about \$30K to 40K without guarantee of success. The City applied and received a grant to build the outfall on the Puyallup River. No grants will be given to projects for hazards that have never occurred as associated with a declaration of emergency. Thus FEMA will not fund anything having to do with the pedestrian bridge.</p>				
<b>RECOMMENDED ACTION: Move forward to Consent Agenda for 10.28.20 Meeting.</b>				
<b>FUTURE MOTION: Move To Approve Resolution No. 2020-36, A Resolution Of The City Of Orting, Washington, Adopting The Region 5 All Hazard Mitigation Plan – 2020-2025 Edition And The City Of Orting Addendum To The Region 5 Hazard Mitigation Plan.</b>				

**CITY OF ORTING  
WASHINGTON  
RESOLUTION NO. 2020-36**

**A RESOLUTION OF THE CITY OF ORTING,  
WASHINGTON, ADOPTING THE REGION 5 ALL  
HAZARD MITIGATION PLAN – 2020-2025 EDITION AND  
THE CITY OF ORTING ADDENDUM TO THE REGION 5  
HAZARD MITIGATION PLAN.**

**WHEREAS**, the Federal Disaster Mitigation Act of 2000 requires that for all disasters declared on or after November 1, 2004, applicants for sub-grants following any disaster must have an approved Natural Hazard Mitigation Plan in accordance with 44CFR 201.6 prior to receipt of Hazard Mitigation Grant Program project funding; and

**WHEREAS**, the Federal Disaster Mitigation Act of 2000 requires that for Pre-Disaster Mitigation grant program project funding on or after November 1, 2003, applicants must have an approved Natural Hazard Mitigation Plan in accordance with 44CFR 201.6 prior to receipt of project funding; and

**WHEREAS**, the All Hazard Mitigation Plan Update represents the commitment of the City of Orting along with other surrounding government entities to reduce the risks from natural, man-made and technological hazards, serving as a guide for decision makers as they commit resources to reducing the affects of hazards, and it is in the public interest to proceed with the planning process in a timely manner; and

**WHEREAS**, the City of Orting has participated with the Pierce County Department of Emergency Management in the development of the City of Orting’s All Hazard Mitigation Plan Update, and recognizes the economic loss, personal injury, and damage that can arise from these hazards; and

**WHEREAS**, reduction of these impacts can be achieved through a comprehensive coordinated planning process which includes an updated risk assessment that provides the factual basis for activities proposed in the mitigation strategies to reduce losses and vulnerabilities, a five-year cycle for plan maintenance, and documentation of formal adoption by the City of Orting; and

**WHEREAS**, the 2020-2025 Region 5 All Hazard Mitigation Plan Edition has been completed and approved by the State and the Federal Emergency Management Agency; and

**WHEREAS**, the City of Orting could risk not receiving future disaster funding if the All Hazard Mitigation Plan Update is not adopted; and

**WHEREAS**, the City of Orting Council reviewed the All Hazard Mitigation Plan Update; and

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

Section 1. The Region 5 Hazard Mitigation Plan, 2020-2025 Edition, is hereby adopted as set forth in Exhibit A, which is attached.

Section 2. The City of Orting Addendum to the Region 5 Hazard Mitigation Plan, an update to the City of Orting Natural Hazard Mitigation Plan, is hereby adopted and shall be in full force and effect upon passage and signatures hereon.

Section 3. This Resolution shall take effect and be in full force immediately upon its passage.

Section 4. The City Clerk is authorized to make necessary corrections to this Resolution, including but not limited to correction of clerical errors.

ADOPTED by the City Council at a regular meeting thereof on the \_\_\_\_\_ day of, \_\_\_\_\_, 2020.

\_\_\_\_\_  
Joshua Penner, Mayor

ATTEST:

\_\_\_\_\_  
Jane Montgomery, City Clerk, CMC

Approved as to forms

\_\_\_\_\_  
Charlotte A. Archer  
Inslee Best  
City Attorney



**City Of Orting  
Council Agenda Summary Sheet**

<b>Subject: Council Rule Changes- Selection of Deputy Mayor, Order of Business- Adding a Council Comment time &amp; Misc. Cleanup.</b>		<b>Committee</b>	<b>Study Session</b>	<b>Council</b>
	<b>Agenda Item #:</b>	CGA		
	<b>AB20-75</b>	9.1.20 10.08.20	9.16.20 <b>10.21.20</b>	9.30.20
	<b>Department:</b>	Council		
	<b>Date Submitted:</b>	<b>9.1.20</b>		
<b>Cost of Item:</b>	<u>  </u> \$			
<b>Amount Budgeted:</b>	<u>  </u> \$			
<b>Unexpended Balance:</b>	<u>  </u> \$			
<b>Bars #:</b>				
<b>Timeline:</b>	<b>Per Council Rule 8.5 DM current process starts in September and Concludes in October.</b>			
<b>Submitted By:</b>	CGA Committee/City Clerk			
<b>Fiscal Note:</b>				
<b>Attachments:</b> CM Gunther’s Proposed Rule changes to DM Process and Council Comments, and Redline version of all proposed changes to include housekeeping cleanups.				
<b>SUMMARY STATEMENT:</b> The CGA Committee met on September 1 <sup>st</sup> , 2020, and on October 8 <sup>th</sup> , 2020, and they discussed a proposal to change the process for the appointment of the Deputy Mayor, and to add a Council comment time at the end of the regular meeting agenda. They presented proposed changes at a study session on September 16 <sup>th</sup> , and Council bumped this back for further review of their proposal and a review of the Mayors proposed modifications from last year.				
If time allows, after consideration of the changes submitted by Councilmember Gunther, Council might consider the minor cleanups to the rules proposed by the City Clerk that do not change the substance but reflect current practice and corrections to titles, and location of meetings, etc. If time is prohibitive, these proposed changes can be brought forward at a later date.				
All The proposed changes are redlined in the current rules and are attached for review.				
<b>RECOMMENDED ACTION:</b> Move to the meeting on October 28 <sup>th</sup> , 2020.				
<b>MOTION: 1. To approve the proposed changes to the process to appoint the Deputy Mayor.</b>				
<b>MOTION 2: To approve adding a Council comment time to the end of a Regular Council meeting agenda.</b>				
<b>Motion 3: To approve the Housekeeping cleanup of rules as presented</b>				

# DM Selection

Election of Deputy Mayor. At the first meeting of November — if during an election year, the first meeting following the election — the Council shall elect a Deputy Mayor (DM) for a term of one year. The election process shall be as follows:

1. The Deputy Mayor shall serve as the Chair for the nomination process for the position of DM, unless they are a nominee in the process, at which time it will be turned over to the Mayor as Chair. The Chair will repeat each nomination until all nominations have been made. When it appears that no one else wishes to make any further nominations, the Chair will ask again for further nominations and if there are none, the Chair will declare the nominations closed. A motion to close the nominations is not necessary.
2. No one Councilmember may nominate more than one person for a given office until every member wishing to nominate a candidate has an opportunity to do so. Second nominations will then be accepted.
3. Nominations may be made by another Councilmember, or by self.
4. Nominations may include brief supporting comments by the Councilmember.
5. A Councilmember may withdraw their nomination from consideration.
6. Nominations do not require a second.
7. After nominations have been closed, each nominee will have an opportunity to speak, either at their seat or at the podium. If the nominee chooses to speak, it may not be for longer than three minutes, with a fifteen second wrap-up period. Then voting for DM will precede:
  - a. Councilmembers (requiring a second) may ask for a private meeting absent nominees, or move straight onto voting.
  - b. Voting will be according to alphabetic order, A-Z of nominations made. Any second vote will be by reverse order, Z-A; continuing to reverse as necessary for subsequent votes. This is done to be as fair as possible to all nominees.
  - c. Councilmembers will be asked for a roll call vote via voice and a raise of hands for each round.

