

REVISED

COUNCILMEMBERS

Position No.

1. Tod Gunther
2. John Kelly
3. Michelle Gehring
4. Dave Harman
5. Nicola McDonald
6. Greg Hogan
7. Scott Drennen



ORTING CITY COUNCIL

Regular Business Meeting Agenda
And Joint Training Session
With Commissioners
Orting Multi-Purpose Center
202 Washington Ave. S, Orting, WA
August 8th, 2018
7 p.m.

Mayor Joshua Penner, Chair

**1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL.
REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA.**

2. PUBLIC COMMENTS- *Persons wishing to address the City Council regarding items that are not on the agenda are encouraged to do so at this time. In the case of a question, the chair will refer the matter to the appropriate administrative staff member or committee.*

3. PUBLIC HEARING

A. AB18-61-Proposed Utility Rates for 2019.

- *Scott Larson*

Open the Hearing and Announce the Title, Read the Rules. Briefing by Staff, Public Comments Taken, Council Comments or Questions, Close Hearing.

4. REQUEST FOR CONSENT AGENDA ITEMS TO BE PULLED FOR DISCUSSION.

5. CONSENT AGENDA

1. Study Session Meeting Minutes of July 18, 2018.
2. Regular Meeting Minutes of July 25, 2018.
3. Payroll and Claims Warrants.

Motion: *Move to approve Consent Agenda as prepared.*

6. COMMISSION REPORTS

- Planning Commission

7. NEW BUSINESS

A. AB18-62-ALLEGED VIOLATION OF COUNCIL ETHICS POLICY

- *Charlotte Archer*

8. OPEN PUBLIC MEETING ACT JOINT TRAINING WITH COMMISSIONERS

- *Charlotte Archer*

9. EXECUTIVE SESSION

10. ADJOURNMENT

Motion: *Move to Adjourn* .



**City Of Orting
Council Agenda Summary Sheet**

Subject: Hearing: 2019 Utility Rates		Committee	Study Session	Council
	Agenda Item #:			AB18-61
	For Agenda of:	06/06/2018	07/18/2018	08/08/2018
	Department:	Finance/Utilities		
Date Submitted:	08/03/2018			
Cost of Item:	<u>N/A</u>			
Amount Budgeted:	<u>N/A</u>			
Unexpended Balance:	<u>N/A</u>			
Bars #:	N/A			
Timeline:	N/A			
Submitted By:	Scott Larson			
Fiscal Note:				
Attachments: 2019 Rate Sheet; Sample 2019 Bill				
SUMMARY STATEMENT: After reviewing the cost of service, capital projects, and fund balances; the Public Works Committee is recommending utility rate increases as shown on the attached 2019 Rate Sheet. These rates will allow the Utilities to continue providing service as well as work on the projects that are outlined on the capital improvement plans that have been adopted by Council.				
RECOMMENDED ACTION: Hearing/Discussion				

2019 Monthly Utility Rates, PROPOSED

WATER				
Monthly Base Charges				
Meter Size	2018		2019	
	Residential	COM	Residential	COM
0.75	\$23.00	\$23.00	\$24.38	\$24.38
1-1.5	\$37.55	\$37.55	\$39.81	\$39.81
2.0-4.0	\$53.33	\$53.33	\$56.53	\$56.53
Qualified Low Income	\$17.25		\$18.29	
Single Block Rates				
Rate Class	2018		2019	
	Residential	COM	Residential	COM
Single Block rate (per ccf)		\$3.47		\$3.68
Block 1: 1 to 6 CCF (per ccf)	\$2.50		\$2.65	
Block 2: 6 to 17 CCF (per ccf)	\$3.35		\$3.55	
Block 3: 17+ CCF (per ccf)	\$5.04		\$5.34	
Block 1: 0 to 6 CCF - Qualified Low Inc.	\$1.87		\$1.98	
Block 2: 6 to 17 CCF - Qualified Low Inc.	\$2.51		\$2.66	
Block 3: 17+ CCF - Qualified Low Inc.	\$3.78		\$4.01	

Increase: 6.0%
 Qualified Low Income, portion of Residential: 75.0%
 Out of Town Premium: 10.0%

Sewer						
Customer Class	2018			2019		
	Base (per unit)	Allowance (ccf)	Flow (per ccf)	Base (per unit)	Allowance (ccf)	Flow (per ccf)
Residential	\$47.18			\$49.49		
Residential - Snowbird	\$34.31			\$35.99		
Residential - Qualified Low Income	\$35.38			\$37.12		
Commercial - Domestic ¹	\$47.18	0	\$4.86	\$49.49	0	\$5.10
Commercial - High Strength ²	\$47.18	0	\$8.61	\$49.49	0	\$9.04
High Cedars						
Residential	\$59.91			\$62.85		
Business	\$59.91	0	\$6.18	\$62.85	0	\$6.49
Restaurant	\$59.91	0	\$10.94	\$62.85	0	\$11.48

Increase: 4.9%
 Qualified Low Income, portion of Residential: 75.0%

¹Churches, Lodges, Businesses, Library, Commercial Residence, Daycare, Schools

²Restaurant, Grocery with Deli, Other Food Related Business

Storm	
2018	2019
\$20.00	\$20.60

Increase 3.0%

2019 Out of Monthly Water Rates

WATER				
Monthly Base Charges				
Meter Size	2018		2019	
	Residential	COM	Residential	COM
0.75	\$25.30	\$25.30	\$29.50	\$29.50
1-1.5	\$41.31	\$41.31	\$48.17	\$48.17
2.0-4.0	\$58.66	\$58.66	\$68.40	\$68.40
Qualified Low Income	\$18.98		\$22.13	
Single Block Rates				
Rate Class	2018		2019	
	Residential	COM	Residential	COM
Single Block rate (per ccf)		\$3.82		\$4.45
Block 1: 1 to 6 CCF (per ccf)	\$2.75		\$3.20	
Block 2: 6 to 17 CCF (per ccf)	\$3.69		\$4.30	
Block 3: 17+ CCF (per ccf)	\$5.54		\$6.46	
Block 1: 0 to 6 CCF - Qualified Low Inc.	\$2.06		\$2.40	
Block 2: 6 to 17 CCF - Qualified Low Inc.	\$2.76		\$3.22	
Block 3: 17+ CCF - Qualified Low Inc.	\$4.16		\$4.85	

Average Monthly Utility Bill		
Based on usage of 7.3 CCF of Water		
	Existing 2018	Proposed 2019
Water:	\$39.84	\$42.23
Sewer:	\$47.18	\$49.49
Storm:	\$20.60	\$20.60
Total:	\$107.62	\$112.32
	Total Increase:	\$4.70



NOTICE OF ORTING CITY COUNCIL NOTICE OF PUBLIC HEARINGS – 2019 Utility Rates

Notice is hereby given that the Orting City Council will be conducting public hearings on the proposed Final 2019 Utility Rates. The hearings are scheduled for Wednesday, August 8th, 2018 and Wednesday August 29th, 2018 at 7:00 p.m. at the Multipurpose Center, 202 Washington Ave. S., Orting, WA. The purpose of the hearings is to hear public testimony on the above listed. Written comments may be submitted to the Clerk's office at 110 Train St. SE, PO Box 489, Orting, WA, 98360 no later than 2:00 p.m. on August 8th, 2018, and again on August 29th, 2018, at 2:00pm; otherwise, comments must be submitted at the hearings. Posted on the 25th day of August, 2018. Published the 30th day of July 2018. Jane Montgomery, City Clerk, 360-892-2219 or jmontgomery@cityoforting.org.

COUNCILMEMBERS

Position No.

1. Tod Gunther
2. John Kelly
3. Michelle Gehring
4. Dave Harman
5. Nicola McDonald
6. Greg Hogan
7. Scott Drennen



ORTING CITY COUNCIL

Study Session Meeting Minutes
Orting Multi-Purpose Center
202 Washington Ave. S, Orting, WA
July 18, 2018
6PM.

CHAIR, DEPUTY MAYOR DAVE HARMAN

1. CALL MEETING TO ORDER, PLEDGE AND ROLL CALL.

Deputy Mayor Harman called the meeting to order at 6:00pm. Councilmember McDonald led the pledge of allegiance.

Councilmembers Present: Deputy Mayor Dave Harman, Councilmembers John Kelly, Nicola McDonald, Tod Gunther, Scott Drennen and Greg Hogan.

Absent: Michelle Gehring

Staff Present: Mark Bethune, City Administrator, Jane Montgomery, City Clerk, Scott Larson, Treasurer, Greg Reed, PW Director, Chris Gard, Chief of Police.

2. COMMITTEE REPORTS

Public Works

Councilmember Drennen briefed on the following that is being worked in Committee:

- SR 162 Bridge;
- White Hawk;
- SW Connector;
- Sidewalk Repairs;
- 6" waterline on SR 162.

Public Safety

Councilmember Kelly briefed on the following items that the Committee worked on:

- Presentation by Chief Gard on the state of police fleet, down 3 cars due to maintenance issues with the chargers. Proposal is to buy 3 cars and a pickup truck;
- Abandoned house ordinance;
- Recreational vehicle ordinance.

Councilmember Drennen asked about the Fireworks Issue, and asked if it is on the agenda for the Public Safety Committee. Councilmember Kelly stated that the City will likely go up for an Advisory Vote in 2019. Councilmember Drennen would like it to be discussed and worked on in advance.

Mayor Penner suggested that staff work on this for next year's Council goals and have an ordinance prepared in December of 2019.

Community and Government Affairs

Nothing to report.

3. STAFF REPORTS

Administrator Bethune

- Would like to change the date of ICS training for Council to September 5th at 6:00pm;
- Public safety building- making progress. Helix is moving forward on the floor plan, changes were made they went from a 12,000 square foot plan to a 11,000 square foot plan;
- Public works building is in design phase- both projects will likely be ready in the fall;
- In the process of creating a marketing plan for a professional booth for events in the City.

Administrator Bethune asked to add the Comprehensive Plan docket extension to the agenda as item F.

Scott Larson, City Treasurer

Treasurer Larson handed out a memo titled 2nd quarter 2018 reporting and read the memo to Council and briefed on the report. The report also included a “work in progress” of City projects. Questions/comments followed. Councilmember Gunther expressed a desire to see charts that go beyond to past year to include the past 5 years.

Jane Montgomery, City Clerk

The City Clerk passed out letter from the Senior Center to Councilmembers asking for their support at an upcoming fundraising event.

Greg Reed, Public Works Director

Director Reed briefed on 178th and the leaks in the spaghetti lines. He would like to do upgrades to connect the service lines. This will encourage the repair of leaks in a timely manner. A letter will be sent out to the affected homeowners. Additionally Director Reed briefed on a tree which was removed at the in Cemetery, and the City is going out to bid to see if any other trees pose a danger.

Councilmember Gunther informed Director Reed that the telephone pole on the corner of Ammons and SR162 is tilting over.

Chris Gard, Chief of Police

Chief Gard briefed that the FBI released its 2017 crime report. The Chief was pleased to announce that there was a 26.5% drop in the crime rate in the City. The emphasis in Orting is on low level quality of life crimes such as burglary, theft, larceny, and vehicle prowls.

Mayor Penner

Mayor Penner stated that there was a contingent of students from China present in the audience observing democracy at the Council meeting. Mr. Jimmy Chen came forward and Introduced Amy a young girl who gave a welcome speech to the Council. Mr. Chen stated that earlier when they were observing the Senate, Amy asked if America had a President or a King. The Senator stated America had a President, but he acts like a King.

4. AGENDA ITEMS

A.AB18-50-Police Vehicles.

Chief Gard briefed that there was a large expense being paid towards maintenance of the chargers and the condition of the fleet which has become an Officer Safety issue. The Chief proposed that they stop the large expense for maintenance and start fresh with more reliable vehicles. Treasurer Larson briefed on a plan to lease vehicles which comes in under budget for 2018. Council would need to budget an additional \$48,500 for 2019-2020, and 2021, and

\$28,335 for 2022. This will include extended warranty contracts. Questions/discussion followed. Consensus was to move this forward to the agenda at the next meeting but not on the consent agenda.