- d. If there is only one nominee for the position, the Chair will open the floor for a motion and appointment.
- e. If there are two nominees, the Chair will take a roll call vote for each nominee. When one nominee receives a majority, the floor will be opened for a motion and appointment.
- f. If there are three or more nominees, the Chair will take a roll call vote for each nominee. The top two winners will be chosen for a second vote, like the State Primary system. If there is any tie on the second place winner, a sub vote will be taken first on those nominees alone. Once the top two nominees are clearly chosen, a vote will be made on them. The floor will be opened for a motion and appointment.



#### 4. Order of Business and Agenda

##### 4.1 Order of Business

11 . Council Comments. At the end of each Council meeting, every Councilmember will be allowed up to 3 minutes to be used at their discretion for the following:

a. Comments, reports, or questions on the activities, meetings, or issues arising from their service as a designated City representative. Councilmembers should exercise discretion in raising complex or detailed issues which are more appropriate for presentation at Committees or Study Sessions.



# City of Orting

## City Council Rules of Procedure

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## 1. General Rules

### 1.1 Meetings to be Public:

The meetings of the City Council shall be open to the public with the exception of executive sessions for certain limited topics (as defined in RCW Chapter 42.30). After minutes have been approved, the City Clerk will post the minutes on the website and retain the minutes in locked file cabinet~~a fire proof safe or file~~, and retain them in accordance with Washington State Retention schedules.

### 1.2 Quorum:

A simple majority of Councilmembers shall be in attendance to constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time, but no adjournment shall be for a longer period than until the next regular meeting.

### 1.3 Attendance, Excused Absences:

RCW 35A.12.060 provides that a Councilmember shall forfeit his/her office by failing to attend three (3) consecutive regular meetings of the Council without being excused by the Council. The member shall contact the Mayor or the City Clerk prior to the meeting and state the reason for his/her inability to attend the meeting. The Mayor shall inform the Council of the member's absence, state the reason for such absence and inquire if there is a motion to excuse the member. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the City Clerk will make an appropriate notation in the minutes. If the motion is not passed, the City Clerk will note in the minutes that the absence is unexcused.

### 1.4 Council Meeting Staffing:

The City Administrator, City Clerk, ~~City Treasurer,~~ Finance Director, City Engineer and City Attorney shall attend all meetings of the Council unless excused. The staff may make recommendations to the Council and may take part in the discussions of the Council, but shall have no vote. The City Attorney shall give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian.

Other City staff may be asked to attend if their expertise is required to answer questions or make a report on a specific agenda item.

### 1.5 Journal of Proceedings:

The City Clerk will keep an account of all proceedings of the Council, in accordance with statutory requirements, all proceedings will be either audio or video recorded and then written minutes will be prepared by the City Clerk, as the official record of the Council meeting. All Planning Commission and Civil Service Commission meetings will be audio recorded and written minutes shall be retained according to Washington State Record Retention schedules Committee meetings may be audio and written recorded and retained according to Washington State Record Retention schedules.

### **1.6 Right of Floor:**

Any Councilmember desiring to speak shall be recognized by the Chair and shall confine his/her remarks to one subject under consideration or to be considered. Councilmembers may speak about the subject under consideration for a reasonable length of time.

### **1.7 Rule of Order:**

Except as otherwise provided herein, *Robert's Rules of Order* shall be the guideline procedures for the proceedings of the Council.

### **1.8 Councilmember Seating:**

A Councilmember's seat at the dais will be determined as follows or as mutually agreed upon by Council:

- (A) The Mayor shall sit in the center seat, and the Deputy Mayor shall sit to the Mayor's right.

## **2. Types of Meetings:**

### **2.1 Regular Council Meetings:**

The Council shall meet on the second, and last Wednesday of each month at 7:00 pm, at City Hall, 102 Bridge Street South, ~~the Multipurpose Center (202 Washington Avenue South~~, or at another location the City Council may deem appropriate and noticed). The Council may reschedule regular meetings to a different date or time by a motion and majority vote of the Council. All meetings shall be open to the public.

#### **2.1.1 Regular Study Sessions:**

The Council shall hold, as regular meetings, study sessions at City Hall~~the Orting Multi Purpose Center~~ on the third Wednesday of each month, at 6:00 pm., unless otherwise noticed. Study sessions may be used by the ~~e~~City ~~e~~Council to receive reports and presentations, review and evaluate

complex matters, and/or engage in preliminary analysis of eCity issues or eCity eCouncil business.

## **2.2 Special Meetings and Workshops:**

Special meetings may be called by the Mayor or any three members of the Council in conformance with Chapter 35A.12 RCW. The City Clerk shall prepare a notice of the special meeting stating the time, place and business to be transacted. The City Clerk shall notify each member of the Council, as required by law, of the special meeting. The City Clerk shall give at least 24 hours' notice of the special meeting and post that notice to the City's website, to the News Tribune, and ~~at to the information box at City Hall~~ ~~and at the location of the City Council meeting~~. No subjects other than those specified in the notice shall be considered during the meeting. The Council may not make final disposition on any matter not mentioned in the notice. All special meetings shall be open to the public. The Council may meet informally in study sessions and workshops (open to the public), at the call of the Mayor or of any three of more members of the Council. Discussions and conclusions shall be informal and do not constitute official actions of the Council.

## **2.3 Council Committee Meetings:**

There shall be three standing council committees: Public Works; Public Safety; and Community and Government Affairs. Committee assignments shall be made in accordance with Rule 3.9. There shall be two councilmembers on each committee, with one serving as Chairperson and one serving as Vice Chairperson. The Chairperson shall chair the Committee meeting. A Councilmember may attend a Council Committee meeting for a Committee to which he or she is not assigned, however the non-committee member attends the Committee meeting as an observer and the Chair or presiding officer of the Committee determines the extent of the Councilmember's participation in the meeting.

Council Committees shall establish a regular time, date location for their meetings, and the City Clerk will maintain a list of committee meeting times, dates and locations. All meetings shall be publicly noticed and open to the public.

Agenda items for Council Committee Meetings may be submitted by any of the following: (1) the Mayor; (2) the City Administrator or his or her designee; and (3) a Department Director, with consent of the City Administrator; and/or (3) a City Councilmember.

Unless otherwise stated in these rules, the Council Committee may make recommendations on agenda items to the Council for consideration at a

study session. In the event of a dispute between the Chairperson and Vice Chairperson on a particular agenda item, where no consensus can be reached, both recommendations may be submitted to the full council to debate at a study session.

#### **2.4 Emergency Meetings:**

An emergency meeting is a Special Council meeting called without 24-hour notice. An emergency meeting deals with injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24-hour notice is impractical and would likely increase such injury or damage. Emergency meetings may be called by the City Administrator or the Mayor or two Councilmembers. The minutes will indicate the reason for the emergency.

#### **2.5 Executive Sessions:**

An executive session is a Council meeting that is closed except to the Council, City Administrator and staff members and/or consultants authorized by the Mayor. The public is restricted from attendance and all matters discussed during an executive session are confidential. Executive sessions may be held during regular or special Council meetings or at separate meetings and will be announced by the Mayor. Executive session subjects are limited to considering matters authorized by state law, as set forth in RCW 42.30.110, including considering real property acquisition and sale, public bid contract performance, complaints against public officers and employees, pending litigation, public employment applications and public employee evaluation, and elective office appointments. Before convening in executive session the Mayor shall publicly announce the purpose for excluding the public from the meeting place, the time when the executive session will be concluded and the potential for action by Council when it reconvenes. Should the session require more time, a public announcement shall be made by the City Clerk, extending the meeting to a specific time. At the end of that time, if the discussion has not concluded, the meeting shall, by public announcement, again be extended to a specific time. If the Council wishes to adjourn at the close of a meeting from executive session, that fact will be announced along with the estimated time for the executive session.

#### **2.6 Council Contact outside an Official Meeting:**

Generally Councilmembers have the same freedoms of association as any other citizen. Councilmembers must take great care when present at the same social, unofficial functions, or in any public setting to refrain from



engaging in any activity which could be interpreted as de facto deliberation or action on a matter of city business.

### **3. Chairs and Duties**

#### **3.1 Chair:**

The Mayor shall preside as Chair at all meetings of the Council, except as otherwise stated in these rules. In the absence of the Mayor, the Deputy Mayor shall preside. In the absence of both the Mayor and Deputy Mayor, the Council shall elect a Chair for that meeting.

#### **3.2 Call to Order:**

The meetings of the Council shall be called to order by the Chair.

#### **3.3 Preservation of Order:**

The Chair shall preserve order and decorum; prevent attacks on personalities or the impugning of members' motives and confine members in debate to the question under discussion.

#### **3.4 Points of Order:**

The City Attorney who is the parliamentarian, shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be "Shall the decision of the parliamentarian be sustained?"

#### **3.5 Questions to be stated:**

The Chair shall state all motions submitted for a vote and announce the result. A roll call vote may be taken by the City Clerk on any question at the request of the Mayor or any member of the City Council.

#### **3.6 Mayor – Powers:**

The Mayor may not make or second motions, but may participate in debate to the extent that such debate does not interfere with chairing the meeting. If the Mayor wishes to participate vigorously in the debate of an issue, the Mayor shall turn over chairing of that portion of the meeting to the Deputy Mayor, or to another Councilmember if the Deputy Mayor is absent. The Mayor's voting rights and veto power are as specified in RCW 35A.12.100.

### **3.7 Duties:**

The Mayor or designee shall:

- (A) Be the official spokesperson for the City.
- (B) Act as the official head of the City for all ceremonial purposes.
- (C) Sign contracts and other documents as appropriate on behalf of the Council.
- (D) Observe and enforce all policies and procedures adopted by the Council.
- (E) Act as presiding officer at all meetings of the Council.
- (F) Preserve order and decorum in the Council Chambers.
- (G) Recognize Councilmembers in the order in which they request the floor.
- (H) Endeavor to keep the discussion moving and within a reasonable timeframe.
- (I) Share information with Councilmembers on meetings, issues, etc., that the Mayor has received as part of his/her official status as Mayor.

### **3.8 Deputy Mayor – Powers:**

- (A) In the event of the temporary disability or illness of the mayor the Deputy Mayor will assume the Mayor's powers.

### **3.9 Deputy Mayor -- Duties:**

- (A) Term of the Deputy Mayor shall be one year. (January 01 through December 31st).
- (B) ~~Annually, in September, the outgoing Deputy Mayor, with the help of two councilmembers, will solicit and recommend a candidate for Deputy Mayor with confirmation from the entire council for his/her replacement in January.~~
- (C) The Deputy Mayor shall chair the study session. If the Mayor is absent from a regular or special council meeting the Deputy Mayor shall be the presiding officer during the meeting.

- (D) When filling Council vacancies, see section 8.
- (E) An appointment committee consisting of the Deputy Mayor one councilmember and the Mayor shall recommend assignments for the Council Committee Chair and Vice-Chair positions in accordance with the following procedure:
  - a) The appointment committee shall provide recommendations for Council Committee assignments to the full Council for its approval at the study session in November and be voted on no later than the last meeting in December.~~first regular meeting in January.~~
  - b) Each Council member shall be assigned to at least one (1) Council Committee, with the exception of the Deputy Mayor who shall chair the study session and shall not be assigned a role in a Council Committee.
  - c) Chairperson selection shall be based on seniority, balance of experience, knowledge and interest prior to assignment.
  - d) The appointment committee shall give weighted consideration for those working on long range project.

### **3.10 Councilmember - Powers:**

Any Councilmember may bring forth an item, resolution or ordinance by submitting a timely request to the City Clerk for inclusion on a Council Committee's Agenda or Study Session Agenda. At the request of the Councilmember(s) sponsoring the proposed legislation, their name(s) shall appear on the agenda indicating such sponsorship.

### **3.11 Councilmember – Duties:**

Councilmembers are individually responsible for gathering additional information on issues, calling staff with questions or requesting information to be included in Council Meeting Packets. Councilmembers who attend meetings of another jurisdiction or regional meetings should provide a report.

## 4. Order of Business and Agenda

### 4.1 Order of Business:

The order of business for all regular meetings shall be transacted as follows unless the Council, by a majority vote of the members present, suspends the rules and changes the order:

1. **Call to Order:** The Mayor calls the meeting to order.
2. **Pledge of Allegiance**
3. **Roll Call:** The Mayor requests that the City Clerk take a roll call of Councilmembers and indicates whether an absent Councilmember has requested an excused absence. Excused absences will be handled as stated in Section 1.3 of this document. After roll call any additions or deletions to the agenda should be addressed.
4. **Public Comments:** Members of the audience may comment on items relating to any matter not on the agenda. Comments are limited to three minutes, or for a person speaking on behalf of a group or organization, comments are limited to five minutes. No speaker may convey or donate his or her time for speaking to another speaker. Persons addressing the Council will be requested to step to the podium and give their name and address for the record.
5. **Awards, Confirmations & Presentations:** The Mayor makes announcements of upcoming meetings and events. Other special presentations may also be scheduled at this time.
6. **Public Hearings:** See Section 6.
7. **Consent Agenda:** The Consent Agenda contains items which are of a routine and non-controversial nature which may include, but are not limited to, the following: meeting minutes, payroll, and claims. Any item on the Consent Agenda may be removed and considered separately as an agenda item at the request of any Councilmember.
8. **Commission Reports**
9. **Old Business**
10. New Business
11. Council Comments

Council Comments. At the end of each Council meeting, every Councilmember will be allowed up to 3 minutes to be used at their discretion for the following:

a. Comments, reports, or questions on the activities, meetings, or issues arising from their service as a designated City representative. Councilmembers should exercise discretion in raising complex or detailed issues which are more appropriate for presentation at Committees or Study Sessions.