B. Discussion- Chief of Police.

Mayor Penner discussed the process to appoint a Chief of Police which began three months ago. At that time the City Council voted to confirm the appointment of Chris Gard to Acting Chief of Police, and give it three months to explore the idea of open applications, going strictly in house, or going with something else. Ninety days have passed and Mayor Penner expressed that he has evaluated Chris Gard and he is pleased with his performance. He asked Council to confirm Chris Gard to the position of Chief.

Discussion followed regarding a competitive process for perception purposes and morale. Mayor Penner stated that only 2 people are qualified to apply internally, and Chief Gard is the only candidate that has been a Lieutenant in the City.

Councilmember Gunther briefed on the attributes of Chief Gard and stated that he is respected and beloved in the community. He briefed that Chief Gard has a vision to have the Police Department accredited and that he supports community policing and the creation of a world class bike program. He would like the Chief to have additional office support.

Mayor Penner anticipates that the first order of business for a new Chief will be to appoint two Lieutenants. Councilmember Hogan stated that he is in favor of the internal appointment of Chris Gard to Police Chief. Councilmember Kelly expressed the desire to appoint Chief Gard to the permanent position of Chief. Councilmember Kelly stated that he does not feel the need to go thru an external process that would be costly; particularly when he feels that Chris Gard is the best candidate. Councilmember Drennen also supports the appointment of Chris Gard to the permanent position of Chief as he is a known commodity with a 25 year resume and record of performance. Deputy Mayor Harman placed his confidence in the Mayor's choice of Chris Gard to the permanent appointment. Deputy Mayor Harman pointed out that there is precedence for this appointment process as at least two to three chiefs have previously come up through the ranks internally.

Mayor Penner will make a decision and come back to Council with a recommendation.

C. AB18-57- SR 162 & 178th 6" Water Crossing and Service Upgrades.

This was covered by Public Works Director Reed in his staff report. Consensus was to move this forward to the consent agenda at the next meeting and can be taken off the consent agenda if Citizens showed up and wished to address the upgrades. A new agenda bill will be provided to the City Clerk.

D. AB18-58- Purchasing Policy.

Treasurer Larson briefed on the proposed changes to the purchasing policy. By consensus Council agreed to move this forward to the consent agenda for the next Council meeting.

E. AB18-59-Puyallup River Lift Station.

Councilmember Drennen stated that the wording is incorrect on the agenda bill. He stated that words are important and that the lift station is not failing. What should be said is that they want an upgrade. By consensus Council agreed to put this on the consent agenda for the next meeting. The language on the agenda bill will be modified.

F. Comprehensive plan amendment

Administrator Bethune briefed that they update the Comprehensive plan yearly and normally they set a deadline at the end of April but at times that is extended. There is a need to extend the docket to change the zoning on the McMahon property that was purchased from commercial to public facilities. There is also a chance there will be a proposal from a developer on the mixed use town center north property, and an extension will afford them the opportunity to make a proposal. The only change requested is to change the deadline from July 31st to August 15th. By Consensus Council moved this forward to the consent agenda of the next Council meeting.

5. ADJOURNMENT

Councilmember McDonald made a motion to Adjourn. Second by Councilmember Gunther.

Deputy Mayor Harman adjourned the meeting at 7:35pm.

ATTEST:

Jane Montgomery, City Clerk, CMC

Joshua Penner, Mayor

Councilmembers

Position No.

1. Tod Gunther
2. John Kelly
3. Michelle Gehring
4. Dave Harman
5. Nicola McDonald
6. Greg Hogan
7. Scott Drennen



Orting City Council
Regular Business Meeting Summary
Orting Multi-Purpose Center
202 Washington Ave. S,
Orting, WA
July 25, 2018
7 p.m.

Mayor Joshua Penner, Chair

1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL. REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA.

Mayor Penner called the meeting to order at 7:00pm. Councilmember Gehring led the pledge of allegiance.

Councilmembers Present: Deputy Mayor Dave Harman, Councilmembers Tod Gunther, John Kelly, Scott Drennen, Greg Hogan and Michelle Gehring.

Absent: Nicola McDonald (**Arrived at 7:20pm**)

Staff Present: Jane Montgomery, City Clerk, Scott Larson, Treasurer, JC Hungerford, Engineer, Mark Barfield PW supervisor, Charlotte Archer, City Attorney.

Councilmember Hogan made a motion to excuse Councilmember McDonald. Deputy Mayor Harman second the motion. Motion passed (6-0).

Councilmember McDonald arrived at 7:20pm..

REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA.

Deputy Mayor Harman made a motion to add Ordinance 2018-1033 to the agenda. Councilmember Gehring second the motion. Motion passed (6-0).

2. PUBLIC COMMENTS:

Doug Bishop

Mr. Bishop spoke about the passing of Lt. Vazquez who was a member of the Orting Valley Fire Department, and his own experience as a firefighter when a young two year old who died. Mr. Bishop mentioned PTSD issues and the importance of talking to others about challenges in your life. He proposed that the City come up with a plan/program to use retired police officers and firefighters to serve as volunteers who can be available for those who need help.

Lisa Johnson

Ms. Johnson is not in favor of the Veterans Village Project. Ms. Johnson lives across the street from the Soldiers Home. She came home and saw that a notice for the project was placed on the backside of the Soldiers Home and was not visible to the public. She feels the public was not properly noticed and thinks the developers should start the process over.

Fred Minch

Mr. Minch wanted the City to be aware of a possible strip mining gravel pit off Fisk Road and possible solid waste issues. The site is not in the City limits but may impact the City of Orting. He will stay in touch with the City on potential issues.

Community Reports

Lisa Cippola, Interim Library Manager, Orting Library- Ms. Cippola briefed on events at the Library:

- Summer Reading Program;
- Museum Passes are available;
- New edition of Book Page is out;
- My Next Read program;
- Genealogy Class;
- Maker Fest due by September 15th;
- Nancy Stewart is coming tomorrow to interact with kids via music.

3. CONFIRMATION OF MAYOR'S APPOINTMENT OF CHRIS GARD TO THE POSITION OF CHIEF OF POLICE.

Mayor Penner briefed that Chris Gard has 25 years of service in the City of Orting. He has done an outstanding job and the Mayor has confidence in his abilities.

Councilmember Kelly made a motion to confirm the Mayor's appointment of Chris Gard to the position of Chief of Police. Second by Councilmember Gunther. Motion passed (6-0).

Mayor Penner will swear Chief Chris Gard in at a later date.

4. REQUEST FOR CONSENT AGENDA ITEMS TO BE PULLED FOR DISCUSSION.

None.

5. CONSENT AGENDA

- A. Study Session Minutes of June 20, 2018.
- B. Regular Meeting Minutes of July 11, 2018.
- C. Payroll and Claims Warrants.
- D. AB18-57- To Authorize the expenditure of \$5,000 to Parametrix to work with the State for development of design and scope of work for SR 162 and 178th Water Crossing and Service Upgrades.
- E. AB18-58- To Approve the Purchasing Policy as presented.
- F. AB18-59- To Approve the Scope and Budget from Parametrix In The Amount Of \$73,870 for the Puyallup River Lift Station Upgrades.
- G. AB18-60- To Approve the Extension to the Comp Plan Docket to August 15th, 2018.

Councilmember Hogan made a motion to approve Consent Agenda as prepared. Second by Councilmember Gehring. Motion passed (6-0).

6. CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

None

7. NEW BUSINESS

AB18-50-Police Vehicle Purchase.

Treasurer Larson briefed on the request to replace four chargers. The Police Chief is proposing that the City purchase four new vehicles including three Police Interceptor SUV's, and one Police Pickup Truck, pursuant to an existing contract between the State of Washington Department of Enterprise Services and Columbia Ford Lincoln Hyundai (the City would be piggybacking on that existing contract, pursuant to RCW 39.34.030, so that this purchase would meet the state's competitive bidding requirements). Included in the total transaction amount is an extended warranty, covering the vehicle up to 8 years or 60,000 miles as well as a maintenance plan that has the same term as the extended warranty. We drive our vehicles an average of 8,000 miles per year, so this term should work well for us. The proposed lease would allow the city to pay for the vehicles over a number of years, spreading out the impact of the purchase. Financing, such as a municipal lease, is considered a personal service which is not subject to competitive bidding requirements under state law. However, the City's Purchasing Policy requires competitive bidding for personal services of this proposed amount. Staff is

requesting a waiver of this requirement from the City Council in order to expedite the purchase and best serve the public service needs of the community.

Councilmember Drennen made a motion to adopt Resolution No. 2018-07, waiving the competitive bidding requirements under the City's Purchasing Policy for the selection of financing services for the purchase of Police Department motor vehicles. Second by Deputy Mayor Harman. Motion passed (7-0).

Councilmember Hogan made a motion to authorize the Mayor to enter into a contract with Columbia Ford Lincoln Hyundai pursuant to the existing contract that has been negotiated by the State of Washington Department of Enterprise Services for the purchase of Police vehicles. Second by Councilmember Kelly. Motion passed (7-0).

Deputy Mayor Harman made a motion to authorize the Mayor to negotiate and enter into a lease agreement with Ford Motor Company to finance the acquisition of Police vehicles. Second by Councilmember Gehring. Motion passed (7-0).

8. EXECUTIVE SESSION

The City Clerk announced that there would be an Executive session which was in regard to two items, 1. Acquisition of Real estate per RCW 42.30.110 (1) (b) and (4) and 2. Potential litigation or legal risk per RCW 42.30.110(1). (iii). Action is anticipated upon return. They will recess for 10 minutes and action is anticipated upon the return to open session.

Mayor Penner recessed to Executive Session at 7:32pm for 10 minutes.

7:42pm- Extended for 5 minutes

7:47pm, Extended for 5 minutes

At 7:52pm Mayor Penner called the meeting back to order.

Councilmember Drennen made a motion to adopt Ordinance No. 2018-1033 adopting interim development regulations regarding the residential urban low zone as authorized by the residential urban low zone as authorized by the Growth Management Act, providing for severability, declaring an emergency. Second by Councilmember McDonald.

Motion passed (6-0)

Councilmember Hogan recused himself from voting on this item.

Mayor Penner recessed to a closed session at 7:59pm to discuss the following: Collective bargaining negotiations per RCW 42.30.140. They would recess for 5 minutes with no action anticipated upon return to open session

7:59pm- Recessed to closed session.

8:04pm- Extended for 5 minutes

8:09pm- Extended for 5 minutes

8:14pm- Extended for 5 minutes

8:19pm- Extended for 5 minutes

8:24pm- Extended for 3 minutes

Mayor Penner called the meeting back to order at 8:27pm.

9. ADJOURNMENT

Councilmember Kelly made a motion to Adjourn. Second by Councilmember Gunther. Motion passed (7-0).

Mayor Penner adjourned the meeting at 8:30 pm.