#### 10.12. Executive Session

#### 11.13. Adjournment

### 4.2 Council Agenda:

**4.2.1 Regular Council Meetings.** The Mayor, City Administrator and the City Clerk shall prepare the agenda for Council meetings. Subject to the Council's right to amend the agenda, no legislative item shall be voted upon which is not on the Council agenda, except in emergency situations (defined as situations which would jeopardize the public's health, safety or welfare). An item may be placed on a Council regular meeting agenda by any of the following:

- (A) The Deputy Mayor or a majority of the Council (after consideration of the item at a study session);
- (B) The Mayor
- (C) The City Administrator or a Department Director, with the approval of the City Administrator.

Agenda items shall be submitted in final form to the City Clerk no later than 12:00 pm on the Thursday prior to the meeting.

**4.2.2 Regular Study Sessions.** An item may be placed on a Council study session agenda by any of the following:

- (A) A Councilmember;
- (B) A Council Committee, per Rule 2.3;
- (B) The Mayor; or

(D) The City Administrator, or a Department Director with the approval of the City Administrator.

Agenda items shall be submitted in final form to the City Clerk no later than 12:00 pm on the Thursday prior to the meeting.

Items reviewed by Committee will be scheduled for Council review at a study session, per committee recommendation (see Rule 2.3). Committee Chairs will notify the City Clerk of any upcoming Council agenda items or hearings, so that proper notification may be made.

An item may be delayed if the Mayor and/or City Administrator know it is of particular importance to an absent Councilmember.

#### **4.3 Ordinances:**

Ordinances are legislative acts or local laws. They 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 days after publication in the City's official newspaper. Ordinances may be passed under any of the agenda sections.

The City Clerk shall assign a permanent ordinance number prior to placing the ordinance on the agenda. The City Attorney shall review the ordinance prior to placing it before the City Council for their consideration.

Upon enactment of the ordinance, the City Clerk shall obtain the signature of the City Attorney and the Mayor. The City Clerk is responsible for notifying the City's Code Publishing agent Sterling Publisher of new ordinances, so that they will be codified, and Ordinance titles or summaries shall be published in the official newspaper as a legal publication in the first publication following enactment.

#### **4.4 Resolutions:**

Resolutions are adopted to express Council policy or to direct certain types of administrative action by the Mayor. A resolution may be changed by adoption of a subsequent resolution. Resolutions may be passed under any of the agenda sections.

The City Clerk shall assign a permanent resolution number prior to placing the resolution on the agenda. The City Attorney shall review the resolution prior to placing it before the City Council for their consideration.

Upon enactment of the resolution, the City Clerk shall obtain the signature of the City Attorney and the Mayor. After the Mayor's signature, the City Clerk shall sign the resolution.

#### 4.5 Council Packets:

Agendas and packets will be provided to the City Council by 5-pm the Friday prior to the meeting. The City Clerk will post the Agenda Packet on the City's Website. Agendas and packet materials ~~are will be~~ available to the public at tton the City website.~~he Council meeting and may be requested at City Hall from the City Clerk by the public.~~

#### 4.6 Council Confirmation of Mayoral Appointments:

In addition to select Councilmember participation in any Mayoral-defined hiring process, the Council will, per Ordinance 961, confirm the appointment of certain mayoral appointments prior to final hiring actions.

Currently the appointment of the City Administrator, ~~Finance Director~~City Treasurer, City Clerk, Police Chief, City Attorney, and Public Works Director, ~~Building Inspector/Official, and Parks and Recreation Director~~ are subject to Council confirmation. The confirmation of the Municipal Judge is provided pursuant to OMC Chapter 1-10.

The confirmation process, if circumstances allow, should be scheduled for televised meetings. These meetings should be broadly advertised via the official publication, reader boards, City website, social media pages, etc. to allow maximum public notification. The Mayor may request a Special Meeting if pressing and extenuating hiring circumstances exist.

The confirmation process is as follows:

- (A) Prior to the meeting, the Council will be provided a copy of the Employment Application and/or resume (with personal information redacted) for review in the Council Packet. Staff may provide other pertinent information as appropriate.
- (B) During the Confirmation agenda item of the Council meeting the:
  1. Mayor or City Administrator will introduce the nominated applicant and briefly recap the process that resulted in the nominee being selected for the position,
  2. The applicant (if available to attend) will provide a brief background and description of their qualifications to the Council.
  3. Council will have a question and answer opportunity with the applicant and/or staff to last up to 30 minutes (time may be extended upon majority Council consent), and

4. Public Testimony will be taken with each speaker given a maximum of three minutes to provide comments. All comments must be directed toward the Chair and limited to the confirmation discussion. Two-way discussions are discouraged.
- (C) An executive session in accordance with RCW 42.30.110(g) may be requested by any Councilmember to “evaluate the qualifications of an applicant for public employment or to review the performance of a public employee” if questions or concerns arise that should not be discussed in a public forum. Final actions must take place in an open meeting.
  - (D) After the question and answer session, upon resumption of the regular meeting after an Executive Session (if requested), and upon a motion, the Council will vote to confirm the hire/nomination on a simple majority vote of the present Council quorum.

## **5. Consensus, Motions and Decorum**

### **5.1 Consensus Votes:**

When a formal motion is not required on a Council action or opinion, a consensus voice vote may be taken. The Chair will state the action or opinion. The Council as a group will indicate concurrence or non-concurrence. When the Council concurs or agrees to an item that does not require a formal motion, the Mayor will summarize the agreement at the conclusion of the discussion.

### **5.2 Motions:**

- (A) **Making a Motion.** Motions shall be clear and concise and not include arguments for or against the motion within the motion. No motion shall be entertained or debated until duly seconded and announced by the Chair. A motion that does not receive a second dies. After a motion and second, the Mayor will indicate the names of the Councilmembers making the motion and second. After a motion has been made and seconded, the Councilmember making the motion may speak to the motion and then the Council may discuss their opinions on the issue prior to the vote. Motions that do not need a second include nominations, withdrawal of motion, agenda order, request for a roll call vote, and point of order.



- (B) **Audience Comment.** Audience comment on a motion may be taken after the briefing on the motion occurs and before the motion is voted on by the Council.
- (C) **Restatement of Motions.** The City Council votes on motion as restated by the Chair if the motion is amended. \
- (D) **Votes on Motions.** Each member present shall vote on all questions put to the Council except on matters in which he or she has a conflict of interest. If a conflict of interest exists, such member shall disqualify himself or herself prior to any discussion of the matter. If a majority of Council arrives at a consensus to put up an issue for vote and a Councilmember is not there when the vote takes place, the Councilmember cannot bring the item back.
- (E) **Failure to Vote on a Motion.** Any Councilmember present who fails to vote without a valid disqualification shall be declared to have voted in the affirmative on the question.
- (F) **Unanimous Vote.** If the vote is unanimous, the Mayor shall state that the motion has passed unanimously according to the number of Councilmembers present such as “7-0” or “6-0”.
- (G) **Roll Call Vote.** If a vote is not unanimous, and the Mayor or a Councilmember requests it, each Councilmember shall state his/her vote and the City Clerk shall record it. The City Clerk then restates the outcome of the vote. For example, the outcome may be restated as, “Councilmembers A, B, C and D vote ‘yes’. Councilmembers E, F and G vote ‘no’. The vote is 4-3 to adopt Ordinance No\_\_\_\_\_. The motion carries.”
- (H) **Tie Vote.** A motion that receives a tie vote is deemed to have failed.
- (I) **Topic Closed.** Once a vote on a motion has been taken, the topic of motion is closed for the remainder of that meeting.
- (J) **Withdrawal of Motion.** A motion may be withdrawn by the maker of the motion at any time before a vote is taken without the consent of the Council. If the motion had received a second, the Councilmember making the second must also agree to withdraw or the motion remains on the table for discussion, debate and disposition.