ATTEST:

Jane Montgomery, City Clerk, CMC

Joshua Penner, Mayor

CITY OF ORTING
VOUCHER/WARRANT REGISTER
FOR AUGUST 8, 2018 COUNCIL

CLAIMS/PAYROLL VOUCHER APPROVAL

CITY OF ORTING

WE, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF ORTING, AND THAT WE ARE AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

CLAIMS WARRANTS #46301 THRU #46354
IN THE AMOUNT OF \$ 162,844.50

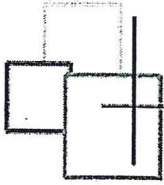
PAYROLL WARRANTS # 23325 THRU #23340
IN THE AMOUNT OF \$171,512.90

ARE APPROVED FOR PAYMENT ON AUGUST 8, 2018

COUNCILPERSON _____

COUNCILPERSON _____

CITY CLERK _____



Fund Transaction Summary

Transaction Type: Invoice
Fiscal: 2018 - August 2018 - 1st Council

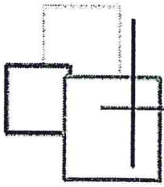
Fund Number	Description	Amount
001	Current Expense	\$61,398.19
101	City Streets	\$20,042.83
104	Cemetery	\$4,866.04
105	Parks Department	\$9,302.95
320	Transportation Impact	\$4,877.50
401	Water	\$17,557.61
408	Wastewater	\$22,777.33
410	Stormwater	\$14,849.84
412	Utility Land Acquisition	\$7,172.21
	Count: 9	\$162,844.50

Register

Fiscal: 2018
 Deposit Period: 2018 - August 2018
 Check Period: 2018 - August 2018 - 1st Council

Number	Name	Posting Date	Amount
Key Bank			
2000073			
46301	Alpine Products Inc.	8/8/2018	\$1,227.42
46302	Anytime Fitness	8/8/2018	\$200.00
46303	Arrow Lumber	8/8/2018	\$653.26
46304	Associated Petroleum Products INC	8/8/2018	\$1,782.40
46305	Association of Wash. Citi	8/8/2018	\$475.00
46306	Automatic Wilbert Vault	8/8/2018	\$494.04
46307	Bratwear-Sound Uniform Solutions	8/8/2018	\$662.81
46308	Brisco Inc.	8/8/2018	\$46.00
46309	Business Solutions Center	8/8/2018	\$32.78
46310	Centurylink	8/8/2018	\$1,966.22
46311	CenturyLink/Qwest	8/8/2018	\$193.13
46312	Cintas Corporation #461	8/8/2018	\$220.08
46313	Comcast	8/8/2018	\$502.48
46314	Core & Main	8/8/2018	\$713.95
46315	Cornerstone Electric, Inc	8/8/2018	\$1,204.49
46316	Crystal & Sierra Springs	8/8/2018	\$151.42
46317	Dell Financial Services Payment Processing Services	8/8/2018	\$1,235.41
46318	Drain-Pro INC	8/8/2018	\$585.38
46319	Foster Pepper PLLC	8/8/2018	\$220.00
46320	Frost Landscape	8/8/2018	\$8,039.17
46321	H D Fowler Company	8/8/2018	\$705.98
46322	Hach Company	8/8/2018	\$200.25
46323	Helix Design Group	8/8/2018	\$13,963.80
46324	Hernandez, Johnny	8/8/2018	\$1,381.05
46325	Hunter's Tree Service	8/8/2018	\$4,372.00
46326	Integra Paper Less Business Solution	8/8/2018	\$5,056.74
46327	Jennings Equipment Inc	8/8/2018	\$788.00
46328	Kenyon Disend PLLC	8/8/2018	\$9,974.21
46329	Keybank	8/8/2018	\$2.02
46330	Korum Automotive Group	8/8/2018	\$922.74
46331	Law Offices of Matthew J Rusnak	8/8/2018	\$1,833.33
46332	Mitel Leasing	8/8/2018	\$549.36
46333	Murphy-Brown, Mary	8/8/2018	\$500.00
46334	North Central Laboratorie	8/8/2018	\$1,086.21
46335	Office Depot	8/8/2018	\$63.40

Number	Name	Amount	Posting Date	Clearing Date	Amount
46336	Opportunity Center Of Orting	\$625.00	8/8/2018		
46337	Orca Pacific, Inc	\$863.91	8/8/2018		
46338	Orting Valley Fire & Rescue	\$2,979.17	8/8/2018		
46339	Orting Valley Senior Cent	\$1,083.33	8/8/2018		
46340	P.c. Budget & Finance	\$5,633.39	8/8/2018		
46341	Parametrix	\$80,581.88	8/8/2018		
46342	Paymaster Sales & Services	\$90.66	8/8/2018		
46343	Puget Sound Energy	\$1,172.63	8/8/2018		
46344	Quality Control Services Inc	\$695.00	8/8/2018		
46345	Sarco Supply	\$74.32	8/8/2018		
46346	SHRED-IT USA	\$163.67	8/8/2018		
46347	Spectral Laboratories	\$168.00	8/8/2018		
46348	UniFirst Corporation	\$427.93	8/8/2018		
46349	United Laboratories	\$2,961.71	8/8/2018		
46350	Verizon Wireless	\$2,903.88	8/8/2018		
46351	Washington Associatoin Of Code Enforcement	\$40.00	8/8/2018		
46352	Water Management Lab Inc.	\$160.00	8/8/2018		
46353	Wells Fargo Financial Leasing	\$92.91	8/8/2018		
46354	Zumar Industries Inc	\$122.58	8/8/2018		
	Total	\$162,844.50			
	Total	\$162,844.50			
	Grand Total	\$162,844.50			
			Total	Check	
			Total	2000073	



Custom Council Report

Vendor	Number	Invoice	Account Number	Notes	Amount
Alpine Products Inc.46301		TM-177835	101-542-64-49-01	Paint for Street Striping	\$436.48
		TM-178139	101-542-30-48-02	Paint for Curbs	\$395.47
		TM-178270	101-542-30-48-02	Paint for Curbs	\$395.47
		Total			\$1,227.42
Anytime Fitness	46302	AUG2018-200	001-521-20-21-01	PD Gym Membership-July 2018	\$200.00
				Total	\$200.00
Arrow Lumber	46303	600186-AUG2018	001-514-21-48-01	Wire Connector for City Hall	\$10.91
			001-521-20-31-06	Garbage Cans	\$84.13
			101-542-30-31-00	Duct Tape	\$6.11
			101-542-30-31-00	Gloves-Safety Glasses	\$30.24
			101-542-30-48-02	Propane for Crack Sealing	\$6.74
			101-542-30-48-02	Propane & Hillman Fasteners for Crack Sealing	\$7.37
			101-542-30-48-02	Propane for Crack Sealing	\$10.44
			101-542-30-48-02	Propane for Crack Sealing	\$10.66
			101-542-30-48-02	Propane for Crack Sealing	\$11.97
			101-542-30-48-02	Tie Plate-Hillman Fasteners-Strret Painting	\$27.75
			101-542-30-48-02	Sand for Crack Sealing	\$32.31
			101-542-30-48-02	Propane & Sand for Crack Sealing	\$46.23
			105-576-80-31-00	Supplies for Banner	\$26.21
			401-534-10-31-00	Drill Bit-Mason Bit-Anchors	\$8.44
			401-534-50-35-00	Trench Shovels FA1074	\$73.20
			408-535-10-31-00	Drill Bit-Mason Bit-Anchors	\$8.45
			408-535-10-31-00	Mop Head WWTP	\$10.92
			408-535-10-31-00	Lights for Upper UV Room	\$77.49
			410-531-38-48-00	Hillman Fasteners for Vg Pond Gate	\$3.73
			410-531-38-48-00	Concrete for Storm Pond	\$9.15
410-531-38-48-00	Fence Pliers	\$14.20			
410-531-38-48-00	Concrete for Storm Pond	\$24.40			
410-531-38-48-01	Ladder Hook	\$10.31			
410-531-38-48-01	Labder Hooks & Screws	\$12.58			

Vendor	Number	Invoice	Account Number	Notes	Amount
Arrow Lumber	46303	600186-AUG2018	410-531-38-48-01	Brrrom-Shoves- Shove Handles	\$89.32
				Total	\$653.26
Associated Petroleum Products INC	46304	1278080-IN	101-542-30-32-00	Fuel	\$163.37
			401-534-80-32-00	Fuel	\$653.51
			401-534-80-32-01	Fuel	\$66.87
			408-535-80-32-00	Fuel	\$653.51
			408-535-80-32-01	Fuel	\$66.87
			410-531-38-32-01	Fuel	\$163.40
			410-531-38-32-02	Fuel	\$14.87
				Total	\$1,782.40
Association of Wash. Citi	46305	63447	001-511-60-41-01	AWC Annual Conference for Harman	\$475.00
				Total	\$475.00
Automatic Wilbert Vault	46306	55863	104-536-20-34-00	Liners 2 Piece	\$494.04
				Total	\$494.04
Bratwear-Sound Uniform Solutions	46307	201806B219	001-521-20-31-01	Uniform Items for Defit	\$412.88
		201807B009	001-521-20-31-01	Uniform Items for Defit	\$249.93
				Total	\$662.81
Brisco Inc.	46308	AUG2018-204	001-524-20-32-01	Fuel Building	\$46.00
				Total	\$46.00
Business Solutions Center	46309	352-Aug2018	001-524-20-31-00	Business Cards for Boone	\$32.78
				Total	\$32.78
Centurylink	46310	300549640-AUG2018	408-535-10-42-01	Phones Sewer	\$49.29
		300549818-AUG2018	001-514-23-42-00	City Phones	\$493.11
			001-522-20-42-01	City Phones	\$42.45
			001-524-20-42-00	City Phones	\$26.39
			101-542-63-47-03	City Phones	\$58.90
			401-534-10-42-01	City Phones	\$179.51
			408-535-10-42-01	City Phones	\$290.04
		300549906-AUG2018	401-534-10-42-01	Harman Springs	\$62.39
		300550216-AUG2018	408-535-10-42-01	Phones Sewer	\$196.83
		300550553-AUG2018	001-521-50-42-00	PD Phones	\$388.57
		300550592-AUG2018	001-512-50-42-00	Court Phones	\$107.85
		409178327-AUG2018	001-521-50-42-01	PD Repeater	\$70.89
				Total	\$1,966.22
CenturyLink/Qwest	46311	464B-Aug2018	001-521-20-45-02	Cell Connection	\$35.00
		465B-Aug2018	001-521-20-45-02		\$81.86

Vendor	Name	Invoice	Account Number	Notes	Amount
CenturyLink/Qwest	46311	492B-Aug2018	001-521-20-45-02	Cell Connection	\$76.27
				Total	\$193.13
Cintas Corporation #461	46312	461435904	408-535-60-48-04	Cleaning of Park Restrooms	\$220.08
				Total	\$220.08
Comcast	46313	022113-Aug2018 221105-AUG2018	001-522-20-42-01 001-514-23-42-00 001-524-20-31-00 401-534-10-42-01 408-535-10-42-01	PSB Internet City Hall Internet City Hall Internet City Hall Internet City Hall Internet	\$251.24 \$62.81 \$62.81 \$62.81 \$62.81
				Total	\$502.48
Core & Main	46314	J217366	401-534-50-48-01	Enhanced Meter No Lead-Gasket-Nut Kit	\$713.95
				Total	\$713.95
Cornerstone Electric, Inc	46315	AUG2018-202	408-535-50-48-02	High Cedars Replace Din Rail Connectors & Rail	\$1,204.49
				Total	\$1,204.49
Crystal & Sierra Springs	46316	16789927 072118 5225720 072118	001-514-23-31-02 401-534-10-31-00 408-535-10-31-00	Water for City Hall Water for Public Works Water for Public Works	\$13.11 \$63.59 \$74.72
				Total	\$151.42
Dell Financial Services Payment Processing Services	46317	79594500	001-594-12-41-01 001-594-14-41-02 001-594-21-41-01 001-594-24-41-01 001-594-76-41-01 101-594-42-41-01 105-594-76-41-01 401-594-34-42-02 408-594-35-64-44 410-594-31-41-41	PSB Server City Hall Server PSB Server City Hall Server City Hall Server City Hall Server City Hall Server City Hall Server City Hall Server City Hall Server	\$25.00 \$50.00 \$753.41 \$37.00 \$12.00 \$12.00 \$12.00 \$111.00 \$149.00 \$74.00
				Total	\$1,235.41
Drain-Pro INC	46318	45771 45772 45773	408-535-60-48-04 408-535-60-48-04 408-535-60-48-04	Honey Bucket Rental White Hawk Park Honey Bucket Service-Cali & Washington Honey Bucket Service Whitehawk Park	\$150.00 \$97.82 \$248.06

Vendor	Number	Invoice	Account Number	Notes	Amount
Drain-Pro INC	46318	45774	408-535-60-48-04	Honey Bucket Service North Park Total	\$89.50 \$585.38
Foster Pepper PLLC	46319	Corona-Conference	001-521-20-31-04	Civil Service Conference Total	\$220.00 \$220.00
Frost Landscape	46320	11716	105-576-80-48-08	Landscape Services-July 2018 Total	\$8,039.17 \$8,039.17
H D Fowler Company	46321	14888453	401-534-50-48-02	Supplies for 817 Old Pioneer Water Tap	\$569.88
		14889562	401-534-50-48-02	Supplies for 817 Old Pioneer Water Tap Total	\$136.10 \$705.98
Hach Company	46322	11051479	408-535-10-31-00	Supplies Total	\$200.25 \$200.25
Helix Design Group	46323	A18-021.02	0000004	001-518-20-40-02 001-521-50-46-07 401-534-10-40-01 408-535-10-41-01 410-531-31-40-01	City Hall Facilities City Hall Facilities City Hall Facilities City Hall Facilities City Hall Facilities
		A18-021.06	0000001	001-518-20-40-02 001-521-50-46-07 401-534-10-40-01 408-535-10-40-01 410-531-31-40-01	City Hall Facilities City Hall Facilities City Hall Facilities City Hall Facilities City Hall Facilities
				Total	\$13,963.80
Hernandez, Johnny	46324	Invoice - 8/3/2018 10:48:29 AM	001-521-23-41-01	Property Evidence 6/8/2018-8/03/2018 Total	\$1,381.05 \$1,381.05
Hunter's Tree Service	46325	4570-Aug2018	104-536-50-48-00	Removal of Maple Tree from Cemetery Total	\$4,372.00 \$4,372.00
Integra Paper Less Business Solution	46326	22442-- SWV0238449 G6040	001-513-10-41-01	Scanner for City of Orting Records- Covered By Grant Total	\$5,056.74 \$5,056.74
Jennings Equipment Inc	46327	87744	105-576-80-48-01	Parts for FA1018	\$208.35
			410-531-38-48-01	Parts for FA1018	\$312.53
		87976	105-576-80-48-01	Parts for FA1018	\$106.84
			410-531-38-48-01	Parts for FA1018 Total	\$160.28 \$788.00

Vendor	Number	Invoice	Account Number	Notes	Amount
Kenyon Disend PLLC	46328	187290-187291-187293- 187294	001-515-30-41-01	City Attorney Retainer	\$2,500.00
			001-515-30-41-02	City Attorney-CBA	\$487.58
			001-515-30-41-02	City Attorney Services	\$1,090.21
			001-515-30-41-02	City Attorney- Records Requests	\$1,435.20
			001-515-30-41-05	City Attorney-HR	\$1,002.91
			001-515-30-41-06	City Attorney-Code Enforcement	\$190.21
			001-515-30-41-07	City Attorney- Development	\$345.83
			101-542-30-41-05	City Attorney- Streets	\$760.83
			401-534-10-41-04	City Attorney-Water	\$138.33
			408-535-10-41-04	City Attorney-Sewer	\$484.16
			410-531-39-41-04	City Attorney-Storm	\$1,244.99
			412-594-38-41-02	City Attorney-Public Works Building	\$293.96
				Total	\$9,974.21
Keybank	46329	4461-AUG2018	001-514-23-49-06	Bank Fees	\$2.02
				Total	\$2.02
Korum Automotive Group	46330	6653502	001-521-50-48-02	New Radiator- Hoses for 2008 Charger 94469	\$922.74
				Total	\$922.74
Law Offices of Matthew J Rusnak	46331	178	001-512-50-49-01	Court Appointed Attorney-July 2018	\$1,833.33
				Total	\$1,833.33
Mitel Leasing	46332	901468480	001-594-14-41-03	City Hall Phone Lease	\$74.55
			001-594-24-41-02	City Hall Phone Lease	\$14.91
			001-594-76-41-02	City Hall Phone Lease	\$14.91
			101-594-42-41-02	City Hall Phone Lease	\$14.91
			401-594-34-42-03	City Hall Phone Lease	\$83.50
			408-594-35-64-55	City Hall Phone Lease	\$80.51
			410-594-31-41-42	City Hall Phone Lease	\$14.91
			901468481	001-594-12-41-02	PSB Phone Lease
			001-594-21-41-03	PSB Phone Lease	\$227.99
			Total	\$549.36	
Murphy-Brown, Mary	46333	AUG2018-203	001-571-20-31-21	Dance Class-July 2018	\$500.00
				Total	\$500.00
North Central Laboratorie	46334	410063	408-535-10-31-00	Lab Supplies	\$1,086.21
				Total	\$1,086.21

Vendor	Number	Invoice	Account Number	Notes	Amount
Office Depot	46335	162512334001- 162512335001- 162512337001	001-521-20-31-03	Office Supplies	\$63.40
				Total	\$63.40
Opportunity Center Of Orting	46336	1168	001-571-20-31-14	Orting Opportunity Center Grant- August 2018	\$625.00
				Total	\$625.00
Orca Pacific, Inc	46337	34913	401-534-10-31-01	Sodium Hypochlorite	\$863.91
				Total	\$863.91
Orting Valley Fire & Rescue	46338	Payment #8	001-512-50-41-04 001-521-50-41-07	Payment #8 Lease for PSB-Court Payment #8 Lease for PSB-Police	\$297.92 \$2,681.25
				Total	\$2,979.17
Orting Valley Senior Cent	46339	AUG2018-201	001-571-20-31-06	Monthly Support- Aug 2018	\$1,083.33
				Total	\$1,083.33
P.c. Budget & Finance	46340	IC-253218 C-104188 IC-253669 C-104188 IC-253997 C-104188	001-525-10-51-00 001-514-30-49-01 001-554-30-50-01	PC Emergency Management Services July-Dec 2018 Recording Fees PC Animal Control for June 2018	\$3,329.87 \$38.00 \$2,265.52
				Total	\$5,633.39
Parametrix	46341	1805	001-558-60-41-01 001-558-60-41-01 101-542-30-41-01 101-542-30-41-13 101-542-30-41-13 101-542-30-41-13 101-542-30-41-13 101-542-30-41-13 101-542-30-41-15 101-542-30-41-15 105-594-76-41-02	General Consulting General Development General Consulting Transportation Plan Update-Project Management Transportation Plan Update PH 2- Project Management Transportation Plan Update PH 2-Traffic Model Update Transportation Plan Update PH 2- Transportation Plan Update Project Management-Utility Mapping & GIS Project Management-Utility Mapping Update & Production Project Management	\$2,189.50 \$2,448.50 \$7,477.50 \$20.00 \$340.00 \$2,515.00 \$5,907.50 \$81.57 \$1,100.00 \$170.00

Vendor	Number	Invoice	Account Number	Notes	Amount
Parametrix	46341	1805	105-594-76-41-02	Data Gathering	\$240.00
			105-594-76-41-02	Plan Development	\$435.00
			320-542-30-41-05	TWLRL CM-Field Observation	\$990.00
			320-542-30-41-05	TWLRL CM-Office Support	\$1,350.00
			320-542-30-41-05	TWLRL CM Project Management	\$2,537.50
			401-534-10-41-01	General Consulting	\$578.18
			401-534-10-41-16	Water System Plan Update-WSP Project Management	\$240.00
			401-534-10-41-16	Water System Plan Update-WSP System Analysis	\$307.50
			401-534-10-41-19	General Consulting- Telemetry	\$340.00
			401-534-10-41-37	Project Management-Utility Mapping & GIS	\$81.56
			401-534-10-41-37	Project Management-Utility Mapping Update & Production	\$1,100.00
			401-534-10-41-39	178th Ave E Waterline Survey	\$170.00
			401-594-34-63-49	Orville RD Construciton Services-Office Support	\$780.00
			401-594-34-63-49	Orville RD Construciton Services-Field Observation	\$1,771.45
			401-594-34-63-49	Orville RD Construciton Services-Project Management	\$5,275.00
			408-535-10-41-01	General Consulting	\$1,622.50
			408-535-10-41-21	General Consulting- Telemetry	\$3,145.00
			408-535-10-41-39	Project Management-Utility Mapping & GIS	\$81.56
			408-535-10-41-39	Project Management-Utility Mapping Update & Production	\$1,100.00
			408-594-35-41-12	WWTP Solids Upgrade-Fielding Condition & Assmnt	\$1,530.00
			408-594-35-41-12	WWTP Solids Upgrade-Data Col & Field Assmnt Prep	\$2,012.50
			408-594-35-63-03	WWTP Biosolids Removal-Office Support	\$240.00
			408-594-35-63-03	WWTP Biosolids Removal-Project Management	\$290.00
			408-594-35-63-03	WWTP Biosolids Removal- Construction Observation	\$1,390.00

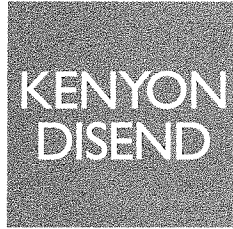
Vendor	Number	Invoice	Account Number	Notes	Amount			
Parametrix	46341	1805	410-531-38-41-08	Project Management-Utility Mapping & GIS	\$81.56			
			410-531-38-41-08	Project Management-Utility Mapping Update & Production	\$1,100.00			
			410-531-39-41-02	General Consulting	\$2,966.00			
			410-594-31-41-30	VG Outfall Replacement Project	\$350.00			
			410-594-31-41-30	Management VG Outfall Replacement	\$415.00			
			410-594-31-41-30	Preliminary Design VG Outfall Replacement	\$6,636.25			
			410-594-31-41-37	Preliminary Plans Levee FEMA O&M Manual PM	\$340.00			
			412-594-38-41-02	Public Works Shop	\$6,878.25			
			001-524-20-41-02	The Mesdows-Design Review	\$2,110.00			
			001-524-20-41-02	Belfair Estates-Design Review	\$2,378.75			
			001-524-20-41-02	The Mesdows-Construction Services	\$3,446.25			
			001-524-20-41-02	Bridgewater Plat-Design Review	\$4,022.50			
				Total	\$80,581.88			
			Paymaster Sales & Services	46342	1342	401-534-10-31-00	Ribbon for Check Stamping Machine	\$30.22
						408-535-10-31-00	Ribbon for Check Stamping Machine	\$30.22
410-531-38-31-00	Ribbon for Check Stamping Machine	\$30.22						
	Total	\$90.66						
Puget Sound Energy	46343	200021064239-Aug2018	401-534-50-47-03	Well 1	\$1,151.77			
		200021119249-Aug2018	401-534-50-47-02	Chlorinator	\$20.86			
			Total	\$1,172.63				
Quality Control Services Inc	46344	53184	408-535-10-41-09	Soldiers Home-Service & Calibration	\$695.00			
				Total	\$695.00			
Sarco Supply	46345	1114429	001-514-23-31-02	Paper Towels City Hall	\$18.58			
			401-534-10-31-00	Paper Towels City Hall	\$18.58			
			408-535-10-31-00	Paper Towels City Hall	\$18.58			
			410-531-38-31-00	Paper Towels City Hall	\$18.58			
				Total	\$74.32			
SHRED-IT USA	46346	8125183125	001-521-20-31-03	PD Shredding	\$86.14			

Vendor	Number	Invoice	Account Number	Notes	Amount
SHRED-IT USA	46346	8125183167	001-514-23-31-02	City Hall Shredding	\$77.53
				Total	\$163.67
Spectral Laboratories	46347	132098	408-535-10-41-03	Lab Testing	\$168.00
				Total	\$168.00
UniFirst Corporation	46348	3301428996-3301431026-3301433081-3301435161	408-535-10-31-03	Supplies-Protective Services	\$427.93
				Total	\$427.93
United Laboratories	46349	INC229764	101-542-30-31-00	Deodorizing Pellets	\$51.43
			105-576-80-31-00	Deodorizing Pellets	\$51.44
			408-535-10-31-00	Wasp Killer	\$1,037.21
			410-531-38-31-00	Deodorizing Pellets	\$51.44
		INV229763	408-535-10-31-00	Supplies-Cleaners	\$1,770.19
				Total	\$2,961.71
Verizon Wireless	46350	9811000326	001-512-50-42-00	Cell Phones-Court	\$55.72
			001-514-23-42-00	Cell Phones	\$323.27
			001-521-20-45-01	Cell Phones-PD	\$230.57
			001-524-20-42-00	Cell Phones	\$130.81
			001-575-50-42-01	Cell Phones	\$55.72
			401-534-10-42-01	Cell Phones	\$302.66
			408-535-10-42-01	Cell Phones	\$302.67
		9811000327	001-512-50-42-00	Court Cell Phones	\$61.16
			001-521-20-45-01	PD Cell Phones	\$841.15
			001-521-20-45-02	Cell Conneciton Data Interface	\$600.15
				Total	\$2,903.88
Washington Associatoin Of Code Enforcement	46351	WSC18-19	001-521-40-49-00	2018 WACE Conferecne-Isenhart	\$40.00
				Total	\$40.00
Water Management Lab Inc.	46352	168592	401-534-10-41-03	Lab Testing	\$160.00
				Total	\$160.00
Wells Fargo Financial Leasing	46353	5005035848	105-576-80-31-00	Public Works Copier	\$13.94
			401-534-10-31-00	Public Works Copier	\$46.46
			408-535-10-31-00	Public Works Copier	\$18.58
			410-531-38-31-00	Public Works Copier	\$13.93
				Total	\$92.91
Zumar Industries Inc	46354	23483	101-542-64-49-00	Do Not Block Gate Access Signs	\$122.58
				Total	\$122.58
				Grand Total	\$162,844.50