- (K) **Motions to Reconsider.** A motion to reconsider must be made by a person who voted with the majority on the principal question and must be made at the same or succeeding regular meeting. No motion to reconsider an adopted quasi-judicial written decision shall be entertained after the close of the meeting at which the written findings were adopted.
- (L) **Motion to Lay on the Table.** A motion to table shall preclude all amendments or debates of the issue under consideration. It requires a second, is not debatable, is not amendable, and requires a majority vote. The purpose of the motion to lay on the table is to temporarily set aside the motion in order to conduct other more urgent business. A motion not taken from the table by the close of that meeting or the next regular meeting dies on the table. If the motion to table prevails, the matter may be “taken from the table” by motion which requires a second, is not debatable and requires a majority vote. When a motion is taken from the table, everything is in the same condition as it was when laid on the table, including any amendments to the original motion that received an affirmative vote prior to the motion to table.
- (M) **Motion to Postpone to Date Certain.** A motion to postpone to a time certain requires a second, is debatable, is amendable, requires a majority vote and may be reconsidered at the same meeting. The original motion being postponed must be considered at a time certain at a future regular or special Council meeting.
- (N) **Motion to Postpone Indefinitely.** A motion to postpone indefinitely requires a second, is debatable, is not amendable, and takes precedence over the main motion and requires a majority vote. This motion assists in disposing of the main motion. Its purpose is to reject a main motion without a vote on the main motion. Postponed indefinitely is an indirect or polite motion by which a main motion may be disposed of.
- (O) **Motion to Call for the Question.** 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. Debate is reopened if the motion fails.
- (P) **Motion to Amend.** 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. Motions that cannot be amended include a motion to adjourn, to

amend the agenda order, lay on the table, for a roll call vote, for a point of order, for reconsideration and take from the table. Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).

- (Q) **Interpretation.** The City Attorney shall decide all questions of interpretations of these rules and other questions of a parliamentary nature that may arise at a Council meeting.
- (R) **Order of Precedence.** All cases not provided for in these rules shall be governed by the most current version of Robert's Rules of Order Newly Revised. In the event of a conflict between Robert's Rules of Order and these Council rules, these Council rules shall prevail.

### 5.3 Council Relations with City Staff:

The following guidelines should be adhered to:

- (A) There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities.
- (B) City staff shall acknowledge the Council as policy makers, and the Councilmembers shall acknowledge the City staff as administering the Council's policies.
- (C) Councilmembers with particular interest in an item or topic should be given a courtesy call if that item is rescheduled.
- (D) Councilmembers shall not attempt to direct City staff in performing their regular daily functions.
- (E) No Councilmember shall direct the City staff to initiate any action or prepare any report, or initiate any project or study without the consent of the Mayor. New initiatives having policy implementation shall be directed to a Council Committee for consideration.
- (F) Individual requests for information can be made directly to any staff member. If the request would create a change in work assignments or City staffing levels, the request must be made through the Mayor or City Administrator.
- (G) To provide staff the necessary preparation time, Councilmembers will provide staff advance notice of any

questions or concerns they may have regarding an agenda item prior to a public meeting, if possible.

#### **5.4 Council Representation to any Media and other Organizations:**

Councilmembers shall use the following guidelines when speaking with the media:

- (A) If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember shall state the majority position of the Council, if known, on such issue. Personal opinions and comments which differ from the Council majority may be expressed if the Councilmember clarifies that these statements do not represent the Council's position.
- (B) Councilmembers need to have other Councilmembers' concurrence before representing: (1) another Councilmember's view or position, or (2) the majority of Council's view or position with the media, another governmental agency or community organization.
- (C) As a matter of courtesy, letters to the editor, interviews or other communication by a Councilmember of a controversial nature, which do not express the majority opinion of the Council, should be presented to the full Council and Mayor prior to publication so that the Councilmembers may be made aware of the pending publication.

### **6. Public Hearing Procedures**

#### **6.1 Definition of Public Hearing:**

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, staff and/or consultants will introduce the topic. Citizens may comment on public hearing items.

#### **6.2 Speaker Sign-In:**

Prior to the start of a public hearing the Mayor may require that all persons wishing to be heard sign in with the City Clerk, giving their name and whether they wish to speak as a proponent, opponent or from a neutral position. Any person who fails to sign in shall not be permitted to speak

until all those who signed in have given their testimony. The Mayor will establish time limits and otherwise control presentations. (The speaking time limit is three minutes per speaker or five minutes when presenting the official position of an organization or group). The Chair may change the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, etc.).

### **6.3 Conflict of Interest/Appearance of Fairness:**

Prior to the start of a public hearing, the Chair will ask if any Councilmember has or may have an interest or may have engaged in an ex-parte communication which could, pursuant to Ch. 42.23 RCW or Ch. 42.36 RCW, prohibit or disqualify the Councilmember from participating in the public hearing process.

A Councilmember who refuses to step down after challenge and the advice of the City Attorney, a ruling by the Mayor or Chair and/or a request by the majority of the remaining members of the Council to step down, is subject to censure. The Councilmember who has stepped down shall not participate in the Council decision nor vote on the matter. The Councilmember shall leave the Council Chambers while the matter is under consideration, provided, however, that nothing herein shall be interpreted to prohibit a Councilmember from stepping down in order to participate in a hearing in which the Councilmember has a direct financial or other personal interest. The appearance of fairness doctrine applies only during quasi-judicial hearings. The conflict of interest provisions, however, apply anytime there will be a vote by the council on a contract. Normally, an announcement would not be required for a vote in which a conflict would occur and it is up to the elected official to bring up the conflict. The City Attorney may prompt the Councilmember to remove him or herself or not participate in the vote. However, if there is a conflict, this must be announced on the record before the vote. The Councilmember is not required to leave during the vote or discussion, but may not participate in the vote.

### **6.4 The Public Hearing Process:**

The Chair introduces the agenda item, opens the public hearing and announces the following Rules of Order intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his/her right to free speech.

- (A) All comments by proponents, opponents or other members of the public shall be made from the podium; individuals making comments shall first give their name and address.

- (B) No comments shall be made from any other location, unless it is impractical to make comment from the podium. Anyone making “out of order” comments shall be subject to removal from the meeting. If a citizen is disabled and requires accommodation, the citizen is required to advise the City Clerk.
- (C) There will be no demonstrations during or at the conclusion of a public hearing.
- (D) The order for a public hearing shall be as follows:
  - 1. The Chair calls upon City Staff to describe the matter under consideration.
  - 2. The Chair calls upon proponents, opponents and all other individuals who wish to speak regarding the matter under consideration.
  - 3. The Chair inquires as to whether any Council-member has questions to ask the proponents, opponents, speakers or staff. If any Council-member has questions, the appropriate individual will be recalled to the podium.
  - 4. The Chair continues the public hearing to a specific time or closes the public hearing.