**City Of Orting
Council Agenda Summary Sheet**

Subject: AB18-62 Complaint Received By Citizen On Aug. 1, 2018, Alleging Violation Of The City Council's Code Of Ethics		Committee	Study Session	Council
	Agenda Item #:	N/A	N/A	AB18-62
	For Agenda of:		N/A	8/8/2018
	Department:	City Administrator/City Attorney		
	Date Submitted:	8/3/2018		
Cost of Item:	N/A			
Amount Budgeted:	N/A			
Unexpended Balance:	N/A			
Bars #:	N/A			
Timeline:				
Submitted By:	Mark Bethune/Charlotte Archer			
Fiscal Note: The fiscal impact of this issue is unclear. If the City Council refers this issue to a Hearings Examiner, the City will bear the cost of the Hearings Examiner's investigation, including but not limited to an hourly rate for the Hearings' Examiner's work. That amount is unknown; the City's current Hearings Examiner charges approximately \$200/hr.				
Attachments:				
SUMMARY STATEMENT: On August 1, 2018, the City Administrator received a document titled an "Official Letter of Complaint" from Chris Hopfauf, via e-mail. Pursuant to Resolution No. 2017-27 of the Orting City Council, adopting Policy No. 2017-04 establishing a Code of Ethics for the City Council, the City Administrator forwarded the document to the City Attorney for an initial review. Under Policy No. 2017-04, the City Attorney shall review the Complaint and "determine whether the complaint, on its face, alleges facts that, if true, would substantiate a violation of the Code of Ethics." The City Attorney shall prepare a report to the Council memorializing his or her conclusions. The City Attorney is currently preparing that report and it will be circulated in advance of the 8/8/18 regular meeting. Under Policy No. 2017-04, the City Council shall review the City Attorney's report at its regular meeting (in open session). The City Council shall determine, by a majority vote, "whether or not the Council shall refer the allegation(s) to a Hearings Examiner ... to conduct an investigation." The accused Councilmember shall not participate in the discussion or vote. If the Council votes to refer the allegations to a Hearing Examiner, the Hearings Examiner shall conduct an investigation and prepare written findings and conclusions for the Council to review and consider at a later meeting.				
RECOMMENDED ACTION: Council is requested to review the Complaint, the Council Code of Ethics, and the City Attorney's Report (forthcoming), and to determine whether or not to refer the allegation(s) contained in the Complaint to a Hearings Examiner for further investigation. Council may refer the allegation(s) in whole or in part, or take no action.				
[Optional] MOTION: 1. To refer the Complaint [in whole or in part] to a Hearings Examiner for further investigation, pursuant to Policy No. 2017-04.				



TO: All Councilmembers

CC: Mayor Joshua Penner
Mark Bethune, City Administrator
Jane Montgomery, City Clerk

FROM: Charlotte A. Archer, City Attorney

DATE: August 6, 2018

RE: City Attorney's Report regarding Complaint received August 1, 2018

On August 1, 2018, the City Administrator received a document titled an "Official Letter of Complaint" from Chris Hopfauf, via e-mail. A copy of that document, as well as all attachments thereto, is enclosed herewith as **Exhibit A**. Pursuant to Resolution No. 2017-27 of the Orting City Council, adopting Policy No. 2017-04 establishing a Code of Ethics for the City Council, the City Administrator forwarded the document to the City Attorney for an initial review. A copy of that policy is enclosed herewith as **Exhibit B**.

The following report is intended to provide the City Council with a brief summation of the procedure adopted by the City Council pertaining to documents of this type, as well as the conclusions of the City Attorney regarding this document in accordance with Policy No. 2017-04.

A. Overview of Procedure from City Council's Code of Ethics.

Pursuant to Policy No. 2017-04, "[a]ny person who has information that a Councilmember may have violated the Code of Ethics" may submit a written complaint to the City Council or City Administrator." See App. A, at Section D.

The following is a brief summation of the process set forth in the Policy No. 2017-04 pertaining to any such complaint:

1. **Initial Review by City Attorney.** The Complaint is forwarded to the City Attorney for an initial review. The City Attorney shall review the Complaint and "determine whether the complaint, on its face, alleges facts that, if true, would substantiate a violation of the Code of Ethics." The City Attorney shall prepare a report to the Council memorializing his or her conclusions.

2. **City Council Threshold Determination.** The City Council shall review the City Attorney’s report at its next regular meeting (in open session). The City Council shall determine, by a majority vote, “whether or not the Council shall refer the allegation(s) to a Hearings Examiner ... to conduct an investigation.” The accused Councilmember shall not participate in the discussion or vote.
3. **Hearing Examiner Investigation.** If the City Council votes to refer the Complaint to a Hearing Examiner, the Examiner “shall conduct an investigation and prepare written findings and conclusions within 60 days of the date the complaint was received” unless extended by the City Council. The Hearing Examiner shall review the Complaint, any information gathered as part of the investigation, and any written response from the accused Councilmember. The Hearing Examiner shall determine whether, based on a preponderance of the evidence, the councilmember has violated the Code of Ethics.
4. **Council Findings and Conclusions.** The City Council will review the Hearing Examiner’s findings, and by a majority vote, determine which of the following actions to take: (1) dismissal of the complaint; (2) remand to the Hearing Examiner for more information; or (3) determination that a violation occurred. The accused Councilmember shall not participate in the discussion or vote.
5. **Final Council Action.** After a period of time to allow for a response from the accused Councilmember, and subsequent response from the Council, if any, the Council shall convene to vote to take further action. Available sanctions include admonition, reprimand, and censure.

B. Conduct Regulated by City Council’s Code of Ethics.

The City Council recently adopted a Code of Ethics, which set forth certain standards of ethical conduct that the Councilmembers agreed to abide by, as well as potential penalties for conduct in violation of the Code of Ethics. That Code of Ethics prohibits the following behavior by current Councilmembers:

1. Avoidance of the Appearance of Impropriety;
2. Personal Interest in Contracts Prohibited;
3. Personal Influence in Contract Selection Prohibited;
4. Disclosure of Confidential Information [Prohibited];
5. Acceptance of Compensation, Gifts, Favors, Rewards, or Gratuity Prohibited;
6. Certain Employment Prohibited;
7. Personal Interest in Legislation Prohibited;
8. Improper Use of City Personnel Prohibited; and
9. Improper Use of City Property Prohibited.

C. City Attorney’s Evaluation of Letter received by the City Administrator on Aug. 1, 2017.

The letter received from Chris Hopfauf by the City Administrator on August 1, 2017, alleges three complaints, reproduced in the following analysis. Attached to the letter were the following:

1. Document titled "Civil Service Commission Letter of Interest," from Chris Hopfauf to an unnamed recipient;
2. A letter dated February 13, 2018, from Scott Larson to former Chief Drake regarding a personnel investigation;
3. One page of a letter dated February 15, 2018, from Scott Larson to former Chief Drake regarding a personnel investigation;
4. A letter dated February 13, 2018, from Scott Larson to Kristin Swanson regarding a personnel investigation;
5. An e-mail string from former Chief Drake stating his date of resignation, dated March 2, 2018;
6. A letter dated February 22, 2018, from Scott Larson to Chief Drake regarding a personnel investigation; and
7. Three pages from an Investigation Report dated March 29, 2018, prepared by independent investigator Richard Kaiser, pertaining to a personnel investigation (bearing redactions of exempt material pursuant to the Public Records Act).

D. City Attorney's Review of Letter and attachments, received August 1, 2018, per Policy No. 2017-27(D).

The Code of Ethics, at Section D, proscribes the following process:

Upon receipt of the complaint, the City Council, and/or the City Administrator shall provide it to the City Attorney who shall promptly review the information and determine whether the complaint, on its face, alleges facts that, if true, would substantiate a violation of the Code of Ethics and shall report back to the Council in writing.

The City Council, at its next regular meeting, shall review the City Attorney's report and make a determination as to whether or not the Council shall refer the allegation(s) to a Hearings Examiner designated by the Council to conduct an investigation.

Under Section D of Policy No. 2017-27, the City Attorney's job is to review the complaint and determine whether there are sufficient facts to articulate a violation of the Code of Ethics. The City Attorney shall not make a determination as to whether a violation occurred. In fact, the City Attorney is required to assume the facts set forth in the complaint are true, regardless of whether they are accurate or not.

Allegation 1: The first allegation asserts that "after obtaining a seat on the Orting City Council Councilmember Kelly drafted a petition to stop work on a Public Safety Project on

Elderidge Ave Sw.” Taking the facts asserted in the allegation as true, as written, there are insufficient facts to articulate a violation of the Code of Ethics.

Relevant Provision of the Code of Ethics	Evaluation
1. Avoidance of the Appearance of Impropriety	The public safety project at issue in this allegation was approved by the City Council prior to Councilmember Kelly’s election in 2017. Since Councilmember Kelly’s election, the City Council has taken no legislative action regarding the project. Drafting a “petition” to stop a City project, assuming all facts asserted are true, does not likely constitute a failure to avoid the appearance of impropriety. This doctrine applies to prohibit Councilmembers from acting in a way that is fair and unbiased in legislative action and hearings and proceedings. Councilmember Kelly took no legislative action, nor did he participate in any hearings or proceedings related to this project. All legislative action pertaining to this project pre-dated his service on the Council. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
2. Personal Interest in Contracts Prohibited	The public safety project at issue in this allegation was approved by the City Council prior to Councilmember Kelly’s election in 2017. The complaint does not assert Councilmember Kelly played a role in the selection of the contracts related to the Project. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
3. Personal Influence in Contract Selection Prohibited	The complaint does not allege that Councilmember Kelly has a financial interest in the public safety project, or would otherwise financially benefit from its termination. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
4. Disclosure of Confidential Information [Prohibited]	The complaint does not allege Councilmember Kelly disclosed confidential information. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
5. Acceptance of Compensation, Gifts, Favors, Rewards, or Gratuity Prohibited	The complaint does not allege Councilmember Kelly received compensation of any kind relating to the public safety project. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
6. Certain Employment Prohibited	The complaint does not allege Councilmember Kelly engaged in prohibited employment. Therefore, this allegation, as drafted, does not articulate a violation of this provision.

7. Personal Interest in Legislation Prohibited	The public safety project at issue in this allegation was approved by the City Council prior to Councilmember Kelly's election in 2017. The complaint does not allege Councilmember Kelly participated in the legislative approval of the project. Nor does the complaint allege the Council took action, while Councilmember Kelly was a member, relating to this project. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
8. Improper Use of City Personnel Prohibited	The complaint does not allege Councilmember Kelly improperly directed City personnel. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
9. Improper Use of City Property Prohibited	The complaint does not allege Councilmember Kelly improperly used City property. Therefore, this allegation, as drafted, does not articulate a violation of this provision.

Allegation 2: The second allegation asserts that “Councilmember Kelly ... removed Councilman at Large Gunther from the table in a PSC meeting stating that ‘the Mayor said to do it’ That was a lie.” Taking the facts asserted in the allegation as true, as written, there are insufficient facts to articulate a violation of the Code of Ethics.

Relevant Provision of the Code of Ethics	Evaluation
1. Avoidance of the Appearance of Impropriety	The complaint does not allege that Councilmember Kelly had a conflict of interest or was otherwise improperly influenced. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
2. Personal Interest in Contracts Prohibited	The complaint does not assert Councilmember Kelly had a personal interest in a contract. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
3. Personal Influence in Contract Selection Prohibited	The complaint does not allege that Councilmember Kelly has a financial interest in a certain contract selection. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
4. Disclosure of Confidential Information [Prohibited]	The complaint does not allege Councilmember Kelly disclosed confidential information. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
5. Acceptance of Compensation, Gifts, Favors, Rewards, or Gratuity Prohibited	The complaint does not allege Councilmember Kelly received compensation of any kind. Therefore, this allegation, as drafted, does not articulate a violation of this provision.