## **7. Duties and Privileges of Media and Citizens**

### **7.1 Media Representation:**

Seating space shall be provided for the media at each public meeting. The media shall also be provided with a packet containing the background information provided to the Council.

### **7.2 Meeting Participation:**

Citizens are welcome at and encouraged to attend all Council meetings. Recognition of a speaker by the Chair is a prerequisite and necessary for an orderly and effective meeting, be the speaker a citizen, Councilmember or staff member. Further, it will be expected that all speakers will deliver their comments in a courteous and efficient manner and will speak only to the specific subject under consideration. Anyone making out-of-order comments or acting in an unruly manner shall be subject to removal from the meeting. Cell phones will be silenced and not used for phone calls during council meetings.

### **7.3 Subjects Not on the Current Agenda:**

Under agenda item "Comments from Citizens" citizens may address any item not already on the agenda. They shall first obtain recognition by the Chair, stand at the podium, state their name, address and subject of their comments. The Chair shall then allow the comments, subject to a three-minute limitation per speaker and five-minute limitation per speaker representing a group or organization, or other limitations as the Chair may deem necessary. Following such comments, if action is required or has been requested, the Chair may place the matter on the current agenda or a future agenda or refer the matter to staff or a Council committee for action or investigation and report at a future meeting.

### **7.4 Public Comments and Suggestions to Council:**

When citizen comments or suggestions unrelated to the agenda are brought before the City Council, the Chair shall first determine whether the issue is legislative or administrative in nature and then:

- (A) If the issue is legislative, and comments on the letter or intent of a legislative act or is a suggestion for changes to such an act, and if any Councilmember suggests a change to an ordinance or resolution of the City, the Council may refer the matter to a committee, City Administration, City Attorney or the Council as a whole for study and recommendation.
- (B) If the issue is administrative and comments on administrative staff performance, administrative execution of legislative policy or administrative policy within the authority of the City Administrator, the Chair should then refer the complaint directly to the City Administrator for his/her review if the complaint has not yet been reviewed. The City Council may direct that the City Administrator report to the Council his/her response and resolution.

### **7.5 Personal and Slanderous Remarks:**

Any person making personal, offensive, impertinent or slanderous remarks or who shall become boisterous while addressing the Council may be requested to leave the meeting and may be barred from further audience participation before the Council during that Council meeting by the Mayor.

Any councilmember making personal, offensive, impertinent or slanderous remarks to a member of the audience, city staff member or another councilmember will be asked to refrain. If the remarks continue he/she may be asked to leave the meeting.

## 7.6 Written Communications:

Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the City's business or over which the Council had control at any time. The written communication may be submitted by direct mail, e-mail, text message or by addressing the communication to the City Clerk who will distribute copies to the Mayor and Councilmembers. The communication will be entered into the record without the necessity for reading as long as sufficient copies are available to members of the audience/public.

## 7.7 Video Recording of Public Meetings:

All public meetings of the City of Orting, including but not limited to regular and special meetings of the City Council, committee meetings and commission and board meetings may be recorded by members of the public, including members of the media. The City reserves its right to place restrictions on the location of all recording equipment, so as to ensure the recording equipment does not pose a safety hazard, and that the recording does not hinder the public's attendance or disrupt the decorum of the meeting. Failure to comply with the City's request to move recording equipment may result in expulsion from the meeting.

~~In order to preserve the decorum of the regular and special meetings of the City Council, all recording equipment shall be placed south of the kitchen door at the Multipurpose Center, in a location that does not pose a safety hazard or otherwise interfere with the public's access to attend and view the meeting.~~

~~In order to preserve the decorum of regular or special meetings, and Committee meetings, the chair of the meeting (or his or her designee ) At Committee meetings located at the Public Safety Building, all recording equipment shall be placed at the end of the first row on the west side of the meeting space in a location that does not pose a safety hazard or otherwise interfere with the public's access to attend and view the meeting, and shall be placed at the northwest corner of the room at the Multipurpose Center Conference Room. The Committee Chair (or his or her designee) may will proscribe the an alternative location for placement of recording equipment, in order that so the long as the location does not pose a safety hazard, does not hinder the public's attendance and does not disrupt the decorum of the meeting.~~



## **8. Filling Council Vacancies and Selecting Deputy Mayor**

### **8.1 Notice of Vacancy:**

If a Council vacancy occurs, the Deputy Mayor will take the lead with the assistance of the City Clerk ~~two councilmembers and will~~ guide the Council through the procedures as outlined in RCW 42.12.070. In order to fill the vacancy with the most qualified person available, until an election is held, the City Clerk Council will widely distribute and publish a notice of the vacancy, procedure, deadline for applying for the position and the date of the interview.

### **8.2 Application Procedure:**

Each applicant will submit a written request to the City Clerk prior to the posted deadline.

### **8.3 Interview Process:**

All candidates who submit an application by the deadline will be interviewed by the Council during a regular or special Council meeting. The order of the interviews will be determined by a drawing of names. Applicants will be asked to answer questions posed by each Councilmember during the interview process. Each candidate will be allowed two minutes for opening and closing comments. Candidates may not make comments or responses about other applicants.

### **8.4 Selection of Councilmember:**

The Council may recess into executive session to discuss the qualifications of all candidates. Nominations via a motion, voting and selection of a person to fill the vacancy will be conducted during an open public meeting. If no motion is made, none of the candidates shall be selected.

The City Clerk will prepare the Oath of Office and the Mayor, The City Administrator or the City Clerk may swear in any newly-appointed Councilmember. The new Councilmember will immediately take his/her seat with the Council.

### **8.5 Selecting Deputy Mayor:**

The Deputy Mayor will be selected by a majority of the Councilmembers annually at the first meeting in November. If during an election year, the first meeting following the election, beginning in September and concluding in October. ~~Outgoing Deputy Mayor will solicit two other~~

~~councilmembers to nominate a candidate for his/her replacement for a full council vote. See 3.9 B.~~

The Council shall elect a Deputy Mayor (DM) for a term of one year. The election process shall be as follows:

1. The Deputy Mayor shall serve as the Chair for the nomination process for the position of DM, unless the Deputy Mayor is a nominee in the process, at which time it will be turned over to the Mayor as Chair. The Chair will repeat each nomination until all nominations have been made. When it appears that no one else wishes to make any further nominations, the Chair will ask again for further nominations and if there are none, the Chair will declare the nominations closed. A motion to close the nominations is not necessary.

2. No one Councilmember may nominate more than one person for a given office until every member wishing to nominate a candidate has an opportunity to do so. Second nominations will then be accepted.