6. Certain Employment Prohibited	The complaint does not allege Councilmember Kelly engaged in prohibited employment. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
7. Personal Interest in Legislation Prohibited	The complaint does not allege Councilmember Kelly participated in legislation in which he had a personal interest. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
8. Improper Use of City Personnel Prohibited	The complaint does not allege Councilmember Kelly improperly directed City personnel. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
9. Improper Use of City Property Prohibited	The complaint does not allege Councilmember Kelly improperly used City property. Therefore, this allegation, as drafted, does not articulate a violation of this provision.

Allegation 3: The third allegation asserts that “In January of 2018 I applied for a vacant Civil Service Commission seat. Councilmember Kelly and Chief Drake conspired to block me from being appointed to the seat. Restricted files were accessed by Kristen Swanson and Chief Drake for purposes “primarily for the benefit of the employee rather than primarily for the benefit of the city” An investigation ensued and Chief Drake resigned as he knew that he would be terminated by the Appointing Authority.” Taking the facts asserted in the allegation as true, as written, it is unclear whether there are sufficient facts to articulate a violation of the Code of Ethics.

Relevant Provision of the Code of Ethics	Evaluation
1. Avoidance of the Appearance of Impropriety	The complaint does not allege that Councilmember Kelly had a conflict of interest or was otherwise improperly influenced. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
2. Personal Interest in Contracts Prohibited	The complaint does not assert Councilmember Kelly had a personal interest in a contract. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
3. Personal Influence in Contract Selection Prohibited	The complaint does not allege that Councilmember Kelly has a financial interest in a certain contract selection. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
4. Disclosure of Confidential Information [Prohibited]	The complaint does not allege Councilmember Kelly obtained or disclosed confidential information. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
5. Acceptance of Compensation, Gifts, Favors, Rewards, or Gratuity Prohibited	The complaint does not allege Councilmember Kelly received compensation of any kind. Therefore, this

	allegation, as drafted, does not articulate a violation of this provision.
6. Certain Employment Prohibited	The complaint does not allege Councilmember Kelly engaged in prohibited employment. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
7. Personal Interest in Legislation Prohibited	The complaint does not allege Councilmember Kelly participated in legislation in which he had a personal interest. Moreover, Councilmember Kelly, as a Councilmember, does not have legislative oversight over appointments to the Civil Service Commission – these appointments are not subject to Council confirmation, pursuant to RCW 41.12.030. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
8. Improper Use of City Personnel Prohibited	<p>The complaint alleges “Councilmember Kelly and Chief Drake conspired to block [Mr. Hopfauf] from being appointed [to a Civil Service Commission seat].” There is no explicit allegation that Councilmember Kelly improperly directed former Chief Drake, as a member of City personnel. Exhibit B at page 4, which is a copy of a report prepared by Richard H. Kaiser, a statement appears from former Chief Drake stating he was asked by Councilmember Kelly to “get ... information” pertaining to Mr. Hopfauf’s criminal record.</p> <p>Taking all of the allegations contained in the letter and its attachments as true (which is required at this stage), this allegation may articulate a violation of this provision of the Code of Ethics, which prohibits Councilmembers from “employ[ing] or us[ing] any person under his or her official control or direction for personal benefit, gain or profit.” However, the complaint fails to allege that Councilmember Kelly intended to personally benefit, gain or profit from this endeavor, which is a required element of this provision of the Code of Ethics.</p>
9. Improper Use of City Property Prohibited	The complaint does not allege Councilmember Kelly improperly used City property. Any allegations regarding the use of City property are asserted against City employees, and not Councilmember Kelly. Therefore, this allegation, as drafted, does not articulate a violation of this provision.

July 31st 2018

Mr. Mayor and members of the Orting City Council,

I am writing this letter of complaint to bring acts of Abuse of Power, Discrimination and Unethical Behavior to your attention. Councilman John Kelly has engaged in very questionable if not illegal acts which in my opinion are grounds for resignation from the Orting City Council, all committees and commissions.

1) Soon after obtaining a seat on the Orting City Council Councilmember Kelley drafted a petition to stop work on a Public Safety Project on Elderedge Ave Sw. The Three Way Stop Project that took 2.5 years of citizen action to accomplish, 86% of the citizens in the affected area supported and the city approved. Apparently, it affected his commute time.

2) Councilmember Kelley as the Co-Chair of the Public Safety Committee very unceremoniously removed Councilman at Large Gunther from the table in a PSC meeting stating that "the Mayor said to do it" That was a lie. Mr. Gunther immediately contacted the Mayor and found that the Mayor gave no such direction. The whole incident of bullying Councilman Gunther is recorded.

3) In January of 2018 I applied for a vacant Civil Service Commission seat. Councilmember Kelly and Chief Drake conspired to block me from being appointed to the seat. Restricted files were accessed by Kristen Swanson and Chief Drake for purposes "primarily for the benefit of the employee rather than primarily for the benefit of the city" An investigation ensued and Chief Drake resigned as he knew that he would be terminated by the Appointing Authority.

As Mr. Kelly initiated these acts of Abuse of Power, Discrimination and Unethical Behavior I feel it is in the best interest of the Citizens of Orting that Councilmember Kelly resign from any and all positions of political power in the City of Orting.

Thank you,

Chris Hopfauf

Civil Service Commission Letter of Interest

Chris Hopfauf

██████ Eldredge Av Sw

P.O. Box ██████

Orting WA. 98360

253-820-██████

To whom it may concern,

I am interested in being appointed to Orting's Civil Service Commission. Since Mike Compton was murdered on February 19th 2014 I have been very concerned with our Police Department, how it is managed and what officers are hired to protect the citizens of Orting. As you may know our Civil Service Commission rules had several issues that needed to be modified to be in compliance with Washington State Law and I am very interested in maintaining that compliance.

I feel that my dedication to Public Safety and my desire to serve my community make me a good candidate to sit on the Commission and work with the current Commissioners to maintain the integrity of the Orting Police Department.

Attached is my resume which includes further job and education related information concerning my qualifications to obtain an appointment to the Civil Service Commission.

Sincerely,
Chris Hopfauf

City of Orting

110 Train St SE, P.O. Box 489, Orting, WA 98360-0489

Phone: (360) 893-2219

Fax: (360) 893-6809

February 13, 2018

Chief William Drake
City of Orting
Police Department
401 Washington Ave. SE
Orting, WA 98360

VIA HAND-DELIVERY

Chief Drake:

The City of Orting has received a complaint that you engaged in improper governmental actions as an officer of the City, by allegedly undertaking conduct in violation of the following provisions of the Personnel Manual:

- 4.05.01(1)(h): “threatening, intimidating, coercing or interfering with customers, supervisors or other employees”;
- 4.05.01(2)(r): “use of the City computers (including internet & e-mail) for: personal gain . . . political purposes”; and
- 8.04(B), Improper Use of Official Position, including subparts (1) “use of his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of the city”; and (2) “use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any city funds or city property, for a purpose which is, or to a reasonable person would appear to be, for other than a city purpose. . . .”

As a result of this complaint, the City of Orting has initiated an investigation into actions that may have occurred in the workplace. Your involvement in this investigation, as currently known to the City of Orting, is as a subject. The investigator retained by the City of Orting is Rick Kaiser, and he will meet with you to conduct an interview with regard to the concerns raised on Wednesday, February 14, 2018 at 1:00 PM in the Mayor’s Office at City Hall. Mr. Kaiser can be reached at (425) 213-0993 or rhk@rickkaiser.com, if you have any questions regarding the investigation prior to your interview.

The City expects that you will keep the investigation, and your discussions with the investigator, strictly confidential until the investigation is completed. The City will also maintain the confidentiality of the investigation to the extent possible under the law.

“Small Town—Big View”

2

Chief William Drake

Page 2

February 13, 2018

Retaliation against anyone involved in the investigation is strictly prohibited. If you believe that you have been mistreated or otherwise retaliated against because of your participation in this investigation, you should notify me immediately. Likewise, you are strictly prohibited from retaliating against anyone else for participating in this investigation.

If you have any questions relating to this investigation, please direct them to Mr. Kaiser. Again, the City appreciates your cooperation and participation in this investigation. If you have other questions unrelated to the investigation, you may contact me or Scott Larson, Director of Human Resources.

Sincerely,

Scott Larson
Director of HR

Cc: Joshua Penner, Mayor, City of Orting
Charlotte Archer, City Attorney

City of Orting

110 Train St SE, P.O. Box 489, Orting, WA 98360-0489

Phone: (360) 893-2219
Fax: (360) 893-6809

February 15, 2018

Chief William Drake
City of Orting
Police Department
401 Washington Ave. SE
Orting, WA 98360

VIA E-MAIL

Chief Drake:

This letter is to follow-up to the letter you received on February 13, 2018, pertaining to the City's investigation into a complaint that you engaged in improper governmental actions as an officer of the City, described in more detail in that letter.

At a conference with me in the afternoon of February 13, 2018, you stated that you did not want to participate in the investigation, and instead, intended to resign your position as Police Chief for the City of Orting. I provided you with a Separation Agreement memorializing your resignation and the terms thereof, for your review and signature. As stated in the Separation Agreement, by law you have a period of twenty-one (21) calendar days to review the Agreement before signing, following receipt of the Agreement on February 13, 2018. See Paragraph 6 of the Separation Agreement.

The City must continue with and complete its investigation, due to the terms of the personnel manual. As an employee of the City, you are requested to attend an interview with the investigator, Rick Kaiser, for Thursday, February 22, 2018, at 9 AM, at City Hall. Again, Mr. Kaiser can be reached at (425) 213-0993 or rhk@rickkaiser.com, if you have any questions regarding the investigation prior to your interview. As previously stated, the City expects that you will keep the investigation, and your discussions with the investigator, strictly confidential until the investigation is completed. The City will also maintain the confidentiality of the investigation to the extent possible under the law. In the event you refuse to participate in the investigation while remaining in the City's employ, the City reserves its right to subject you to disciplinary action.

If you have any questions relating to this investigation, please direct them to Mr. Kaiser. Again, the City appreciates your cooperation and participation in this investigation.

Sincerely,

“Small Town—Big View”

City of Orting

110 Train St SE, P.O. Box 489, Orting, WA 98360-0489

Phone: (360) 893-2219

Fax: (360) 893-6809

February 13, 2018

Kristin Swanson
401 Washington Ave. SE
Orting, WA 98360

VIA HAND-DELIVERY

Dear Kristin:

The City of Orting has received a complaint that members of the Police Department allegedly engaged conduct in violation of the following provisions of the Personnel Manual:

- 4.05.01(2)(r): “use of the City computers (including internet & e-mail) for: personal gain . . . political purposes”; and
- 8.04(B), Improper Use of Official Position, including subparts (1) “use of his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of the city”; and (2) “use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any city funds or city property, for a purpose which is, or to a reasonable person would appear to be, for other than a city purpose. . . .”

As a result of this complaint, the City of Orting has initiated an investigation into actions that may have occurred in the workplace. Your involvement in this investigation, as currently known to the City of Orting, is as a witness and as a possible subject. The investigator retained by the City of Orting is Rick Kaiser, and he will meet with you to conduct an interview with regard to the concerns raised on Wednesday, February 14, 2018 at 2:30 PM at City Hall. Mr. Kaiser can be reached at (425) 213-0993 or rhk@rickkaiser.com, if you have any questions regarding the investigation prior to your interview.

Under Article 13 of the current Collective Bargaining Agreement between the City and your Union (AFSCME, Local 120), you have the right to have a Union Steward and/or Union Representative accompany you during your interview with Mr. Kaiser. You also have the right to meet with your Union Steward and/or Union Representative during work hours prior to your interview with Mr. Kaiser. **Please confirm, by signing the acknowledgement at the bottom of this letter, whether you are requesting union representation for your interview.** If you are

“Small Town—Big View”

Kristin Swanson
Page 2
February 13, 2018


requesting union representation for your interview, you are directed to contact your Union Steward and/or Union Representative.

The City expects that you will keep the investigation, and your discussions with the investigator, strictly confidential until the investigation is completed. The City will also maintain the confidentiality of the investigation to the extent possible under the law.

Retaliation against anyone involved in the investigation is strictly prohibited. If you believe that you have been mistreated or otherwise retaliated against because of your participation in this investigation, you should notify me immediately. Likewise, you are strictly prohibited from retaliating against anyone else for participating in this investigation.