3. Nominations may be made by another Councilmember, or by self.

4. Nominations may include brief supporting comments by the Councilmember.

5. A Councilmember may withdraw their nomination from consideration.

6. Nominations do not require a second.

7. After nominations have been closed, each nominee will have an opportunity to speak, either at their seat or at the podium. If the nominee chooses to speak, it may not be for longer than three minutes, with a fifteen second wrap-up period. Then voting for DM will precede:

a. Councilmembers (requiring a second) may ask for a private meeting absent nominees, or move straight onto voting.

b. Voting will be according to alphabetic order, A-Z of nominations made. Any second vote will be by reverse order, Z-A; continuing to reverse as necessary for subsequent votes. This is done to be as fair as possible to all nominees.

c. Councilmembers will be asked for a roll call vote via voice and a raise of hands for each round.

d. If there is only one nominee for the position, the Chair will open the floor for a motion and appointment.

e. If there are two nominees, the Chair will take a roll call vote for each nominee. When one nominee receives a majority, the floor will be opened for a motion and appointment.

f. If there are three or more nominees, the Chair will take a roll call vote for each nominee. The top two winners will be chosen for a second vote, like the State Primary system. If there is any tie on the second place winner, a sub vote will be taken first on those nominees alone. Once the top two nominees are clearly chosen, a vote will be made on them. The floor will be opened for a motion and appointment.

## **9. Committees and Commissions**

### **9.1 Citizen Committees, Boards and Commissions:**

The Council will create committees and commissions to assist in the conduct and operation of city government with such duties as are consistent with the Orting Municipal Code.

### **9.2 Types of Committees:**

There shall be four types of committees in the City of Orting.

- (A) Standing Committees. Such committees will be established to conduct business by the Deputy Mayor plus one council member and the mayor when delegated to the legislative body and approved by the council.
- (B) Ad Hoc Committees. Such Council Advisory Committees are to investigate a specific subject and report back to the City Council. Such a group may be chaired by a council-member. Typically such a Committee would focus on a policy issue or legislative matter.
- (C) Citizen Advisory Commissions. Such groups are formed to promote citizen participation on a particular subject and provide guidance on community views on a subject to the Council, for example Parks and Planning Commissions.

- (D) Mayor's Committee. Such Committees are formed to investigate a specific operational issue and report back to the Mayor and City Council. It may be chaired by a councilmember or the Mayor.

### **9.3 Membership and Selection:**

Membership and selection of members shall be as provided by the Mayor or designee and confirmed by the Council. Any committee or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. Committees so appointed shall have advisory powers to the Council except as otherwise specified in the Orting Municipal Code (OMC).

### **9.4 Committee Meetings:**

Committees shall establish a regular time, date location for their meetings. The City Clerk will maintain a list of committee meeting times, dates and locations. Committees may make recommendations for action to the Council as a whole. Councilmembers who do not serve on a committee with questions or concerns about an agenda item, are responsible to contact staff or a committee member prior to the meeting to express their concern or need for additional information.

### **9.5 Committee Records:**

Draft summaries of each meeting will be prepared by a committee member or the staff assigned to the committee by the City Administrator and posted to the City website after approval.~~distributed to each Councilmember.~~ Verbal reports will ~~may~~ be given at Study sessions.~~Regular and Special Council meetings as requested by a committee member, the committee chair, the Mayor or any member of the Council.~~

### **9.6 Open Public Meetings Act:**

The City Council Committees shall comply with the state's "Open Public Meetings Act."

### **9.7 Removal of Members of Boards and Commissions:**

The Mayor may remove any member of any commission based upon the following criteria.

- (1) Parks Advisory Board: Three consecutive unexcused absences will result in automatic removal. (OMC 2-5-2)

- (2) Planning Commission: The mayor may remove after a public hearing and with approval by the council. (OMC 2-1-3)
- (3) Civil Service Commission: Any member of the commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause. (RCW 41.12.030)

## **10. Public Records**

### **10.1 Public Records:**

Records created or received by the Mayor or any Councilmember should be transferred to the City Clerk for retention by the City in accordance with the Public Records Act, Chapter 42.56 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.

### **10.2 Electronic Mail:**

Electronic communications that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a public record. All other messages that relate to the functional responsibility of the recipient or sender as a public official constitute public records.

### **10.3 Open Public Meetings Act Regarding Electronic Mail:**

E-mails between elected officials of a governing body can implicate the Open Public Meetings Act. If discussing city business with a fellow Councilmember via e-mail, it can constitute a meeting and all the requirements for a public meeting would have to be met or a violation of the Act could occur.

## **11. Council Travel Policy**

### **11.1 Applications:**

The provisions of Chapter 42.24 RCW and the Budgeting, Accounting, and Reporting Systems (BARS) manual prescribed by the Washington State Auditor's Office apply. The City of Orting reimburses its elected or appointed officials for reasonable travel, subsistence and related expenses incurred conducting City business provided the expenses are prudent and directly related to the individual's service on behalf of the City.

## **11.2 Administration:**

The City Finance Director ~~Treasure~~ administers the travel and expense reimbursement program, designs and distributes forms and instruction and carries responsibility for review of claims. Claims will not be allowed without a detailed account of monies spent certified by the individual making the claim as required by the Division of Municipal Corporations in the Office of the State Auditor.

## **11.3 Documentation:**

Claims for personal reimbursement must be made on official forms, be accompanied by the vendor's original receipt or bankcard charge slip showing the date, vendor imprinted name, amount paid and the items/services received, and must be certified correct and signed by the individual seeking reimbursement.

In addition to the documentation above, claims for business related meals require the following documentation:

- (A) The names of the individuals participating.
- (B) Their official title or capacity as it relates to city business.
- (C) The nature of the topics discussed, nature of the occasion, what public purpose or policy was being served (and/or copy of agenda).

## **11.4 Council Retreats/Executive Team Retreats:**

The reasonable cost of necessary food and beverages while conducting a City retreat is authorized for reimbursement.

## **11.5 Service Awards Ceremonies:**

Expenditures for reasonable refreshments served and awards given are eligible for reimbursement.

## **11.6. Transportation Expenses:**

Public officials are to exercise prudent judgment in incurring travel expenses on official City business. Excessive or unnecessary expenses will not be reimbursed or paid for by the City.

Authorization of travel is to be exercised through the use of the current budget. Reasonable transportation expenses for approved travel will be reimbursed. The most direct and cost effective mode of transportation will

be the basis for the reimbursement. Out-of-state travel must be approved by the City Council. In-state travel means travel within the state of Washington. In special or unusual circumstances, arrangements will be made to accommodate unique transportation requirements.

#### **11.7 Meals:**

Based on recommendations from the State Auditor's Office, the City uses the following guidelines in determining the use of public funds for expenditures for food and beverages:

- (A) Name of the consumer.
- (B) Nature of the occasion for the consumption.
- (C) Public purpose or policy objective was served.
- (D) The expenses are consistent with the policy authorizing reimbursement.

#### **11.8 Local Business Meals:**

Meals (including snacks) between City public officials/employees will not normally be reimbursed. It is expected that City business between City public officials/employees can, for the most part, be conducted on City premises during normal work hours.

#### **11.9 Meetings through Mealtimes:**

The City recognizes that there are occasions when it may be necessary for a group of public officials and/or employees to work through a meal in order to meet a deadline or to keep a group convened in order to accomplish the task. To be considered for reimbursement as a working meal, the meeting must span over a three-hour period, which includes the group's normal mealtime.