If you have any questions relating to this investigation, please direct them to Mr. Kaiser. Again, the City appreciates your cooperation and participation in this investigation. If you have other questions unrelated to the investigation, you may contact me or Mark Bethune.

Sincerely,


Scott Larson
Director of HR, City of Orting

Cc: Mark Bethune, City Administrator
Charlotte Archer, City Attorney

Union Representation Request / Waiver

Please check one:

- I request that my union representative, officer or steward be present at my interview with Rick Kaiser on Wednesday, February 14, 2018 at 2:30 PM at City Hall. I understand that it is my responsibility to contact my union representative, officer or steward prior to my interview to arrange for his/her presence at my interview.
- I waive my right to have my union representative, officer or steward present at my interview with Rick Kaiser on Wednesday, February 14, 2018 at 2:30 PM at City Hall. I understand that I can change my decision at any time prior to or during my interview by clearly stating my decision to the Rick Kaiser (the interviewer) and/or an official of the City of Orting.

Signed: Kristin Swanson
Printed Name: Kristin Swanson

Date: 2/13/18

5

Antoinette Mattox

From: Scott Larson <SLarson@cityoforting.org>
Sent: Friday, March 02, 2018 10:47 AM
To: Charlotte Archer; Kendra Comeau
Subject: FW: Retirement - Effective 1 April 2018

FYI

Scott Larson
Treasurer, City of Orting
110 Train St. SE
PO Box 489
Orting, WA 98360
(360) 893-2219 EX 111

From: William Drake
Sent: Friday, March 2, 2018 10:06 AM
To: Scott Larson
Cc: Mark Bethune; Josh Penner
Subject: Retirement - Effective 1 April 2018

Hey,

Per our previous conversation and notice, I am resigning my position as Chief of Police effective 31 March 2018 and beginning my retirement on 1 April 2018.

Thank you.

*Regards,
Bill Drake
Chief of Police
City of Orting
Ph: 360-893-3111
Fax: 360-893-3129*

February 22, 2018

Chief William Drake
City of Orting
Police Department
401 Washington Ave. SE
Orting, WA 98360

VIA E-MAIL

Chief Drake:


This letter is to follow-up to the letters you received on February 13, 2018, and February 15, 2018, pertaining to the City's investigation into a complaint that you engaged in improper governmental actions as an officer of the City. As stated in the City's February 13, 2018 letter, the City received allegations that you undertook conduct in violation of 4.05.01(1) (h); 4.05.01(2)(r); and 8.04(B).

The allegations under investigation include an allegation that you misused, for personal purposes, a criminal history record system(s) by conducting a background search on an individual for non-law enforcement purposes. As previously conveyed, you are being questioned as part of an internal investigation into this allegation. You are directed to answer questions during the course of this investigation. The questions will be specifically, directly and narrowly related to performance of your official duties. You are entitled to all the rights and privileges guaranteed by the law and the Constitution of the United States, including the right not to be compelled to incriminate yourself. If you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you could be subject to discharge. If you do answer, neither your statement, nor any information or evidence which is gained by reason of such statement, can be used against you in any subsequent criminal proceedings. However, these statements may be used against you in relation to subsequent discipline.

Your interview was rescheduled to February 22, 2018, at 9AM. You requested additional time to consult with your attorney in advance of the interview. Accordingly, you are requested to attend the interview with the investigator, Rick Kaiser, on Tuesday, February 27, 2018, at 10 AM, at the MPC Office. Again, Mr. Kaiser can be reached at (425) 213-0993 or rhk@rickkaiser.com, if you have any questions regarding the investigation prior to your interview.

If you have any questions relating to this investigation, please direct them to Mr. Kaiser. Again, the City appreciates your cooperation and participation in this investigation.

Sincerely,


Scott Larson
Director of HR, City of Orting

2. City of Orting Personnel Policy Section 4 (General Conduct, Discipline, Termination and Appeal); and
3. Witness Statements and Notes.

III. Findings of Fact.

The following facts are not in material dispute, unless noted otherwise.

A. Relevant Background Information.

This information provides context for the facts documented below.

1. City of Orting Personnel Policy Section 8 (Employee Code of Ethics and Policy for Reporting Improper Governmental Action).

The City's Employee Code of Ethics and Policy for Reporting Improper Governmental Action governs this investigation. It provides, in relevant part:

- E. "Improper governmental action" means any action by a City of Orting employee:
1. That is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and
 2. That (i) is in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, ...

Exhibit A (COOPP Section 8).

2. City of Orting Personnel Policy Section 4 (General Conduct, Discipline, Termination and Appeal).

The City's General Conduct Rules also govern this investigation. They provide, in relevant part:

- 4.05.01 Rules of Conduct
1. The occurrence of any of the following is sufficient justification for immediate discharge but is not considered all inclusive:

...

p. Willful infraction of any departmental or city rule, regulation or policy.

Exhibit B (COOPP Section 4).

CONFIDENTIAL AND PRIVILEGED
ATTORNEY WORK PRODUCT

March 29, 2018

Page 3

B. January 2018: Mr. Drake's Alleged Abuse of Law and/or Authority.

On January 29, 2018, [Redacted Text: 11g] was working in [11g] office. In an adjacent room, a court clerk named Ms. Kim Kainoa and a police clerk named Ms. Kristin Swanson were working at their respective computer terminals.

Mr. Drake entered the room and referenced Mr. Chris Hopfauf, who was apparently running for one of the City's commissions. Mr. Drake then asked the City employees about Mr. Hopfauf's contacts with law enforcement agencies.

Beyond that, the witnesses provided contradictory accounts about this incident.

1. [Redacted Text: 11g] Account.

After referencing Mr. Hopfauf's candidacy, Mr. Drake stated, "We can't have him on the commission." Mr. Drake, Ms. Kainoa, and Ms. Swanson then briefly discussed this issue.

[Redacted Text: 11g], who remained in [11g] office, then had the following exchange with Mr. Drake.

[11g] What do you need that for?

Drake: We cannot have him on the civil service commission.

[11g] I didn't think he was on the civil service commission. I think he was applying to be on the planning commission.

[11g] then checked [11g] court database, which is not restricted.

[11g] We don't have anything here. He was a victim in one court and he had a dismissal in our court. Your police clerk would have more information if that's what you're looking for.

I'm surprised you're wondering about Mr. Hopfauf's background when you've told me that a felon was on city council and that wasn't a problem.

Mr. Drake then approached Ms. Swanson, who had access to the City's law enforcement database, which is restricted. As Mr. Drake looked over Ms. Swanson's shoulder, she accessed records on the database.

This alarmed [11g], who left the area.

I asked [11g] how she was certain that Ms. Swanson was accessing records about Mr. Hopfauf. [11g] answered that she did not exactly know what records Ms. Swanson was accessing. [11g] related that she thought that they involved a law enforcement data

Richard H. Kaiser, Attorney
rhk@rickkaiser.com

base. [11g] stated, "I'm pretty darn sure, but I could not fully read Ms. Swanson's computer screen."

2. Ms. Swanson's Account.¹

As part of her job duties, Ms. Swanson regularly accesses "Total Enforcement," which is the restricted law enforcement database.

When Mr. Drake entered the room, he asked Ms. Swanson if Mr. Hopfauf had any current cases. Mr. Drake related that he was concerned that Mr. Hopfauf's criminal history might preclude him from possessing a firearm.

Ms. Swanson asked Mr. Drake if he wanted to check on Total Enforcement. Mr. Drake agreed. Ms. Swanson then ran Mr. Hopfauf's name on Total Enforcement. Mr. Drake stood over Ms. Swanson and looked at the search results. Ms. Swanson told Mr. Drake that she did not see anything current.

Ms. Swanson told me that she thought Mr. Drake's inquiry was an order to conduct the search.

The order also perplexed Ms. Swanson, who knew that Mr. Drake could also access Total Enforcement.

3. Mr. Drake's Account.

Mr. Drake did make this inquiry, but it was on behalf of Mr. John Kelly, who is a council member of the City.

On January 27, 2018, Mr. Drake and Mr. Kelly met on a matter unrelated to the City. During a conversation, Mr. Kelly mentioned that Mr. Hopfauf was a candidate for the City's Civil Service Commission. Mr. Kelly asked Mr. Drake if Mr. Hopfauf had a criminal record. Mr. Kelly related that he wanted to know this information before he voted on Mr. Hopfauf's candidacy the following week.

The following exchange then ensued.

Drake: You can do a public records request of the court and find out. It will be a matter of public record.

Kelly: Yeah, but can you get me that information?

Drake: I'll check into it on Monday.

¹ Ms. Kainoa told me that she was on the phone during this incident and did not remember anything specific about it. Ms. Kainoa added that she knew [Redacted text: 11g] was upset about the incident.

CITY OF ORTING
WASHINGTON
RESOLUTION NO. 2017-27

ORIGINAL

A RESOLUTION OF THE CITY OF ORTING,
WASHINGTON, ADOPTING POLICY NO. 2017-04,
ESTABLISHING CODE OF ETHICS FOR CITY COUNCIL;
SETTING EFFECTIVE DATE.

WHEREAS, the City Council of the City of Orting maintains Rules of Procedure, which govern conduct of City Council members, generally, and were last updated on November 9, 2016; and

WHEREAS, the City Council desires to adopt a comprehensive Code of Ethics, which would govern the ethical conduct of elected officials and penalties for violations thereof, and supplement the Rules of Procedure, as amended and as may be amended in the future; and

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

Section 1. Ethics Policy, Adopted. Policy No. 2017-04, the "Council Ethics Policy" attached hereto as Exhibit A, is hereby adopted by reference as if fully set forth herein.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Resolution 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 Resolution or its application to other persons or circumstances.

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

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 13th DAY OF December, 2017.

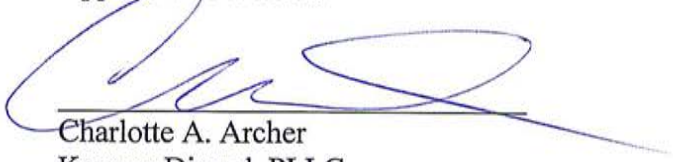
CITY OF ORTING


Joachim Pestinger, Mayor

ATTEST/AUTHENTICATED:

Jane A. Montgomery
Jane Montgomery, City Clerk

Approved as to form:



Charlotte A. Archer
Kenyon Disend, PLLC
City Attorney



City Council of the City of Orting, Washington

Policy No. 2017-04

City Council Code of Ethics

I. PURPOSE

The purpose of this policy is to establish a formal code of ethics by which Councilmembers will conduct themselves while serving on the Orting City Council.

II. REFERENCES

Chapter 42.23 RCW, Code of Ethics for Municipal Officers—Contract Interests

Ch. 42.20 RCW, Misconduct of Public Officers

Ch. 42.36 RCW, Appearance of Fairness.

III. DECLARATION OF POLICY

It is essential to the proper administration and operation of the City of Orting that the City Council be and give the appearance of being independent and impartial; that elective and appointed office with the City of Orting not be used for personal benefit; and that the public have confidence in the integrity of the City. In recognition of these goals, the City Council has adopted this Code of Ethics, which is applicable to all members of the City Council.

The purpose of this Code is to establish standards of ethical conduct applicable to the City Councilmembers, in the discharge of their duties by prescribing essential restrictions against conflict of interest and other conduct not consistent with good ethical practices while not creating unnecessary barriers to public service. To that end, Councilmembers should not be denied the opportunity available to all other citizens to acquire and maintain private economic interests, except in circumstances in which a conflict of interest would reasonably result.

It is required that all Councilmembers comply with the law and all other applicable rules and regulations governing the conduct of public officials. The standards in this Code shall not preclude other standards required by law including but not limited to, Ch. 42.23 RCW, Code of Ethics for Municipal Officers-Contract Interests, Ch. 42.20 RCW, Misconduct of Public Officers

1 Passed by the City Council _____

and Ch. 42.36 RCW, Appearance of Fairness. Nothing in this Code of Ethics shall be construed to limit full compliance with applicable federal and state laws and applicable rules and regulations governing the conduct of public officials now existing or hereinafter enacted.

A. Avoidance of the Appearance of Impropriety

All members of the City Council should conduct their official duties with integrity and impartiality and in a manner that avoids even the appearance of impropriety or a conflict of interest between public duties and private interests. No Councilmember shall, by their conduct or participation in activities, give reasonable basis for the impression that any person can improperly influence the Councilmember or unduly enjoy the Councilmember's favor in the performance of official City actions, or that the Councilmember is affected in the performance of the official act or actions by the kinship, rank, or association with any person.

Example:

A Councilmember actively pursues the award of a city contract to a company owned by a close friend. Such activity gives the appearance of impropriety and should be avoided.

B. Standards of Ethical Conduct

1. Personal Interests in Contracts Prohibited

No Councilmember shall participate in their capacity as a Councilmember in the making of a contract in which the Councilmember has a personal interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the City. Except, that this prohibition shall not apply where the Councilmember has only a remote interest in the contract as defined in RCW 42.23.040 and summarized below and where the fact and the extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract and thereafter the City Council authorizes, approves, or ratifies the contract in good faith by a vote of its membership without counting the vote or votes of the Councilmember(s) having the remote interest

For purposes of this section, a "remote interest" means:

- a. that of a non-salaried officer of a non-profit corporation; or
- b. that of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary; or
- c. that of a landlord or tenant of a contracting party; or
- d. that of a holder of less than one percent of the shares of a corporation, limited liability company or other entity which is a contracting party.

2. Personal Influence in Contract Selection Prohibited.

No Councilmember shall influence the City's selection of, or its conduct of business with, a corporation, person, or firm having or proposing to do business with the City if the Councilmember has a personal financial interest, direct or indirect in or with the corporation, person, or firm, unless such interest is a remote interest as defined in RCW 42.23.040 and summarized herein and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract and thereafter the City Council authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the Councilmember(s) having the remote interest.

Example:

A Councilmember is requested to vote to award a contract to a company that employs the Councilmember. If the Councilmember has a beneficial interest in the contract either direct or indirect such as through a business profit sharing plan, the contract cannot be approved. If the Councilmember has no such interest and/or is subject to the remote interest rule, the Councilmember must disclose his/her interest and abstain from voting. Further, the Councilmember may not attempt to influence the votes of other Councilmembers. Questions regarding these kinds of situations should be directed to the City Attorney for review.

3. Disclosure of Confidential Information

A Councilmember shall not disclose or use any confidential, privileged, or proprietary information gained by reason of his or her position for a purpose other than an authorized City undertaking; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request. Information obtained during Executive Sessions is deemed confidential.

Examples:

A Councilmember purchases land with advanced, undisclosed knowledge of the route of a new transit line that, when completed, will substantially increase the value of the land. The Councilmember's purchase of the land based on "inside" information violates this section off the Code of Ethics.

While having a conversation with Union leadership, a Councilmember discloses information discussed during Executive Session about labor negotiation strategy. The Councilmember's conduct violates this section's prohibition against disclosing information discussed in Executive Session.

4. Acceptance of Compensation, Gifts, Favors, Rewards, or Gratuity Prohibited.

Councilmembers may not, directly or indirectly, give or receive, or agree to give or receive, any compensation, gift, favor, reward, or gratuity for a matter connected with or related to the officer's performance of official duties for the city. Prohibited conduct includes, but is not limited to, the following:

- a. Accepting cash or other cash equivalents such as gift cards or gift certificates regardless of value except as part of an internal, recognized, and sanctioned city incentive program.
- b. Accepting gifts, gratuities, loans, entertainment or other items of value from anyone with whom the city regularly transacts business, who has or seeks a contract with the city, or who desires other official action from the city.
- c. Giving, offering or promising anything of value to a customer, a potential customer, or a financial institution in connection with any transaction or business that the city may have with that customer, potential customer, or financial institution.
- d. Misusing confidential city information or disclosing such information to any individual who does not have a need to know the information.
- e. Using the city's name, account or credit to purchase merchandise for personal use

Exceptions. The prohibition regarding accepting compensation, gifts, or rewards shall not apply to:

- a. Receiving items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made to gain or maintain influence;
- b. Receiving items exchanged equally among Councilmembers at a social event hosted or sponsored by an officer of the city for other officers or employees of the city.
- c. Receiving items of nominal value provided for advertising purposes such as pens, calendars, or items received at a conference;
- d. Payment by a governmental or non-governmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance or trade mission made in an official capacity. Reasonable expenses are limited to travel, lodging and

subsistence expenses incurred the day before through the day after the event;

- e. Payment of fees and reasonable travel expenses for attending seminars or educational programs sponsored by a government or bona fide non-profit professional, educational, trade or charitable association or institution. Reasonable expenses are limited to travel, lodging and subsistence expenses incurred the day before through the day after the event;
- f. Discounts available to the individual as a member of a group, occupation or similar broad-based group;
- g. Awards, prizes, scholarships or other items provided in recognition of academic, sport, or scientific achievement;
- h. Attendance of the Councilmember at a hosted meal where official attendance by the Councilmember as a city representative is appropriate;
- i. Campaign contributions that are in compliance with Chapter 42.17 RCW.

Example:

The Anyname Company has submitted a bid on a City project. The President of Anyname approaches a City Councilmember and promises that if his firm is the successful contract bidder, he will buy supplies from a firm owned by the Councilmember. The Councilmember promises to use his/her position to secure the contract for Anyname. Such actions are a violation of this section of the Ethics Code.

5. Certain Employment Prohibited.

No City Councilmember shall engage in or accept employment or render services for any employer when such employment or service creates a conflict of interest with a duty owed to the city or conflicts with the proper discharge of official city duties.

Example:

A Councilmember, who is also a real estate agent, represents a client who is in competition with the City for a parcel of land. The Councilmember is in violation of this section of the Code of Ethics.

6. Personal Interest in Legislation Prohibited.

No City Councilmember shall benefit either directly or indirectly from any legislation or have a financial interest in any legislation coming before the City Council nor participate in discussion with or give an opinion on such legislation, unless such interest is a remote interest as defined in this section and where the fact and extent of such interest is disclosed and noted on the record of the Council, or similar records of the City prior to consideration of the legislation by the City Council. City Councilmembers' participation in the enactment of legislation shall be governed by Ch. 42.23 RCW, Code of Ethics for Municipal Officers and Ch. 42.36 RCW, The Appearance of Fairness Doctrine. City Councilmembers shall not be prohibited from participating in the adoption of legislation when the Councilmember has only a remote interest in the legislation as defined in this section, which has been disclosed, and the legislation is applicable to the general public and not of specific or unique benefit to the Councilmember. Questions regarding these kinds of situations should be directed to the City Attorney for review.

7. Improper Use of Position Prohibited.

A Councilmember shall not knowingly use his or her office or position to secure personal benefit, gain or profit, or use his or her position to secure special privileges or exceptions for himself or herself, or for the benefit, gain, or profits of any other persons.

8. Improper Use of City Personnel Prohibited.

A Councilmember shall not employ or use any person under his or her official control or direction for personal benefit, gain, or profit.

9. Improper Use of City Property Prohibited.

A City Councilmember shall not use city-owned vehicles, equipment, materials, money, or property for personal or private convenience or profit. Such use is restricted to those city services that are available to the public generally, for the authorized conduct of official business or for such purposes and under such conditions as are approved by the city council, city Administrator or designee.

A Councilmember shall not utilize the City's name, letterhead or logo for the purpose of endorsing any political candidate, business, commercial product, or service.

C. Impermissible Conduct After Leaving City Office

1. Disclosure of Privileged, Confidential, or Proprietary Information Prohibited.

No former City Councilmember shall disclose or use for his or her personal gain or that of any other person any privileged, confidential, or proprietary information gained because of his or her city office .

2. Participation in City Matters Prohibited.

No former City Councilmember shall, during the period of one year after leaving office:

- a. Assist any person in matters involving the city if, while in the course of duty with the city, the former Councilmember was officially involved in the matter, or personally and substantially participated in the matter, or acted on the matter; or
- b. Represent any person as an advocate in any matter in which the former Councilmember was involved while a Councilmember; or
- c. Participate as or with a bidder, vendor, or consultant in any competitive selection process for a city contract in which he or she assisted the city in determining the project, or work to be done or the process to be used.

D. Violation of the Code of Ethics

Any person who has information that a Councilmember may have violated the Code of Ethics shall provide that information in writing to the City Council and the City Administrator. The written complaint must be based substantially upon the personal knowledge of the complainant and signed by the person filing the complaint. No action will be taken on any complaint which is filed later than three (3) years after a violation of the Code of Ethics is alleged to have occurred.

Upon receipt of the complaint, the City Council, and/or the City Administrator shall provide it to the City Attorney who shall promptly review the information and determine whether the complaint, on its face, alleges facts that, if true, would substantiate a violation of the Code of Ethics and shall report back to the Council in writing. The City Council, at its next regular meeting, shall review the City Attorney's report and make a determination as to whether or not the Council shall refer the allegation(s) to a Hearings Examiner designated by the Council to conduct an investigation.

If so referred, the Hearings Examiner shall conduct an investigation of the complaint and prepare written findings and conclusions within sixty 60 days of the date the complaint was received by the City unless an extension is granted by the Council. The Councilmember accused of the ethics violation shall have the right to review any and all information obtained as a result of the investigation and shall have the right to respond in writing to the complaint which information shall be reviewed and taken into consideration by the Hearings Examiner.

Upon completion of the investigation, the Hearings Examiner shall issue an advisory report to the Council for its consideration, as well as to the City Administrator and City Attorney. The report shall set forth findings and conclusions demonstrating whether or not, based on a preponderance of the evidence, the councilmember has violated the Code of Ethics.

Within five (5) business days of the receipt of the report, the City Administrator shall provide copies of the report via certified mail to the complaining party and to the Councilmember against whom the complaint was filed at their last known addresses.

Within fifteen (15) business days of the receipt of the report, the Council (excluding the accused Councilmember) shall convene to review the alleged violation and the report and take action. Action may include the following:

1. Dismissal of the complaint on the basis that no violation of the Code of Ethics has occurred; or
2. Remand to the Hearings Examiner to obtain additional information in order for the Council to decide whether a violation has occurred; or
3. A determination that by a preponderance of the evidence, a violation of the Code of Ethics has occurred in which case the Council shall adopt written findings, conclusions and appropriate sanctions as forth herein.

Adoption of the findings, conclusions and sanction(s) by the City Council shall be by majority vote; provided that the Councilmember accused of the violation shall not vote on any matter involving that member; and provided further that in the event the Mayor is accused of the violation, the Deputy Mayor shall act in the Mayor's stead.

Within five (5) business days thereafter, the City Administrator shall provide copies of the Council's findings, conclusions and sanction(s) via certified mail to the complaining party and to the Councilmember against whom the complaint was filed at their last known addresses. No final disposition of the matter will be implemented for a period of ten (10) days to allow the Councilmember against whom the complaint was filed to request a review of the Council's decision. Such a request shall be submitted to the City Administrator in writing and shall state the reasons for his or her objections and request a review of the action taken. The Council shall review the action taken in light of the findings and conclusions and request for review and may take whatever further action, if any, appears appropriate under the circumstances. The action of the Council shall be final and not subject to further review or appeal except as may otherwise be provided by law.

Action by Council may take any of the following sanctions:

1. Admonition. An admonition shall be verbal non-public statement made by the Mayor to the member.
2. Reprimand. A reprimand shall be administered to the Councilmember by letter. The letter shall be prepared by the City Council and shall be signed by the Mayor.
3. Censure. A censure shall be a written statement administered personally to the member. The individual shall appear at a time and place directed by the City Council to receive the censure. It shall be given publicly, and the member shall not make any statement in support of or in opposition thereto or in mitigation thereof. A censure shall be deemed administered at the time it is scheduled whether or not the member appears as required.

4. Other sanctions. Any sanction imposed under this Code of Ethics is in addition to and not in lieu of any other penalty, sanction or remedy which may be imposed or sought according to law or equity, including, but not limited to:
 - a. Civil penalties of \$500 and possible forfeiture of office, pursuant to RCW 42.23.050.
 - b. Removal or recall from office pursuant to state law.
 - c. Removal from leadership positions, boards and commissions and other official positions or duties that do not conflict with Washington statutes.
 - d. Initiation of appropriate civil actions against any person who violates this Code.
 - e. Injunctive relief to ensure that violation of this Code or of other provisions of law cease and desist.