#### **11.10 Business Meals between City Employees and Non-City Employees:**

The practice of the City providing meals to non-city employees is discouraged. However, for directors and above, the City recognizes that there are situations where non-city employees provide an unpaid service to the City during a mealtime. The costs of meals while conducting City business with persons other than City employees either locally or out of town are authorized for reimbursement subject to the limitations described in this document.

### **11.11 Meals While On Authorized Travel Status:**

Per Diem shall be used for meals while out of town on city business. Out of town means the one-way travel distance is greater than 40 miles from the city and overnight stay is required. Per Diem for meals shall be at the rate in effect at the time of travel for the specific area or locality. The maximum allowable rate shall be those in effect by the State of Washington, Office of Financial Management.

### **11.12 Non-Reimbursable Expenditures:**

Unauthorized expenditures include, but are not limited to, liquor, expenses of spouse, guests or other persons not authorized to receive reimbursement under this policy or state regulations. Situations not specifically addressed above will be reviewed by the City Administrator for propriety.

### **11.13 Lodging:**

Hotel/motel accommodations for public officials/ employees attending out-of-town functions on city business are acceptable. Lodging expenses shall be reimbursed at actual costs, as evidenced by a receipt, up to the specific daily maximum allowable lodging rate in effect at the time of travel for the specific area or locality. The maximum allowable lodging rates shall be those in effect by the State of Washington, Office of Financial Management.

The cost of accommodations should be requested by purchase order and billed directly to the City by the vendor whenever possible. If advance payment is required, a purchase order will be prepared and the lodging registration will serve as supporting documentation for the claims check issued to the vendor. A vendor's receipt for these expenditures is required in all cases. In some situations, the maximum allowable lodging amount may not be adequate and the City Administrator may approve payment of lodging not to exceed 150% of the applicable maximum per diem amount.

### **11.14 Non-Allowable Expenses:**

Certain travel expenses are considered personal and not essential to the transaction of official city business and therefore not reimbursable. Such non-reimbursable expenses include, but are not limited to: Baggage checking, valet services, laundry services, entertainment expenses, radio or television rental, transportation to or from places of entertainment, costs of personal trip insurance, medical and hospital services, personal toiletry articles, barber or hairdresser, personal postage or reading materials, expenses of a spouse or other family member, mileage allowance for commuting to regular, special, and committee meetings of the City



Council, expenses on a personal car, meal expenses for formal meetings of City Council committees, fines for violation of motor vehicle laws.

## **12. Suspension and Amendment of These Rules**

### **12.1 Suspension of These Rules:**

Any provision of these rules not governed by state law or the Orting Municipal Code may be temporarily suspended by a vote of a majority of the Council.

### **12.2 Amendment of These Rules:**

These rules may be amended or new rules adopted by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

### **12.3 Conflict:**

In the event of a conflict between the City Council Rules of Procedure and other rules adopted by resolution of the Council, these City Council Rules of Procedure shall prevail to the extent of the conflict. In the event of a conflict between these City Council Rules and state law, state law shall prevail to the extent of the conflict.



**City Of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject: Fireworks Code Amendment</b>	<b>AB20-85</b>	<b>CGA 10.8.20</b>	<b>10.21.20</b>	<b>10.28.20</b>
	<b>Department:</b>	CGA Committee		
	<b>Date Submitted:</b>	<b>10.15.20</b>		
<b>Cost of Item:</b>	<u>  </u> \$			
<b>Amount Budgeted:</b>	<u>  </u> \$			
<b>Unexpended Balance:</b>	<u>  </u> \$			
<b>Bars #:</b>				
<b>Timeline:</b>				
<b>Submitted By:</b>	<b>CGA</b>			
<b>Fiscal Note:</b>				
<b>Attachments:</b> Original Ordinance No 833				
<b>SUMMARY STATEMENT:</b>				
<p>Fireworks have been a topic of discussion off and on for years. The City of Orting submitted an advisory vote on the ballot in 2019 for a fireworks ban, and citizens expressed their desire to keep fireworks. The City Council’s current position has been to honor the result of that advisory vote.</p> <p>CGA Committee has stated that there are citizens who do not agree with that decision and feel that fireworks pose a danger to property and cause stress to livestock and pets. Currently citizens are at times, in violation of the hours of discharge for fireworks and begin their activities days in advance of the 4<sup>th</sup>.</p> <p>On October 8<sup>th</sup>, 2020 CGA Committee met and discussed fireworks. They state that this is an issue that divides the citizens of Orting and would like the Council to agree to a compromise rather than seek an all-out ban which is what had been discussed originally.</p> <p>CGA Committee proposes changing the hours that fireworks may be discharged. They would like it changed to say fireworks can only be discharged from 10:00am on July 4<sup>th</sup> to 11:59pm on July 4<sup>th</sup> <b>only</b>. Along with that change they would like to see the City strongly enforce the proposed hours of allowable discharge.</p>				
<b>RECOMMENDED ACTION: Move forward to the next meeting.</b>				
<b>FUTURE MOTION: To adopt the proposed changes to the current city code.</b>				

# CITY OF ORTING

## WASHINGTON

ORDINANCE NO. 833

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**AN ORDINANCE OF THE CITY OF ORTING,  
WASHINGTON, AMENDING ORTING CITY CODE  
SECTION 5.7.1 REGARDING RESTRICTIONS ON  
DISCHARGE OF FIREWORKS; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE  
DATE**

WHEREAS, Chapter 70.77 RCW regulates the possession, sale and discharge of fireworks, and allows cities to adopt more restrictive regulations; and

WHEREAS, the City has previously restricted the discharge of fireworks within the City limits from 12:00 p.m. on July 3rd until 12:00 p.m. on July 5th of each year, and from 6:00 p.m. on December 31st until one 1:00 a.m. on January 1st of the subsequent year; and

WHEREAS, the foregoing restrictions have not been adequate to protect the public health, safety and welfare from the deleterious effects of the discharge of fireworks; and

WHEREAS, the Council finds that it is necessary to further restrict the discharge of fireworks so that fireworks may be discharged only from 12:00 p.m. to 11:59 p.m. on July 4th of each year;

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

Section 1. Fireworks. Orting City Code Section 5.7.1 is hereby amended to read as follows:

Revised Code of Washington, title 70, chapter 77 is adopted in its entirety, including any subsequent amendments thereto. Notwithstanding the above, fireworks may be discharged within the City limits only from 12:01 a.m. to 11:59 p.m. on July 4th of each year, and from 6:00 p.m. on December 31st to 1:00 a.m. on January 1st of the subsequent year.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

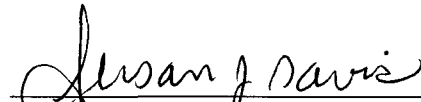
Section 3. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force at 12:01 a.m. on July 27, 2007.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE  
9<sup>th</sup> DAY OF August, 2006.


CITY OF ORTING

  
Cheryl M. Temple, Mayor

ATTEST/AUTHENTICATED:

  
Susan J. Davis, City Clerk/Treasurer

Approved as to form:

  
Chris Bacha, City Attorney

Filed with the City Clerk: 08/10/06  
Passed by the City Council: 08/09/06  
Resolution No.: Ordinance NO. 833  
~~Date Posted:~~ Date of Publication: 8/15/06  
Effective date: 8/21/06